Volume 2

STATUTES OF CALIFORNIA

1962 AND 1963

CONSTITUTION OF 1879 AS AMENDED
MEASURES SUBMITTED TO VOTE OF ELECTORS,
SPECIAL ELECTION, JUNE 5, 1962
GENERAL ELECTION, NOVEMBER 6, 1962

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

PASSED AT

THE 1962 REGULAR SESSION OF
THE LEGISLATURE

THE 1962 FIRST, SECOND, AND THIRD EXTRAORDINARY
SESSIONS OF THE LEGISLATURE

THE 1963 REGULAR SESSION OF THE LEGISLATURE

AND

THE 1963 FIRST EXTRAORDINARY SESSION
OF THE LEGISLATURE

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85—L-4573

CHAPTER 1061

An act to add Section 55187 to the Water Code, relating to a validation procedure for the acts and proceedings of the formation of county waterworks districts and authorization of bonds therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 28, 1963. Filed with Secretary of State June 29, 1963.]

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

SECTION 1. Section 55187 is added to the Water Code, to read:

55187. All acts and proceedings heretofore taken by or on behalf of a county waterworks district for the formation of a district or for the annexation to an existing district and for the authorization, issuance, sale, or exchange of bonds of the district or for the annexed territory may be confirmed, validated, and declared legally effective in the manner provided in this section.

The board may instruct the clerk of the board to mail a notice to all owners of property within the county waterworks district, as their names and addresses appear on the last equalized county assessment roll, or as known to the clerk. Such notice shall include the name of the district, the date the district was ordered formed or the date of the annexation to an existing district, the amount of bonds authorized, and a statement that, commencing with the date of mailing of said notice there shall be a 60-calendar-day period during which period any property owner may file an action contesting the validity of the district's formation, the annexation to an existing district or the bond authorization. The clerk shall make and file, with the board a certificate of mailing of the notices. The board may order the clerk to include such other additional information that it deems pertinent.

If no action is filed during the 60-day period, the district's formation or the annexation to an existing district and the bond authorization are valid and uncontestable.

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

A recent United States Supreme Court decision has cast doubt on the validity of several county waterworks district formations, annexations to existing districts, and bond issues authorized for said districts and for said annexed territories where each and every property owner was not notified in writing of the proposed formation or annexation and bond issue prior to the public hearings on the formation or annexation

and the election on the bond issue. This legislation is required to allow such districts to sell bonds and to undertake the providing of water within their territories.

CHAPTER 1062

An act to amend Sections 1, 3, 4, and 5 of, and to add Sections 3.5, 3.6, 3.7, 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10, 4.11, 4.12, 4.13, 4.14, 4.15, 4.16, and 27.5 to, the Yolo County Flood Control and Water Conservation District Act (Chapter 1657, Statutes of 1951), relating to the Yolo County Flood Control and Water Conservation District, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 28, 1963. Filed with Secretary of State June 29, 1963.]

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

SECTION 1. Section 1 of the Yolo County Flood Control and Water Conservation District Act (Chapter 1657, Statutes of 1951) is amended to read:

Section 1. A flood control and water conservation district is hereby created, to be called the "Yolo County Flood Control and Water Conservation District," and the boundaries and territory of said district are as follows:

Beginning at the NW corner of Section 25, T. 9 N., R 2 E., M.D.M., Yolo County, California; thence East and South along the North and East lines of said Section 25, to the SW corner of Section 30, T. 9 N., R. 3 E., M.D.M.; thence East along the South line of Sections 30 and 29, T. 9 N., R. 3 E., M.D.M., to the NE corner of Section 32, T. 9 N., R. 3 E, M.D.M.; thence South along the East line of Section 32, T. 9 N., R. 3 E., M.D.M., and Sections 5, 8, 17, 20 and 29 of T. 8 N., R. 3 E, M.D M., to the SE corner of said Section 29; thence West along the South line of Sections 29 and 30, T. 8 N., R. 3 E.. M.D.M., to the SW corner of said Section 30; thence North along the West line of Sections 30 and 19, T. 8 N., R. 3 E., M.D.M., to the intersection of the Yolo County line with the West line of said T. 8 N.; thence, along said county line, being in the center of the North Fork of Putah Creek, Westerly to the intersection of Putah Creek with the NEly line of Lot 19, of Rancho Rio Del Los Putos; thence, Northwesterly along said NEly line, to a point on the East line of Section 30, T. 8 N., R. 1 W., M.D M.; thence, North along the East line of Sections 30, 19, 18 and 7, T. 8 N., R. 1 W., M.D.M., to the NE corner of said Section 7; thence, along the South and East line of Section 5, T. 8 N., R. 1 W., M.D.M., East and North to the NE corner of said Section 5; thence, continuing North along the East line of Section 32, T. 9 N, R. 1 W., to the NE corner of said Section 32; thence, along the North line

of said Section 32, West to the North quarter corner of said Section 32; thence, North to the North quarter corner of Section 29, T. 9 N., R. 1 W., M.D.M.; thence, West to the SW corner of Section 20, T. 9 N., R. 1 W ; thence, North to the West quarter corner of said Section 20; thence, East to the center of said Section 20; thence, North to the North quarter corner of said Section 20; thence, West along the North line of said Section 20 to the NW corner thereof; thence, along the West line of Section 17, T. 9 N., R. 1 W., M.D.M., North to the NW corner of said Section 17; thence, along the South line of Section 7, T. 9 N., R. 1 W., M.D.M., West to the SW corner of said Section 7; thence, continuing West along the South line of Section 12, T. 9 N., R. 2 W, M.D.M., to the South quarter of said Section 12; thence, North to the North quarter corner of said Section 12; thence, West to the SW corner of Section 2, T. 9 N., R. 2 W., M.D.M.; thence, North to the West quarter corner of said Section 2; thence, East to the East quarter corner of said Section 2; thence, North to the NW corner of Section 1, T. 9 N., R. 2 W., M.D.M.; thence, along the South line of Section 35, T. 10 N., R. 2 W., M.D.M., West to the South quarter corner of said Section 35; thence, North to the center of said Section 35; thence, West to the West quarter corner of said Section 35; thence, North along the West line and its Northerly extension of said Section 35, to a point on the Southerly boundary of Rancho Canada De Capay; thence, Northwesterly along said Southerly boundary to a point on the South line of fractional Section 13, T. 10 N., R. 3 W., M.D.M.; thence, West along the South line of said Section 13 and Section 14 to the SW corner of said Section 14; thence, North along the West line of said Section 14, and the West line of fractional Section 11, T. 10 N., R. 3 W., M.D.M., to the Closing Corner No. 10 of Rancho Canada De Capay; thence, Northwesterly along the Westerly boundary of Rancho Canada De Capay, to the South line of fractional Section 27, T. 11 N., R. 3 W., M.D.M.; thence, West and North along the South and West line of said fractional Section 27, to the point of intersection with the Westerly boundary of Rancho Canada De Capay; thence, Northwesterly along said Westerly boundary, to a point on the South line of Section 16, T. 11 N., R. 3 W., M.D.M.; thence, West along the South line of said Section 16, to the South quarter corner thereof; thence, North to the center of fractional Section 16, T. 11 N., R. 3 W., M.D.M.; thence, West to the West quarter corner of said Section 16; thence, North along the West line of said Section 16, to the NW corner thereof; thence, West along the South line of Section 8, T. 11 N., R. 3 W., M.D.M., to the West line of the East half of the East half of said Section 8; thence, North along said West line, to a point on the South line of fractional Section 5, T. 11 N., R. 3 W., M.D.M.; thence, West along the South line of said fractional Section 5, to the South quarter corner thereof; thence, North to a point on the South line of fractional Section 32, T. 12 N., R. 3 W., M.D.M.; thence, West

along the South line of said fractional Section 32 and Section 31, T. 12 N., R. 3 W., M.D.M., to the South quarter corner of said Section 31; thence, North through Sections 31 and 30, T. 12 N., R. 3 W., M.D.M., to the center of said Section 30; thence, East to the intersection with the Westerly boundary of Rancho Canada De Capay; thence, Northwesterly along said Westerly boundary, to a point on said Westerly boundary that bears S. 11°30'E., 658 feet more or less from Closing Corner No. 2 of Rancho Canada de Capay; thence leaving said Westerly boundary, along the Ashley Survey Line to a point on the NEly boundary of said Rancho Canada de Capay near Closing Corner on the South line of Section 17, T. 12 N., R. 3 W., M.D.M.; thence, SEly along said Easterly boundary of Rancho Canada de Capay to the point of intersection with the centerline of Cache Creek in Section 5, T. 10 N, R. 2 W., M.D.M.; thence, along the centerline of Cache Creek, Northerly, Easterly and Southerly to a point on the South line of said Section 5; thence, East along the South line of said Section 5 and Section 4, T. 10 N., R. 2 W., M.D.M., to the SE corner of said Section 4; thence, North along the West line of Section 3, T. 10 N., R. 2 W., M.D.M. and Sections 34, 27, 22, T. 11 N., R. 2 W., M.D.M., to the NW corner of said Section 22; thence, East along the North line of said Section 22, to the NW corner of Section 23, T. 11 N., R. 2 W., M.D.M.; thence, East along the North line of Sections 23 and 24 to the NE corner of said Section 24; thence, East along the North line of Sections 19, 20 and 21, T. 11 N., R. 1 W., M.D.M., to the NE corner of said Section 21; thence, South along the East line of Sections 21, 28 and 33, to the SE corner of said Section 33; T. 11 N., R. 1 W., M.D.M.; thence, East along the North line of Sections 3, 2 and 1, T. 10 N., R. 1 W., M.D.M., to the NE corner of said Section 1; thence, South along the East line of Sections 1, 12 and 13 to a point on the North boundary of the Guesisosi Grant; thence, Easterly along said North boundary to the NE corner thereof; thence, leaving said Grant line, Northeasterly along the Acacia Canal, to a point due South of the SE corner of Section 16, T. 10 N., R. 1 E., M.D.M.; thence, South to a point on the centerline of Cache Creek; thence, along the centerline of Cache Creek NEly and Easterly to a point on the Northerly extension of the East line of Section 23, T. 10 N., R. 2 E., M.D.M.; thence, South along the East line of Sections 23, 26 and 35 of T. 10 N., R. 2 E., M.D.M., to the SE corner of said Section 35; thence, continuing South along the East line of Sections 2, 11, 14 and 23, T. 9 N., R. 2 E., M.D.M., to the SE corner of said Section 23, being also the NW corner of Section 25, T. 9 N., R. 2 E., M.D.M, the point of beginning of this description.

SEC. 1.5. Section 3 of said act is amended to read:

Sec. 3. The objects and purposes of this act are to provide, to the extent that the board may deem expedient or economical, for the control and disposition of the storm and flood waters of said district and to that end the district is hereby

created to be a body corporate and politic and as such shall have power:

(a) To have perpetual succession.

(b) To sue and be sued in the name of the district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(c) To adopt a seal and alter it at pleasure.

(d) To take by grant, purchase, gift, devise or lease; to hold, use, enjoy, sell, and contract to sell, lease, or dispose of real, personal and mixed property of every kind within or without the district necessary, expedient or advantageous to the full exercise and economic enjoyment of its purposes.

(e) To acquire and contract to acquire by purchase, condemnation, donation or other lawful means in the name of the district from private persons, public and private corporations, associations, agencies or districts, lands, rights-of-way, easements, privileges, material, and property of every kind within or without the district, to do all work and to acquire, construct maintain and operate any and all works and improvements within or without the district, and to make, execute, carry out and enforce all contracts of every character, necessary, convenient, incidental, useful or proper to carry out any of the provisions, objects or purposes of this act, and to complete, extend, add to, repair, or otherwise improve any works or improvements acquired by it as herein authorized.

(f) To have and exercise the right of eminent domain, and in the manner provided by law for the condemnation of private property for public use by the State, any political subdivision or district thereof.

In condemnation proceedings, the district shall proceed under the provisions of Title 7, Part 3, of the Code of Civil Procedure, which said provisions are hereby made applicable for that purpose; and it is hereby declared that the use of the property, lands, rights-of-way, easements or materials which may be condemned, taken or appropriated under the provisions of this act is a public use, and the board is granted the same powers and rights with respect to the taking of property for the public uses of said district as are now or may hereafter be conferred by general law on the legislative body of a county, city and county, incorporated city or town, municipal water district or irrigation or reclamation district. No action in eminent domain to acquire property or interests therein outside the boundaries of Yolo County shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution; provided, that with respect to the commencement of any action in eminent domain to acquire any parcel of property or interest therein within Lake County for the Cache Creek Project as generally described in the report to the district entitled "Feasibility Report on Proposed Cache Creek Project" dated February 1963, and prepared by McCreary-Koretsky Engineers-Clair A. Hill & Associates, Joint Venture Engineers, the foregoing

requirement of consent shall be satisfied by one resolution of the Board of Supervisors of Lake County (whether adopted before or after the enactment of this amendment to the Yolo County Flood Control and Water Conservation District Act in the 1963 session of the Legislature) providing generally for consent of said Board of Supervisors of Lake County to the acquisition of such property or interests therein as may be necessary in connection with the acquisition and construction of said Cache Creek Project, notwithstanding the fact that such resolution may be later rescinded, repealed, or amended.

(g) To compel by injunction or other lawful means the owner or owners of any bridge, trestle, wire line, viaduct, embankment or other structure which shall be intersected, traversed, or crossed by any channel, ditch, bed of any stream, waterway, conduit or canal so to construct or alter the same as to offer a minimum of obstruction to the free flow of water through or along any such channel, ditch, bed of any stream, waterway, conduit or canal, and whenever necessary in the case of existing works or structures, to compel the removal or alteration thereof for such purpose or purposes. Cost of relocating or otherwise changing any portion of a state highway shall not be paid from funds appropriated for state highway purposes, except that such funds may be used for betterment thereof in connection with such relocation or change.

(h) To construct, maintain, repair and operate all levees, bulkheads, walls of rock or other material, pumps, dams, channels, conduits, pipes, ditches, canals, reservoirs, tunnels, drains, poles, posts, wires, lamps, power plants, railroads, dredgers and all other auxiliary, incidental, necessary or convenient agencies, work or improvements that may be required to carry out, facilitate, repair, maintain and complete the same.

(i) To incur indebtedness, and to issue bonds in the manner herein provided and to provide for the issuance of warrants of the district in payment of district obligations and the registration of any warrants not paid for want of funds and the rate of interest such warrants shall bear after registration and until such payment.

(j) To cause assessments to be levied and collected for the purpose of paying any obligations of the district in the manner hereinafter provided.

(k) To appoint and employ such engineers, attorneys, assistants and other employees as may be necessary and fix their compensation, including, if it deem advisable, a clerk, superintendent of work, assessor, treasurer and collector and define their powers and duties, and fix and determine the amount of bond required of each appointee and pay the premium on each such bond; which said officers and employees and each of them shall serve at the pleasure of the board.

The board shall have the power to combine any two or more offices in its discretion.

(*l*) To establish and fix the boundaries of zones in the district as provided in this act; to make transfers of money from

the general funds of the district to any special fund and to create and administer such special funds as in their discretion may seem advisable, and to abolish same; to create and administer revolving funds to facilitate and assist in the carrying on and completing of such acquisitions, works, and improvements provided for herein, and to abolish same; and to do any and all things necessary or incidental to the accomplishment of the things which are permitted to be done under this act.

(m) To make and enter into contracts with the United States, the State of California, any political subdivision, county, municipality, district, agency or mandatory of the State of California or of the United States and any department, board, bureau or commission of the State of California or the United States, or any person, firm, association or corporation, jointly or severally, for the acquisition of property or rights or the construction, maintenance and operation, or the joint financing or use in whole or in part of any or all works and improvements provided in this act, including contracts with the State of California, the United States or any other public entity (1) for loans to finance planning, acquisition, construction, operation or maintenance of such works and improvements and lands, easements, and rights-of-way therefor, and (2) for grants for recreational or fish and wildlife enhancement benefits of such works and improvements, and to do any and all things required to carry out such contracts.

An action to determine the validity of any such contract may be commenced and prosecuted under the procedure set forth in Section 21 of this act.

(n) To lease or rent to or from any of the parties named in subdivision (m) of this section any property or rights necessary, in the opinion of the board, to accomplish or carry out any of the work or improvement or the maintenance thereof herein provided and under such terms and conditions as may be agreed upon between the parties.

(o) To receive and accept any and all contributions in labor, material or money from any of the parties named in subdivision (m) of this section, to be applied to the work or improvement herein provided for.

(p) To construct, purchase, lease or otherwise acquire works and to purchase, lease, appropriate, or otherwise acquire surface waters and water rights, useful or necessary to make use of water for any purposes authorized by this act.

(q) To do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the district, including but not limited to, the acquisition, storage, and distribution for irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses.

Water which is surplus to the needs of the lands and inhabitants within the district may be made available for bene-

ficial use outside the district pursuant to rules and regulations prescribed under subsection (v) of this Section 3.

(r) To control flood and storm waters within the district and the flood and storm waters of streams outside of the district, which flow into the district; to conserve such waters by storage in surface reservoirs, to divert and transport such waters for beneficial uses within the district; to release such waters from surface reservoirs to replenish and augment the supply of waters in natural underground reservoirs and otherwise to reduce the waste of water and to protect life and property from floods within the district.

(s) To co-operate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Yolo, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

(t) To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Yolo County

Flood Control and Water Conservation District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Yolo County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement.

(u) To commence, maintain, intervene in, and compromise, in the name of the district, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein, to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in or flowing into the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the district.

(v) To prescribe reasonable rules and regulations and to fix and collect rates, tolls or charges for any water or service or facilities furnished, sold or leased by the district.

SEC. 2. Section 3.5 is added to said act, to read:

SEC. 3.5. In addition to the powers set forth in Section 3, the district shall have the power to co-operate and contract with the United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof and supplementary thereto, or any other act of Congress heretofore or

hereafter enacted permitting co-operation or contract for the purposes of construction of works, whether for irrigation, drainage, or flood control, or for the acquisition, purchase, extension, operation and maintenance of such works, or for a water supply for any purposes, or for the assumption as principal or guarantor of indebtedness to the United States, or for carrying out any of the purposes of the district, and for said purposes the district shall have, in addition to the powers set forth elsewhere in this act, all powers, rights and privileges possessed by irrigation districts as set out in Chapter 2 (commencing with Section 23175) of Part 6 of Division 11 of the Water Code.

SEC. 3. Section 3.6 is added to said act, to read:

Sec. 3.6. The board, by resolutions thereof adopted from time to time, may establish zones within said district without reference to the boundaries of other zones, setting forth in such resolutions descriptions thereof by metes and bounds and entitle each of such zones by zone number, and institute zone projects for the specific benefit of such zones. The board may, by resolution, amend the boundaries by annexing property to or by withdrawing property from said zones or may divide existing zones into two or more zones or may superimpose a new or amended zone on zones already in existence, setting forth in such resolutions descriptions of the amended, divided or superimposed zones by metes and bounds and entitle each of such zones by zone number.

Proceedings for the establishment of such zones may, but need not, be conducted concurrently with and as a part of proceedings for the instituting of projects relating to such zones, which proceedings shall be instituted in the manner prescribed in Sections 14 and following of this act.

SEC. 3.5. Section 3.7 is added to said act, to read:

Sec. 3.7. If any proposed zone, whether established under Section 3.6 or under Sections 14 and following of this act, includes all or part of the territory of any city, the board shall adopt a resolution of intention to establish such zone and shall file a certified copy of such resolution with the governing body of such city in order that such governing body may be notified of the proposed zone. Said resolution shall include the information required for resolutions under Section 3.6 or Section 14 of this act, as the case may be.

SEC. 4. Section 4 of said act is amended to read:

Sec. 4. The board shall have the power, in addition to the powers enumerated elsewhere in this act, to levy and collect a ground water charge for the production of water from the ground water supplies within a zone or zones of the district, as established pursuant to Section 3.6 of this act, which will benefit from the recharge of underground water supplies or the distribution of imported water in such zone or zones; provided, that a ground water charge to be used to help repay the principal and interest of bonds authorized under Section 16 of this act may not be levied outside the zone or zones which

authorized the issuance of said bonds at an election held under said Section 16.

SEC. 5. Section 4.1 is added to said act, to read:

Sec. 4.1. As used in connection with the ground water charge, the following words shall mean:

"Person" or "operator" means public agencies, federal, state, and local, private corporations, firms, partnerships, individuals or groups of individuals, whether legally organized or not; "owner" or "operator" also means the person to whom a water-producing facility is assessed by the county assessor, or, if not separately assessed, the person who owns the land upon which a water-producing facility is located.

"Ground water" means all water beneath the earth's surface, but does not include water which is produced with oil in the production of oil and gas, or in a bona fide mining operation, or during construction operations

"Production" or "producing" means the act of extracting ground water by pumping or otherwise.

"Water-producing facility" means any device or method, mechanical or otherwise, for the production of water from the ground water supplies within the district or a zone thereof.

"Water year" means April 1 of one calendar year to March 31 of the following calendar year.

"Agricultural water" means water first used on lands in the production of plant crops or livestock for market.

SEC. 6. Section 4.2 is added to said act, to read:

Sec. 4.2. Prior to the establishment of any ground water charge, the board shall adopt a resolution stating its intention to do so, describing the zone or zones of the district in which it is proposed that such charges be levied, and requiring the registration of all water-producing facilities located within such zone or zones as provided in Section 4.4 of this act. Said resolution shall be published once a week for three successive weeks in a newspaper of general circulation published in the district.

SEC. 7. Section 4.3 is added to said act, to read:

Sec. 4.3. Ground water charges levied pursuant to this act are declared to be in furtherance of district activities in the protection and augmentation of the water supplies for users within a zone or zones of the district which are necessary for the public health, welfare and safety of the people of this State. The ground water charges are authorized to be levied upon the production of ground water from all water-producing facilities, whether public or private, within said zone or zones of the district for the benefit of all who rely directly or indirectly upon the ground water supplies of such zone or zones and water imported into such zone or zones.

The proceeds of ground water charges levied and collected upon the production of water from ground water supplies within such zone or zones of the district are authorized and shall be used exclusively by the board for the following purposes:

(a). To pay the costs of constructing, maintaining and operating facilities which will import water into the district which will benefit such zone or zones, including payments made under any contract between the district and the State of California, the United States of America, or any public, private or municipal utility.

(b). To pay the costs of purchasing water for importation into such zone or zones, including payments made under contract to the State of California, the United States of America, or any public, private, or municipal utility.

(c). To pay the costs of constructing, maintaining, and operating facilities which will conserve water for distribution, or which will distribute water within such zone or zones, including facilities for surface storage, ground water recharge, surface distribution, and drainage of waste or return flow from such water.

(d) To pay the principal or interest of any bonded indebtedness or other obligations incurred by the district on behalf of such zone or zones for any of the purposes set forth in subdivisions (a), (b), and (c) of this section.

The district may apply to any one or more of the purposes set forth in subdivisions (a), (b), (c), and (d) of this section any or all revenues received by the district from the furnishing, selling, or leasing of any water, service or facilities pursuant to this act.

SEC. 8. Section 4.4 is added to said act, to read:

Sec. 4.4. Within six months after the last date of publication of the notice provided for in Section 4.2 of this act, all water-producing facilities located within the boundaries of such zone or zones shall be registered with the district. Any new water-producing facility, constructed or re-established after such date, shall be registered with the district within 30 days after the completion or re-establishment thereof.

Failure to register any water-producing facility is a misdemeanor punishable by a fine of not to exceed five hundred dollars ($500), or imprisonment in the county jail for not to exceed six months, or by both such fine and imprisonment.

In addition to other information which the district may determine is necessary and may require in the registration form provided, there shall also be given information as to the owner or owners of the land upon which each water-producing facility is located, a general description and location of each water-producing facility, the name and address of the person charged with the operation of each water-producing facility, and the name or names and addresses of all persons owning or claiming to own an interest in the water-producing facility.

SEC. 9. Section 4.5 is added to said act, to read:

Sec. 4.5. After adoption of the resolution provided for in Section 4.2 of this act, the district engineer shall annually prepare an investigation and report upon ground water conditions of the district and the zones thereof. The investigation and report shall include, among other information which the dis-

trict may desire, information on ground water conditions and the availability of surface and ground water in the district and recommendations of the district engineer as to whether a ground water charge or charges shall be levied and what such charges shall be during the ensuing water year.

SEC. 10. Section 4.6 is added to said act, to read:

Sec. 4.6. On the second Monday in December of each year the engineering investigation and report shall be delivered to the clerk of the district board in writing. Said clerk shall publish, pursuant to Section 6061 of the Government Code, a notice of the receipt of such report and of the public hearing to be held on the second Monday of January in a newspaper of general circulation printed and published within the district, at least 10 days prior to the date at which the public hearing regarding said engineering investigation and report shall be held, and shall also mail a copy of said notice to each city in the district. Said notice, among other information which the district may provide therein, shall contain an invitation to all operators of water-producing facilities within the district to call at the offices of the district to examine said engineering investigation and report.

There shall be held by the board on the second Monday of January of each year, in the chambers of the board, a public hearing at which time any operator of a water-producing facility within the district, or any person interested in the condition of the ground water supplies or the surface water supplies of the district, may in person, or by representative, appear and submit evidence concerning the ground water conditions and the surface water supplies of the district. Appearances also may be made supporting or protesting said written engineering investigation and report.

SEC. 11. Section 4.7 is added to said act, to read:

Sec. 4.7. Within five weeks from the close of said hearing, the board shall determine whether or not, in the interests of the most beneficial conjunctive operation of the ground water and surface water supplies of the district, a ground water charge or charges should be levied in any zone or zones. If the board determines that a ground water charge or charges should be levied, it shall levy, assess, and affix such charge or charges against all persons operating ground water-producing facilities within such zone or zones during the ensuing water year. The charges may be different in different zones, but within each zone the charges shall be computed at a fixed and uniform rate per acre-foot for agricultural water, and at a fixed and uniform rate per acre-foot for all water other than agricultural water; provided, that with respect to small water-producing facilities which have a discharge opening not greater than a size specified by the board and which do not provide water for an area in excess of that specified by the board, for administrative convenience the board may provide either for a flat annual charge or for no charge in lieu of a charge com-

puted at such fixed and uniform rate. Such fixed and uniform rate shall not exceed two dollars ($2) per acre-foot.

Any ground water charge levied pursuant to this section shall be in addition to any general tax or assessment levied within the district or any zone or zones thereof.

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

SEC. 12. Section 4.8 is added to said act, to read:

Sec. 4.8. The district, after the levying of the ground water charge, shall give notice thereof to each operator of each water-producing facility in the zone or zones as disclosed by the records of said district, which notice shall state the rate for each class of water of the ground water charge for each acre-foot of water to be produced during the ensuing water year. Said notice may be sent by postal card or by other first-class mail and with postage prepaid by the district.

SEC. 13. Section 4.9 is added to said act, to read:

Sec. 4.9. The district shall have the right to enter onto any property in the district to ascertain whether water-producing facilities are located thereon and to make such tests and measurements and otherwise obtain such information as in the judgment of the board may be useful in determining the quantities of ground water produced by any such facilities and used. Without limiting the generality of the foregoing, such information may include the size, type and efficiency of the water-producing facility, the pumping level of such facility, the type of water use, the number of acres and types of crops irrigated, the number of people served, and any other relevant data.

The owner or operator of each water-producing facility shall furnish to the district from time to time, as may be required by the district, the records, notices or bills, or duplicates thereof, respecting the amount of electric power used in operating such facility, as received by such owner or operator from the utility or agency which furnishes such electric power.

SEC. 14. Section 4.10 is added to said act, to read:

Sec. 4.10. On the basis of the information acquired pursuant to Section 4.9 of this act and any other relevant information and utilizing such methods of determination and computation as the board determines to be reasonable in the circumstances, the district shall periodically determine the amount of water produced by each water-producing facility and used since the previous determination thereof, and shall compute the ground water charge payable therefor. The district shall send a bill for such charge by certified mail, with postage prepaid by the district, addressed to the operator of each such facility at his address as disclosed by the records

of the district. If such bill is not paid within 30 days after mailing thereof, the district shall charge interest at the rate of one percent (1%) each month thereafter on the delinquent amount until paid.

SEC. 15. Section 4.11 is added to said act, to read:

Sec. 4.11. The district shall prepare each year a record called "The Record of Water Production and Ground Water Charges" in which shall be entered a general description of the property upon which each water-producing facility is located, and identifying number or code which is assigned to such facility, the annual water production for each class of water produced from each water-producing facility, and the ground water charge for each class of water.

SEC. 16. Section 4.12 is added to said act, to read:

Sec. 4.12. The superior court of the county in which the district lies may issue a temporary restraining order upon the filing by the district with said court of a petition or complaint setting forth that the person named therein as defendant is the operator of a water-producing facility which has not been registered with the district or that such defendant is delinquent in the payment of a ground water charge. Such temporary restraining order shall be returnable to said court on or before 10 days after its issuance.

The court may issue and grant an injunction restraining and prohibiting the named defendant from the operation of any water-producing facility when it is established at the hearing that the defendant has failed to register such water-producing facility with the district or that the defendant is delinquent in payment of ground water charges thereon. Such court may provide that the injunction so made and issued shall be stayed for a period not to exceed 10 days to permit the defendant to register the water-producing facility or to pay the delinquent ground water charge.

Service of process is completed by posting a copy of the summons and complaint upon the water-producing facility or the parcel of land upon which it is located and by personal service upon the named defendant.

The right to proceed for injunctive relief granted herein is an additional right to those which may be provided elsewhere in this act or otherwise allowed by law. The procedure provided in Chapter 3 (commencing with Section 525), Title 7, Part 2 of the Code of Civil Procedure, regarding injunctions shall be followed except insofar as it may herein be otherwise provided. The district shall not be required to provide an undertaking or bond as a condition to granting injunctive relief.

SEC. 17. Section 4.13 is added to said act, to read:

Sec. 4.13. The determination of the ground water charge as set forth in the bills mailed by the district as provided in Section 4.10 of this act shall be conclusive unless within 10 days after mailing of such bill, a written protest is filed with the board by the owner or operator of the water-producing

facility, setting forth the ground or grounds of protest. Upon the filing of such protest, the board thereafter shall hold a hearing at which time the total amount of the water produced and used and the ground water charge thereon shall be determined, which shall be conclusive if based upon substantial evidence. A notice of such hearing shall be mailed to the protestant at least 10 days before the date fixed for the hearing. Notice of the determination by the board shall be mailed to each protestant, who shall then have 20 days from the date of mailing to pay the ground water charge and any interests or penalties provided by the provisions of this act.

Notice as required in this section shall be given by certified mail, postage prepaid, addressed to the person on whom it is served at his name and address as disclosed by the records of the district. The service is complete at the time of deposit.

SEC. 18. Section 4.14 is added to said act, to read:

Sec. 4.14. The district may bring a suit in the court having jurisdiction against any operator of a water-producing facility within the district for the collection of any delinquent ground water charge. The court having jurisdiction of said suit, may, in addition to allowing recovery of costs to said district as allowed by law, fix and allow as part of the judgment interest and penalties as provided in Section 4.9. Should the district, as a provisional remedy in bringing such suit, seek an attachment against the property of any named defendant therein, the district shall not be required to provide a bond or undertaking as is otherwise provided for in Chapter 4 (commencing with Section 537), Title 7, Part 2 of the Code of Civil Procedure.

SEC. 19. Section 4.15 is added to said act, to read:

Sec. 4.15. It shall be unlawful to produce water from any water-producing facility required to be registered pursuant to the terms of this act unless such water-producing facility has been registered with the district within the time required by the provisions of this act.

Violation of this provision shall be punishable by a fine not to exceed five hundred dollars ($500), or imprisonment in the county jail for not to exceed six months, or by both such fine and imprisonment. Each day of operation in violation hereof shall constitute a separate offense.

SEC. 20. Section 4.16 is added to said act, to read:

Sec. 4.16. Any person who injures, alters, removes, resets, adjusts, manipulates, obstructs or in any manner interferes or tampers with or procures or causes or directs any person to injure, alter, remove, reset, adjust, manipulate, obstruct or in any manner interfere or tamper with any water-measuring device affixed to any water-producing facility, so as to cause said water-measuring device to improperly or inaccurately measure and record said water production, is guilty of a misdemeanor and is punishable by a fine not to exceed five hundred dollars ($500), or imprisonment in the county jail not to exceed six months, or by both such fine and imprisonment.

SEC. 21. Section 5 of said act is amended to read:

Sec. 5. There is a district board of directors of five members appointed by the board of supervisors of Yolo County which shall exercise the powers of the district enumerated in this act, except as otherwise provided, and may perform all other acts necessary or proper, in their discretion, to accomplish the purposes of this act. Said directors shall be residents of the district.

Of the members first appointed, one shall be appointed to serve for a term of one year, one for a term of two years, one for a term of three years, and two for a term of four years. Thereafter all members shall be appointed for a term of four years. Any member of the board of directors may be removed from office at any time, with or without cause, by the board of supervisors, a majority of the entire membership concurring. All vacancies in the membership of the board of directors shall be immediately filled by appointment by the board of supervisors for the unexpired portion of the term in which they occur.

The board of directors may adopt and enforce reasonable rules and regulations for the administration and government of the district and to facilitate the exercise of its powers and duties herein set forth and may employ and fix the compensation of all necessary agents and employees to look after the performance of any work or improvement provided in this act. Each member of the board of directors shall serve without compensation, but shall be allowed his actual, necessary, and reasonable expenses incurred in carrying out his duties under this act The directors shall elect a chairman, who shall preside at all meetings of the board and in case of his absence or inability to act, the members present must, by an order entered in their minutes, select one of their number to act as chairman temporarily. Any member of the board may administer oaths, when necessary in the performance of his official duties. A majority of the members of the board shall constitute a quorum for the transaction of business, and no act of the board shall be valid or binding unless a majority of all members present concur therein.

No director of the district shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom; and for any violation of this provision, such person shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit his office. This section shall not be construed to apply to any contract made with a corporation for its general benefit where such a director is a minority stockholder therein.

SEC. 22. Section 27.5 is added to said act, to read:

Sec. 27.5. So far as possible, the board shall fix the rates and charges (including the ground water charge) for water, service and benefit from its operation so as to pay such portion of the expenses of the district as the board determines to be

justly apportionable to the furnishing of such water, service and benefit. The expenses to be paid include:

(a) The operating expenses of the district.

(b) Provision for a fund for repairs and depreciation of works owned or operated by the district.

(c) The interest on any bonded debt.

(d) Provision for a fund for payment of the principal of the bonded debt as it becomes due.

(e) Any other costs and expenses of constructing, maintaining, operating, purchasing or leasing works used in providing such water, service and benefit.

It is intended by this section that such rates and charges for water, service and benefit shall be fixed so as to be sufficient to pay the interest and principal of any bonded debt incurred to finance the construction and acquisition of the works which provide such water, service and benefit; provided, that this section shall in no way impair the district's general obligation to bondholders to pay the interest and principal of bonds authorized under Section 16 of this act.

SEC. 23. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Yolo County Flood Control and Water Conservation District is planning the construction of the Cache Creek Project to provide an urgently needed supplemental water supply for said district and it is necessary to revise the boundaries of said district and to proceed with an election on the issuance of bonds to finance said project at the earliest possible date. Unless this act takes effect immediately, this urgently needed water project will be delayed.

CHAPTER 1063

An act to amend Section 24834 of the Revenue and Taxation Code, relating to the taxation of banks, corporations, associations, and Massachusetts trusts, to take effect immediately.

[Approved by Governor June 28, 1963. Filed with Secretary of State June 29, 1963.]

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

SECTION 1. Section 24834 of the Revenue and Taxation Code is amended to read:

24834. For purposes of this section and Section 24833—

(a) The term "gross income from the property" means, in the case of a property other than an oil or gas well, the gross income from mining.

(b) The term "mining" includes not merely the extraction of the ores or minerals from the ground but also the treatment processes considered as mining described in paragraph (d) (and the treatment processes necessary or incidental thereto), and so much of the transportation of ores or minerals (whether or not by common carrier) from the point of extraction from the ground to the plants or mills in which such treatment processes are applied thereto as is not in excess of 50 miles unless the Franchise Tax Board finds that the physical and other requirements are such that the ore or mineral must be transported a greater distance to such plants or mills.

(c) The term "extraction of the ores or minerals from the ground" includes the extraction by mine owners or operators of ores or minerals from the waste or residue of prior mining. The preceding sentence shall not apply to any such extraction of the mineral or ore by a purchaser of such waste or residue or of the rights to extract ores or minerals therefrom.

(d) The following treatment processes where applied by the mine owner or operator shall be considered as mining to the extent they are applied to the ore or mineral in respect of which it is entitled to a deduction for depletion under Section 24833, 24834 and 24835:

(1) In the case of coal—cleaning, breaking, sizing, dust allaying, treating to prevent freezing, and loading for shipment;

(2) In the case of sulfur recovered by the Frasch process—cleaning, pumping to vats, cooling, breaking, and loading for shipment;

(3) In the case of iron ore, bauxite, ball and sagger clay, rock asphalt, and ores or minerals which are customarily sold in the form of a crude mineral product—sorting, concentrating, sintering, and substantially equivalent processes to bring to shipping grade and form, and loading for shipment;

(4) In the case of lead, zinc, copper, gold, silver, uranium, or fluorspar ores, potash, and ores or minerals which are not customarily sold in the form of the crude mineral product—crushing, grinding, and beneficiation by concentration (gravity, flotation, amalgamation, electrostatic, or magnetic), cyanidation, leaching, crystallization, precipitation (but not including electrolytic deposition, roasting, thermal or electric smelting, or refining), or by substantially equivalent processes or combination of processes used in the separation or extraction of the product or products from the ore or the mineral or minerals from other material from the mine or other natural deposit;

(5) The pulverization of talc, the burning of magnesite, the sintering and nodulizing of phosphate rock, and the furnishing of quicksilver ores:

(6) In the case of calcium carbonates and other minerals when used in making cement—all processes (other than preheating of the kiln feed) applied prior to the introduction of the kiln feed into the kiln, but not including any subsequent process;

(7) In the case of clay used, or sold for use, in the manufacture of building or paving brick, drainage and roofing tile, sewer pipe, flowerpots and kindred products—crushing, grinding, and separating the mineral from waste, but not including any subsequent process; and

(8) Any other treatment process provided for by regulations prescribed by the Franchise Tax Board which, with respect to the particular ore or mineral, is not inconsistent with the preceding provisions of this paragraph.

(e) Unless such processes are otherwise provided for in subdivision (d) (or are necessary or incidental to processes so provided for), the following treatment processes shall not be considered as "mining": electrolytic deposition, roasting, calcining, thermal or electric smelting, refining, polishing, fine pulverization, blending with other materials, treatment effecting a chemical change, thermal action, and molding or shaping.

SEC. 2. The provisions of this bill shall be applicable only with respect to income years beginning after December 31, 1962. The determination as to the treatment processes which shall be considered as mining for any income year beginning before January 1, 1963, shall be made as if Section 24834 had not been amended at the 1963 Regular Session of the Legislature and without inferences drawn from the fact that such amendments were not expressly made applicable with respect to income years beginning before January 1, 1963.

SEC. 3. This act provides for a tax levy within the meaning of Article IV of the Constitution, and shall go into effect immediately.

CHAPTER 1064

An act to amend Sections 58902, 58904 and 58905 of the Government Code, relating to notice of formation or change in boundaries of districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 28, 1963. Filed with Secretary of State June 29, 1963.]

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

SECTION 1. Section 58902 of the Government Code is amended to read:

58902. Except as herein otherwise provided, this chapter shall apply to all districts This chapter shall not apply to any boundary change which is approved by all of the owners of real property proposed to be included within, or proposed to be excluded from, the district, nor to any proceeding commenced or conducted with respect to forming a metropolitan water district or separation of grade district or changing the boundaries thereof.

SEC. 2. Section 58904 of said code is amended to read:

58904. The notice of filing or other submission of the proposal shall contain the matters specified by the law under which the proposal is made. In lieu thereof it shall be sufficient if the notice of filing or other submission of the proposal shall contain the following:

(a) The nature of the proposal.

(b) A general description or map of the territory included in the proposal.

(c) The time and place of the first public hearing on the proposal if a public hearing is required by other provisions of law to be held upon the proposal, or the time and place upon which the supervising authority will take initial action upon the proposal.

SEC. 3. Section 58905 of said code is amended to read:

58905. Every owner of real property, including property assessed by the State under Section 14, Article XIII of the Constitution, is hereby authorized to file a statement each fiscal year with the county assessor, showing his name, address, and a description of the property owned by him, together with a request that a notice of all proposals affecting such property shall be mailed to him at such address. The statement and request shall be effective only for the fiscal year in which it was filed. The fee for filing a statement and request is one dollar and fifty cents ($1.50). The property owner shall furnish a copy of the statement and request to the clerk of any supervising authority having a request for same on file with the county assessor, and this chapter shall be ineffective with respect to the actions of that supervising authority unless its clerk shall have received a copy of the statement and request.

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

Recent experience has shown that it is desirable in the formation of local agencies or special taxing districts therein for notice to be mailed to property owners whose property may be included within such local agencies or special taxing districts and consequently subjected to taxes therefor. Many of these local agencies and special taxing districts involve water, sewer and other public health and safety facilities. This act will aid local agencies to give such mailed notice and so will aid in the solution of public health and safety problems in this State.

CHAPTER 1065

An act to add Article 6 (commencing with Section 53520) to Chapter 3, Part 1, Division 2, Title 5 of the Government Code, relating to notice by mail of hearings of local agencies, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 28, 1963. Filed with Secretary of State June 29, 1963.]

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

SECTION 1. Article 6 (commencing with Section 53520) is added to Chapter 3, Part 1, Division 2, Title 5 of the Government Code, to read:

Article 6. Notice by Mail

53520. As used in this article "local agency" means county, city, city and county, public district or any public or municipal corporation, public agency or public authority.

53521. Whenever by any law of this State a local agency is required to give notice by posting or publication of a hearing on the formation of a local agency or an improvement district, zone or special taxing district within a local agency, or on the issuance of bonds or other evidences of indebtedness by or for any of the foregoing, the local agency may, in its discretion, cause additional notice of such hearing to be given by mail as follows:

(a) By mailing such notice, postage prepaid, to all persons owning real property which will be within such local agency, improvement district, zone or other special taxing district when the same is formed, or which will or may be taxed or assessed for the payment of bonds or other evidences of indebtedness issued by or for any thereof, whose names and addresses appear on the last equalized county assessment roll (including the roll of state-assessed property) or are known to the clerk or secretary of the local agency.

(b) Such notice shall be mailed at least fifteen (15) days prior to the date fixed for the hearing.

53522. The clerk or secretary of the local agency shall, upon the completion of the mailing of the notice, file with the legislative body of the local agency an affidavit setting forth the time and manner of such mailing.

53523. The failure of any addressee of any mailed notice to receive the same shall not affect in any way whatsoever the validity of the proceedings including such hearing nor prevent the legislative body of the local agency from proceeding with any hearing so noticed.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Article IV of the Constitution and shall, therefore, go into immediate

effect. A statement of the facts constituting such necessity is as follows:

Recent experience has shown that it is desirable in the formation of local agencies or special taxing districts therein for notice to be mailed to property owners whose property may be included within such local agencies or special taxing districts and consequently subjected to taxes therefor. Many of these local agencies and special taxing districts involve water, sewer and other public health and safety facilities. This act will enable local agencies to give such mailed notice and so will aid in the solution of public health and safety problems in this State.

CHAPTER 1066

An act to amend Section 23432 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 23432 of the Business and Professions Code is amended to read:

23432. Any club which holds an onsale general license which was originally issued to it prior to April 1, 1947, and which transfers its onsale general license to another person shall not be eligible to apply for a club license for a period of at least one year following the date of the transfer of its onsale general license.

CHAPTER 1067

An act to add Section 1509.95 to the Military and Veterans Code, and to amend Section 4011 of the Penal Code, relating to removal of prisoners in the event of disaster.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 1509.95 is added to the Military and Veterans Code, to read:

1509.95. In any case in which fire, flood, enemy attack, or other disaster endangering the lives of inmates of a state, county, or city penal or correctional institution has occurred or is imminent, the person in charge of the institution may remove the inmates from the institution. He shall, if possible remove them to a safe and convenient place and there confine them as long as may be necessary to avoid the danger, or, if

that is not possible, may release them. Such person shall not be held liable, civilly or criminally, for acts performed pursuant to this section.

SEC. 2. Section 4011 of the Penal Code is amended to read:

4011. (a) When it is made to appear to a judge of the superior court by affidavit of the sheriff or district attorney and oral testimony that a prisoner confined in any city or county jail requires medical or surgical treatment necessitating hospitalization, which treatment cannot be furnished or supplied at said city or county jail, the court in its discretion may order the removal of such person or persons from said city or county jail to the county hospital in said county; provided, if there is no county hospital in said county, then to any hospital designated by said court; and it shall be the duty of the sheriff to maintain the necessary guards for the safekeeping of such prisoner, the expense of which shall be a charge against the county.

(b) The cost of such medical services and such hospital care and treatment shall be charged against the county subject to subsections (d) and (e), in the case of a prisoner in or taken from the county jail, or against the city in the case of a prisoner in or taken from the city jail, and the city or county may recover the same by appropriate action from the person so served or cared for, or any person or agency responsible for his care and maintenance. If the prisoner is in the county jail under contract with a city or under some other arrangement with the city to keep the city prisoner in the county jail, then the city shall be charged, subject to subsections (d) and (e), for the prisoner's care and maintenance with the same right of recovery against any responsible person or any other agency.

(c) When such prisoner is poor and indigent the cost of such medical services and such hospital care and treatment shall, in the case of persons removed from the city jail be paid out of the general fund of such city, and in the case of persons removed from the county jail to a hospital other than a county hospital, such cost shall be paid out of the general fund of such county or city and county. In the case of city jail prisoners removed to the county hospital, the cost of such hospital care and treatment to be paid by the city to the county, shall be the rate per day fixed by the board of supervisors of such county. The said board of supervisors may, but need not, fix different rates for different classes of patients, or for different wards, and any and all such rates may be changed by the said board of supervisors at any time, but shall at all times approximate as nearly as may be, the average actual cost to the county of such hospital care and treatment either in such wards or for such classes of patients or otherwise.

(d) In the event such prisoner is financially able to pay for his care, support and maintenance, the medical superintendent of said hospital other than a county hospital may, with the approval of said judge of the superior court, enter into a

special agreement with such person, or with his relatives or friends, for his care, support, maintenance, and other hospital expenses.

Any prisoner may decline such care or treatment and provide other care and treatment for himself at his own expense.

CHAPTER 1068

An act to amend Section 19563 of the Education Code, relating to school district public works.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 19563 of the Education Code is amended to read as follows:

19563. In making applications for, and in expending apportionments of funds under this chapter, a school district acts as an agent of the State and all sites purchased and improved, all equipment purchased, and all buildings constructed, reconstructed, altered, or added to through the expenditure of funds apportioned under this chapter, are declared to be, and are, the property of the State.

The Director of Finance shall file with the county recorder of the county in which any site purchased or improved through the expenditure of funds apportioned under this chapter is located a certificate, properly acknowledged, indicating the State's interest in real property of the district by virtue of this section, without the necessity of particularizing such real property. The recorder shall record and index the certificate in the same manner as abstracts of judgments and the certificate shall constitute constructive notice of the State's interest in the particular real property affected. Such certificate shall as to any party thereafter acquiring real property or any interest therein in the county from said school district have the same force, effect and priority as if it had been a judgment lien imposed upon real property which was not exempt from execution. Such effect shall commence upon recordation and continue until the certificate is discharged or released as provided herein.

Upon request the Director of Finance shall (1) issue a release of the State's interest in any real property or a portion thereof that the district has been authorized by the board to dispose of under Section 19632, provided that delivery of such release may be subject to such conditions as may be prescribed by the board to protect the State's interest; (2) issue a disclaimer of the State's interest in any real property or a portion thereof of the district, the disposition of which the board is not required to consent to under the terms of Section 19632, provided that the delivery of such disclaimer may be subject

to such conditions as the board deems appropriate to protect the interests of the State, including conditions relating to the amount of consideration to be received from such disposition where the board asserts an interest in the proceeds of such disposition under other provisions of this chapter. Such release or disclaimer shall conclusively protect any third party relying upon the same and shall be acknowledged to permit recordation by the county recorder.

Upon payment by the district of all amounts required to be paid by it or on its behalf to the State under this chapter (1) the Director of Finance shall file with the recorder a release of any such certificate which release shall be recorded and indexed in the same index as the aforesaid certificate; and (2) the title to personal property purchased by such school district with funds apportioned under this chapter shall revert thereto without further action by the State.

CHAPTER 1069

An act to add Article 3.5 (commencing with Section 25450) to Chapter 2 of Division 18.5 of, the Education Code, relating to junior colleges.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Article 3.5 (commencing with Section 25450) is added to Chapter 2 of Division 18.5 of the Education Code, to read:

Article 3.5. Alternate Provision for Formation of Junior College District From Territory of a Unified District or a High School District Maintaining a Junior College

25450. A junior college district which is coterminous with the boundaries of one high school district maintaining a junior college, or which is coterminous with the boundaries of one unified district maintaining a junior college may be formed pursuant to this article. The provision of Article 1 (commencing with Section 25430) of this chapter do not apply to proceedings to form a junior college district under this article.

25450.1. As used in this article "petitioning district" means the high school district or unified district with which the boundaries of the proposed new junior college district will be coterminous.

25450.2. The governing board of the petitioning district may prepare a petition for the formation of a junior college district coterminous with the boundaries of the petitioning district. The petition may include a provision for the transfer

of all or part of the real and personal property of the petitioning district used for junior college purposes to the proposed junior college district. The petition shall be submitted to the county committee on school district organization of the county or counties in which the petitioning district is located for review by the committee. The committee shall promptly complete its review of the petition and transmit the petition, with the recommendations of the committee for approval or rejection of the petition, to the State Board of Education for approval. The State Board of Education shall either approve or reject the petition.

25450.25. If the State Board of Education approves the petition, it shall give written notification of the approval to the governing board of the petitioning district and the county superintendent of schools having jurisdiction over such district. The county superintendent of schools shall cause a copy of the notification, together with the boundaries of the new junior college district, to be recorded by the county clerk in his record of school districts Upon such recordation, the action to form the new junior college district is complete.

25450.3. The governing board of the petitioning district shall, in accordance with the petition, by an order entered on its minutes, transfer to the new junior college any property of the petitioning district used for junior college purposes the transfer of which was provided for in the petition. The order shall be effective on the date upon which the new junior college district becomes effective for all purposes. In the same order, the governing board of the petitioning district shall determine what proportion of the then outstanding bonded indebtedness of the petitioning district was incurred for the acquisition or improvement of the property so transferred to the new junior college district. The junior college district shall be liable for paying the principal and interest on such portion of the then outstanding bonded indebtedness of the petitioning district. The amount of such portion of outstanding bonded indebtedness shall be included in determining the maximum amount of bonds which the junior college district may issue and shall be excluded in determining the maximum amount of bonds the petitioning district may issue.

25450.4. Any junior college district formed pursuant to this shall be a separate junior college district for all purposes and shall not be an integral part of the petitioning district for any purposes.

25450.5. The junior college district shall be governed by the governing board of the petitioning school district until a separate governing board for the junior college district is elected at the first regular governing board election occurring one year after the formation of the junior college district is effective for all purposes, and the first members of such separate governing board take office. The new junior college district governing board shall be elected pursuant to Article 1 (commencing with Section 25410) of Chapter 1 of this division.

CHAPTER 1070

An act to amend Section 22507 of the Vehicle Code, relating to parking regulations by local authorities.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 22507 of the Vehicle Code is amended to read:

22507. Local authorities may by ordinance or resolution prohibit or restrict the parking or standing of vehicles on certain streets or highways, or portions thereof, during all or certain hours of the day.

CHAPTER 1071

An act to amend Section 2763 of the Business and Professions Code, relating to the practice of nursing.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 2763 of the Business and Professions Code is amended to read:

2763. The adjudication of insanity or mental illness, or the commitment to a state hospital or other mental hospital of any licensee for a mental illness shall operate as a suspension of the right to practice of any licensee under this chapter, such suspension to continue until restoration to or declaration of sanity or mental competence The record of adjudication, judgment or order of commitment is conclusive evidence of such insanity or mental illness, and upon receipt of a certified copy of any such adjudication, judgment, commitment or order by the board it shall immediately suspend the license of the person adjudicated or committed. Voluntary admission of any licensee to a state hospital or other mental hospital for a mental illness shall operate as a suspension of the right to practice if the licensee removes himself from such hospital against the medical advise of a physician in said hospital, upon written notice of such fact to the board. The board shall not restore such license to good standing until it shall receive competent evidence of restoration to or declaration of sanity and until it is satisfied that, with due regard for the public interest, said person's right to practice may be safely reinstated; provided, that in the case of a commitment to a state hospital or other mental hospital, receipt of a certificate of discharge from such hospital and the certificate of the superintendent

of said hospital that the licensee is restored to mental competency, shall constitute competent evidence of restoration to sanity. Before reinstating such person, the board may require the person to pass an oral examination to determine his present fitness to resume his practice.

CHAPTER 1072

An act to amend Section 4986 of the Revenue and Taxation Code, relating to the cancellation of property taxes.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 4986 of the Revenue and Taxation Code is amended to read:

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

(a) More than once.

(b) Erroneously or illegally.

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

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

(e) On property annexed after the lien date by the public entity owning it.

(f) On property acquired prior to September 18, 1959, by the United States of America, the State, or by any county, city, school district or other political subdivision and which, because of such public ownership, became not subject to sale for delinquent taxes.

(2) (a) On property acquired after the lien date by the United States of America, if such property upon such acquisition becomes exempt from taxation under the laws of the United States, or by the State or by any county, city, school district or other public entity, and because of such public ownership becomes not subject to sale for delinquent taxes, no cancellation shall be made in respect of all or any portion of any such unpaid tax, or penalties or costs, but such tax, together with such penalties and costs as may have accrued thereon while on the secured roll, shall be transferred to the unsecured roll pursuant to Section 2921.5 of this code, and collection thereof shall be made and had as provided therein, except that the statute of limitations on any suit brought to collect such taxes and penalties shall commence to run from the date of transfer of such taxes, penalties and costs to the

unsecured roll, which date shall be entered on the unsecured roll by the auditor opposite the name of the assessee at the time such transfer is made. The foregoing toll of the statute of limitations shall apply retroactively to all such unpaid taxes and penalties so transferred, the delinquent dates of which are prior to the effective date of the amendment of this section at the 1959 Regular Session.

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

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

For purposes of this subdivision (a) if proceedings for acquisition of the property by eminent domain have not been commenced, the date of acquisition shall be the date that the conveyance is recorded in the name of the public entity or the date of actual possession by the public entity, whichever is earlier. If proceedings to acquire the property by eminent domain have been commenced and an order of immediate possession obtained prior to acquisition of the property by deed, the date of acquisition shall be the date upon or after which the plaintiff may take possession as authorized by such order of immediate possession.

(b) If at the time exemption from sale attaches to land or improvements acquired by a public entity the purchase price thereof is deposited in the registry of a court in an eminent domain proceeding, all delinquent taxes, penalties and costs which were or are a lien against such land or improvements and the pro rata share of the current taxes, penalties and costs which are a lien against such land or improvements, prorated for the fiscal year for which such current taxes, penalties and costs are or will be due and payable, shall be paid out of the award. The date for such proration shall be at the time title was transferred to, or possession was taken by, the

public entity, whichever time the court determines to have first occurred. If the amount of the current tax is not ascertainable at the time the proration is made the same shall be estimated and computed by the court based upon the last equalized assessed value of the property in its entirety regardless of any segregation which may occur by reason of the taking, and the tax rate levied on the property for the immediate prior year. The court shall further order canceled the public entity's portion of any prorated current tax. The subject of the amount of the taxes which may be due on the property shall not be considered relevant on any issue in the condemnation action, and the mention of said subject, either on the voir dire examination of jurors, or during the examination of witnesses, or as a part of the court's instructions to the jury, or in argument of counsel, or otherwise, shall constitute grounds for a mistrial in any such action.

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

For the purpose of this subdivision the date of possession shall be the date after which the plaintiff may take possession as authorized by order of the court or as authorized by a declaration of taking.

CHAPTER 1073

An act to amend Sections 74802, 74803, 74804, and 74805 of, and to add Sections 74806, 74807, 74808, and 74809 to, the Government Code, relating to the Stockton Municipal Court.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

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

74802. There shall be one clerk who shall be the administrative officer and who shall receive the monthly salary specified in Section 74807.

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

74803. The clerk may appoint:

(a) One deputy clerk who shall be assistant administrative officer and chief deputy.

(b) Six deputy clerks IV.

(c) Four deputy clerks III.

(d) One deputy clerk III (stenographer).

(e) Four deputy clerks II.

(f) Seven deputy clerks I.

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

74804. There shall be one marshal who shall receive eight hundred dollars ($800) a month.

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

74805. The marshal may appoint:

(a) One assistant marshal.

(b) Three deputy marshals III.

(c) One deputy marshal II.

(d) One deputy marshal I.

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

SEC. 5. Section 74806 is added to said code, to read:

74806. The following salary schedule shall apply to persons employed in the clerk's office and in the marshal's office:

SALARY SCHEDULE

Salary range number	Steps A	B	C	D	E
14	$282	$296	$310	$325	$341
14.5	289	303	318	333	350
15	296	310	325	341	358
15.5	303	318	333	350	367
16	310	325	341	358	376
16.5	318	333	350	367	385
17	325	341	358	376	394
17.5	333	350	367	385	404
18	341	358	376	394	413
18.5	350	367	385	404	423
19	358	376	394	413	433
19.5	367	385	404	423	444
20	376	394	413	433	454
20.5	385	404	423	444	465
21	394	413	433	454	476
21.5	404	423	444	465	488
22	413	433	454	476	499
22.5	423	444	465	488	512
23	433	454	476	499	524
23.5	444	465	488	512	537
24	454	476	499	524	550
24.5	465	488	512	537	564
25	476	499	524	550	577
25.5	488	512	537	564	592
26	499	524	550	577	606
26.5	512	537	564	592	621
27	524	550	577	606	636
27.5	537	564	592	621	652
28	550	577	606	636	668
28.5	564	592	621	652	685
29	577	606	636	668	701
29.5	592	621	652	685	719
30	606	636	668	701	736

SALARY SCHEDULE

Salary range number	Steps A	B	C	D	E
30.5	621	652	685	719	755
31	636	668	701	736	773
31.5	652	685	719	755	792
32	668	701	736	773	811
32.5	685	719	755	792	831
33	701	736	773	811	851
33.5	719	755	792	831	872
34	736	773	811	851	893
34.5	755	792	831	872	915
35	773	811	851	893	937
35.5	792	831	872	915	961
36	811	851	893	937	984
36.5	831	872	915	961	1,009
37	851	893	937	984	1,033
37.5	872	915	961	1,009	1,059
38	893	937	984	1,033	1,084

SEC. 6. Section 74807 is added to said code, to read:

74807. Persons employed in any of the positions authorized by this article shall be paid the salary assigned to the following ranges as set forth in the salary schedule contained in Section 74806:

(a) Deputy Clerk I	Range 16
(b) Deputy Clerk II	Range 18
(c) Deputy Clerk III	Range 20
(d) Deputy Clerk III (stenographer)	Range 20
(e) Deputy Clerk IV	Range 22
(f) Chief Deputy Clerk	Range 27
(g) Clerk	Range 34
(h) Deputy Marshal I	Range 16
(i) Deputy Marshal II	Range 20
(j) Deputy Marshal III	Range 23
(k) Assistant Marshal	Range 27

Each person employed on the effective date of this section in the clerk's office or marshal's office, including the clerk but not including the marshal, shall receive credit for prior continuous service in office (including service in departments superseded upon the establishment of the municipal court), and shall receive instead of the minimum rate established for his salary range, a salary increased by one step on the range for each full year of prior service up to the maximum step on his salary range.

Subject to the provisions of the San Joaquin County Salary Ordinance, each person employed in the clerk's office or marshal's office, including the clerk but not including the marshal, may receive an annual increase in salary of one step on his

assigned range until the employee reaches the maximum step on the range assigned for his position. Thereafter no additional step increase shall be granted.

SEC. 7. Section 74808 is added to said code, to read:

74808. Certain classifications in the clerk's office and marshal's office are deemed to be equivalent in job and salary level to certain classifications in the service of San Joaquin County and whenever the salary of a classification in the service of San Joaquin County is adjusted by the board of supervisors, the salary of the comparable classification in the clerk's office or marshal's office, as well as the related classifications hereinafter listed, shall be adjusted an equal number of ranges on the salary schedule Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to the county classifications, but such adjustments shall be effective only until 90 days after the adjournment of the next general session of the Legislature.

If the board of supervisors makes such an adjustment after the final adjournment of the 1963 session of the Legislature but prior to the effective date of this section, then the equivalent adjustment authorized by this section shall be made to comparable classifications in the clerk's office or marshal's office on the day this section becomes effective.

(a) The classes of deputy clerk I and deputy marshal I are equivalent in job and salary level to the class of clerk typist II in the service of San Joaquin County. Whenever the class of clerk typist II is adjusted, the classes of deputy clerk I, deputy clerk II, deputy clerk III, deputy marshal I, and deputy marshal II shall be adjusted an equal number of ranges on the salary schedule.

(b) The class of deputy clerk III (stenographer) is equivalent in job and salary to the class of clerk stenographer III in the service of San Joaquin County. Whenever the class of clerk stenographer III is adjusted, the class of deputy clerk III (stenographer) shall be adjusted an equal number of ranges on the salary scale.

(c) The class of deputy clerk IV is equivalent in job and salary level to the class of superior court clerk II in the service of San Joaquin County. Whenever the class of superior court clerk II is adjusted, the classes of deputy clerk IV, chief deputy clerk and clerk shall be adjusted an equal number of ranges on the salary schedule.

(d) Whenever the salary of the class of deputy sheriff I in the service of San Joaquin County is adjusted, the class of deputy marshal III and assistant marshal shall be adjusted an equal number of ranges on the salary schedule.

SEC. 8. Section 74809 is added to said code, to read:

74809. Notwithstanding any other provisions of law all employees of the clerk's office, and the marshal's office, except those listed below, shall be included within the county civil service system The county civil service commission shall exercise the same jurisdiction over such employees as it does over

county employees who are included within the civil service system.

Such employees shall be entitled to the same vacation, sick leave, leave of absence, and similar benefits, and may be appointed, promoted, demoted, terminated or transferred, or their status otherwise adjusted in the same manner and with the same effect as is or may be provided by the current salary ordinance of San Joaquin County, or the civil service ordinance of the county, for other employees of the county.

This section does not apply to the following persons:

(a) The marshal

(b) Nonsalaried deputy marshals employed as keepers and who receive only the fee permitted by law

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CHAPTER 1074

An act to amend Section 3106 of the Education Code as enacted by Senate Bill 718 of the 1963 Regular Session, relating to school districts.

[Approved by Governor June 29, 1963 Filed with Secretary of State July 1, 1963]

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

SECTION 1. Section 3106 of the Education Code as enacted by Senate Bill 718 of the 1963 Regular Session is amended to read:

3106. An elementary school which has been included in a unified district because of a reorganization of districts under provisions of this chapter shall be maintained as an elementary school by the unified district unless discontinued as provided in this section. The governing board of the unified district may adopt a resolution or order to discontinue the elementary school at any regular or special meeting of the board and the order or resolution shall be in effect after 30 days unless within this period of time a petition is filed with the governing board requesting the continuance of the school signed by the parents or guardians of at least 10 or one-third, whichever number is the greater, of children of elementary school age, who are eligible to attend such school at the time of the petition. The signature of one parent is sufficient to represent all of the children of such parent. The parents or guardians eligible to sign such petitions shall be residents within the boundaries of the component elementary school district which maintained the school prior to the establishment of the unified school district, and shall be qualified electors within such district at the time the petition is filed, and shall have children of elementary school age who attend or are eligible to attend such school. If a school is discontinued as herein provided, the governing board of the unified school district may maintain the building for community and civic center and other lawful purposes.

CHAPTER 1075

An act to repeal Section 12884 of, and to add Section 12884 to, the Water Code, relating to the Davis-Grunsky Act.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 12884 of the Water Code is repealed.

SEC. 2. Section 12884 is added to said code, to read:

12884. The department shall require the payment of interest on each loan that is made pursuant to this chapter after September 19, 1963, at a rate equal to the average, as determined by the department, of the net interest costs to the State on the sales of general obligation bonds of the State that occurred during the period from January 1, 1962, inclusive, through the calendar year immediately preceding the calendar year in which the application is filed if the application is filed prior to the year 1968 or that occurred during the period of five calendar years immediately preceding the year in which the application is filed if the application is filed after the year 1967; provided, that when the applicable average of the net interest costs to the State is not a multiple of one-tenth of 1 percent, the interest rate on the loan shall be at the multiple of one-tenth of 1 percent next above the applicable average of the net interest costs.

CHAPTER 1076

An act to add Section 13339 to the Education Code, relating to the employment of persons to serve as reader assistants to teachers.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 13339 is added to the Education Code, to read:

13339. The governing board of any school district may employ or engage as an independent contractor a qualified person to serve as limited-term or part-time reader assistant to teachers. Any person employed as a reader shall not be deemed to be employed in a position requiring certification qualifications, and, unless otherwise determined by the governing board, shall not be subject to the provisions of Chapter 3 (commencing with Section 13580) of Division 10 of this code. The governing board may pay such hourly or unit compensation rates as it deems proper for the services rendered. It is the intent of the Legislature in enacting this section not to

authorize an increase in the number of pupils who may be assigned to any class, but to provide an opportunity for improvement in the quality of student writing through more frequent assignments of compositions made possible by the employment of suitably trained persons to assist the instructor in the careful marking and analysis of the written work. Furthermore, the means adopted for employing persons as reader assistants is not intended as an encroachment upon the merit system of public employment, but is adopted as the most practical arrangement, since most work of such nature will be done as part-time work and in the home.

CHAPTER 1077

An act to add Sections 670, 671, and 672 to the Harbors and Navigation Code, relating to records of Division of Small Craft Harbors.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 670 is added to the Harbors and Navigation Code, to read:

670. (a) Within 10 days after the conviction of a person for any violation of this chapter relating to the operation, equipment, and registration of vessels, every judge of a court not of record and every clerk of a court of record in which the conviction was had, shall prepare and immediately forward to the division at its office at Sacramento an abstract of the record of the court covering the case in which the person was so convicted, which abstract must be certified by the person so required to prepare the same to be true and correct.

For the purposes of this section, a forfeiture of bail shall be equivalent to a conviction.

(b) The abstract shall be made upon a form furnished by the division and shall contain all necessary information as to the parties to the case, the nature of the offense, the date of hearing, the plea, the judgment, and the amount of the fine or forfeiture.

SEC. 2. Section 671 is added to said code, to read:

671. The division shall file all abstracts of court records of convictions received and in connection therewith shall maintain convenient records by name of the violator in order that an individual record of each person convicted is readily ascertainable.

SEC. 3. Section 672 is added to said code, to read:

672. The division shall upon written request of a court furnish to the court a certified copy of the individual record of any person.

CHAPTER 1078

An act to add Section 2635 to, the Revenue andd Taxation Code, relating to property tax.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 2635 is added to the Revenue and Taxation Code, to read:

2635. The tax collector shall give notice by letter to the assessee and taxpayer where his records show that, with respect to such property, taxes might have been:

(a) Paid more than once.

(b) Erroneously or illegally collected.

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

(d) Paid on an assessment of improvements when the improvements did not exist on the lien date.

The notice shall be sent to the address last known by the tax collector and shall state that his records show that taxes for a named year might have been paid or collected in any of the ways specified in subdivisions (a) to (d), inclusive, and that a refund claim over the amount of one dollar ($1) may be filed pursuant to Section 5096 within three years after the payment of the tax.

CHAPTER 1079

An act to repeal Section 35151 of the Government Code, relating to annexation of territory.

[Approved by Governor June 29, 1963 Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 35151 of the Government Code is repealed.

CHAPTER 1080

An act to amend Section 226 of the Labor Code, relating to wages.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 226 of the Labor Code is amended to read:

226. Every employer shall semimonthly or at the time of each payment of wages furnish each of his employees either as a detachable part of the check, draft, or voucher paying the employee's wages, or separately, an itemized statement in writing showing: (1) all deductions; (2) the inclusive dates of the period for which the employee is paid; (3) the name of the employee or his social security number; and (4) the name of the employer; provided, all deductions made on written orders of the employee may be aggregated and shown as one item.

CHAPTER 1081

An act to amend Section 1193.1 of the Code of Civil Procedure, relating to public works.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 1193.1 of the Code of Civil Procedure is amended to read:

1193.1. (a) Every original contractor claiming the benefit of this chapter, after the completion of his contract and within the periods of time as provided in this section, and every person, other than an original contractor, claiming the benefit of this chapter, after he has ceased to perform labor or furnish material, or both, for any work of improvement and before the expiration of the periods of time as provided in this section, may file for record with the county recorder of the county in which the property is situated a claim of lien as provided in subdivision (j) of this section.

(b) Where the work of improvement is not made pursuant to one original contract for the work of improvement but is made in whole or in part pursuant to two or more original contracts each covering a particular portion of the work of improvement, the owner may within 10 days after completion of any such contract for a particular portion of the work of improvement file for record a notice of completion thereof as provided in subdivision (f) of this section. If such notice be so filed, then the original contractor under the contract covered by such notice must within 60 days after the date of filing for record such notice, and all other persons claiming the benefit of this chapter for work done or materials furnished under such contract, must within 30 days after the date of filing for record such notice, file for record his claim of lien. If such notice be not so filed, then the period for filing claims of lien shall be as provided in subdivision (c) of this section.

(c) The owner shall within 10 days after the completion of the work of improvement file for record a notice of completion as provided in subdivision (f) of this section. If such notice be

so filed, then, except as to any persons who were required to file a claim of lien as provided in subdivision (b) of this section, every original contractor must within 60 days after the date of filing for record such notice, and every person, other than an original contractor, claiming the benefit of this chapter must within 30 days after the date of filing for record such notice, file for record his claim of lien. If such notice be not so filed, then, except as to any persons who were required to file for record claims of lien as provided in subdivision (b) of this section, all persons claiming the benefit of this chapter shall have 90 days after the completion of such work of improvement within which to file their claims of lien.

(d) In all cases, except as provided in subdivision (e) of this section, any of the following shall be deemed equivalent to a completion: (1) the occupation or use of a work of improvement by the owner, or his agent, accompanied by cessation from labor thereon; (2) the acceptance by the owner, or his agent, of the work of improvement; or (3) after the commencement of a work of improvement, a cessation of labor thereon for a continuous period of 60 days, or a cessation of labor thereon for a continuous period of 30 days or more if the owner files for record a notice of cessation as provided for in subdivision (h) of this section, except that the time for and manner of filing claims of lien where there has been such a cessation of labor shall be as provided in subdivisions (g) and (h) of this section.

(e) If the work of the improvement is subject to acceptance by any public or governmental authority, the completion of such work of improvement shall be deemed to be the date of such acceptance.

(f) The notice of completion provided for in this section shall be filed in the office of the county recorder of the county in which the property is situated, shall be signed and verified by the owner or his agent and shall set forth the following: (1) the date of completion of such work of improvement or of such particular portion of the work of improvement; provided, that the recital of an erroneous date of completion shall not affect the validity of the notice if the true date of completion is within 10 days preceding the date of filing for record such notice; (2) the name and address of such owner; (3) the nature of the interest or estate of such owner; (4) a description of the property sufficient for identification, which description shall contain the street address of such property if any such street address shall have been given to such property by any competent public or governmental authority; provided, that if a sufficient legal description of the property is given the validity of the notice shall not be affected by the fact that the street address recited is erroneous or that such street address is omitted; (5) the name of the original contractor, if any, for the work of improvement, or if the notice is given only of completion of a contract for a particular portion of such work of improvement as provided in subdivision

(b) of this section, then the name of the original contractor under such contract, and a general statement of the kind of work done or materials furnished pursuant to such contract.

(g) If, after the commencement of a work of improvement, there shall be a cessation of labor thereon for a continuous period of 60 days, then all persons claiming the benefit of this chapter shall within 90 days from the expiration of such 60-day period file for record their claims of lien; provided, that if, after there shall be a cessation of labor thereon for a continuous period of 30 days or more, the owner files for record a notice of cessation as provided in subdivision (h) of this section, every original contractor must within 60 days after the date of filing for record such notice, and every other person claiming the benefit of this chapter must within 30 days after the date of filing for record such notice, file for record his claim of lien. Nothing contained in this subdivision shall, however, extend the time for the filing for record of a claim of lien required to be filed for record by reason of the filing for record prior to cessation of a notice of completion as provided in subdivision (b).

(h) The notice of cessation provided for in subdivision (g) of this section shall be filed for record in the office of the county recorder of the county in which the property is situated, shall be signed and verified by the owner or his agent and shall set forth the following: (1) the date on or about when the cessation from labor commenced; (2) a statement that such cessation continued until the giving of such notice of cessation; (3) the name and address of the owner; (4) the nature of the interest or estate of such owner; (5) a description of the property sufficient for identification, which description shall contain the street address of such property if any such street address shall have been given to such property by any competent public or governmental authority; provided, that if a sufficient legal description of the property is given the validity of the notice shall not be affected by the fact that the street address recited is erroneous or that such street address is omitted; (6) the name of the original contractor, if any, for the work of improvement as a whole.

(i) The word "owner" as used in subdivisions (f) and (h) of this section is hereby defined to mean the owner who caused the building, improvement, or structure, to be constructed, altered, or repaired (or his successor in interest at the date a notice of completion or cessation from labor is filed for record) whether the interest or estate of such owner be in fee, as vendee under a contract of purchase, as lessee, or other interest or estate less than the fee; and where such interest or estate is held by two or more persons as joint tenants or tenants in common, any one or more of the cotenants may be deemed to be the "owner" within the meaning of this section; provided, that any notice of completion or cessation from labor signed by less than all of such co-owners shall recite the names and addresses of all of such co-owners; and provided further, that

any notice of completion signed by a successor in interest shall recite the names and addresses of his transferor or transferors.

(j) A claim of lien filed for record by any person claiming the benefit of this chapter shall be signed and verified by the claimant or by some person on his behalf and shall contain the following: (1) a statement of his demand after deducting all just credits and offsets; (2) the name of the owner or reputed owner, if known; (3) a general statement of the kind of work done or materials furnished by him, or both; (4) the name of the person by whom he was employed or to whom he furnished the materials; (5) a description of the property sought to be charged with the lien sufficient for identification.

(k) Any person who shall willfully include in his claim of lien filed for record pursuant to this chapter work not performed upon, or materials, appliances or power not furnished for, the property described in such claim, shall thereby forfeit his lien.

CHAPTER 1082

An act to amend Section 35313 of the Government Code, relating to city annexation.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 35313 of the Government Code is amended to read:

35313. At the time set for hearing protests, or to which the hearing may have been continued, the legislative body shall hear and pass upon all protests so made:

(a) If privately owned property and no publicly owned property is proposed to be annexed, further proceedings shall not be taken if protest is made by private owners of one-half of the value of the territory proposed to be annexed. The value given such property for protest purposes shall be that shown on the last equalized assessment roll if the property is not exempt from taxation. If the property is exempt from taxation, its value for protest purposes shall be determined by the county assessor in the same amount as he would assess such property if it were not exempt from taxation.

(b) If privately owned property and publicly owned property are proposed to be annexed in the same proceeding, further proceedings shall not be taken if protest is made by public and private owners of one-half of the value of the territory. The value given privately owned property shall be determined pursuant to subdivision (a) of this section. The value given publicly owned property for protest purposes shall be determined by the county assessor in the same manner

as is provided in subdivision (a) of this section for privately owned property, exempt from taxation.

(c) As used in this article, "value of the territory" means the value of land and improvements thereon.

(d) The value for protest purposes to be given property held in joint tenancy or tenancy in common shall be determined by the legislative body in proportion to the proportionate interest of the protestant in such property.

(e) When property is subject to a written recorded agreement to buy, the purchaser under the agreement may protest and the seller may not even though he is shown as the owner on the last equalized assessment roll.

Determinations of the value of publicly owned property, or privately owned property exempt from taxation by the county assessor for protest purpose shall be obtained from the assessor by the protestant and submitted to the legislative body with the written protest.

CHAPTER 1083

An act to add Section 6416 to the Labor Code and Section 7109.5 to the Business and Professions Code, relating to safety in employment.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963]

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

SECTION 1. Section 6416 is added to the Labor Code, to read:

6416. Every employer who, through his gross negligence in failing to provide a safe employment and place of employment, causes the death of his employee is punishable by imprisonment in the county jail for not more than one year or by a fine of not less than one thousand dollars ($1,000) nor more than five thousand dollars ($5,000).

SEC. 2. Section 7109.5 is added to the Business and Professions Code, to read.

7109.5. Violation of any safety provision in, or authorized by, Division 5 (commencing with Section 6300) of the Labor Code resulting in death or serious injury to an employee constitutes a cause for disciplinary action.

CHAPTER 1084

An act to amend Section 48200 of the Water Code, relating to the annexation of land to water storage districts.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 48200 of the Water Code is amended to read:

48200. The holders of title representing one-half or more of any body of land within the same watershed as an existing district may file with the department a written petition praying that the boundaries of the district may be so changed as to include their land. The land need not be contiguous to the existing boundaries of the district and need not consist of contiguous parcels. A copy of the petition shall be filed with the board.

CHAPTER 1085

An act to amend Section 40000 of the Vehicle Code, relating to the time period for commencing criminal actions for Vehicle Code violations involving false or counterfeit documents.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 40000 of the Vehicle Code is amended to read:

40000. (a) It is unlawful and constitutes a misdemeanor for any person to violate, or to fail to comply with, any provision of this code, unless the violation is under the provisions of this code expressly declared to be a felony or a public offense which is punishable either as a felony or misdemeanor.

(b) The period for commencing criminal action against any person having filed or caused to be filed any false, fictitious, altered, forged or counterfeit document with the Department of Motor Vehicles or the Department of the California Highway Patrol shall, if the offense is a misdemeanor, expire one year from time of discovery of such act.

(c) The period for commencing criminal action against any person having filed or caused to be filed any false, fictitious, altered, forged or counterfeit document with the Department of Motor Vehicles or the Department of the California Highway Patrol shall, if the offense is a felony, expire three years from time of discovery of such act.

(d) The time allowed for commencing criminal proceedings as provided in paragraphs (b) and (c) of this section shall not extend beyond five years from the date of commission of the act.

CHAPTER 1086

An act to amend Section 13825 of the Health and Safety Code, relating to the formation of fire protection districts.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 13825 of the Health and Safety Code is amended to read:

13825. Any one of the following alternative methods may be used to form a district:

(a) The supervising authority or supervising authorities may determine, by resolution, that certain territory not served by a regularly organized fire department of a city and not served by an existing fire department of a district is in need of fire protection and should be formed into a district. The board of supervisors shall then proceed to hold a public hearing and an election as prescribed in Article 4 (commencing with Section 58090) and Article 5 (commencing with Section 58130), Chapter 1, Division 1, Title 6 of the Government Code.

(b) A petition for the formation of a district which is signed by registered voters in the proposed district equal in number, at least, to 25 percent of all the votes cast within the proposed district for all the candidates for Governor at the last preceding general election at which a Governor was elected. The board of supervisors shall then proceed to hold a public hearing and an election as prescribed in Article 4 (commencing with Section 58090) and Article 5 (commencing with Section 58130) of Chapter 1, Division 1, Title 6 of the Government Code.

(c) If a petition for the formation of a district is presented to the board of supervisors which is signed by registered voters in the proposed district equal in number at least, to 51 percent of all the votes cast within the proposed district for all the candidates for Governor at the last preceding general election at which a Governor was elected, the board of supervisors, after holding a public hearing as prescribed in Article 4 (commencing with Section 58090), Chapter 1, Division 1, Title 6 of the Government Code, may, by resolution, declare the district formed without recourse to an election.

(d) If a petition for the formation of a district is presented to the board of supervisors which is signed by owners of real property in the proposed district equal to at least 51 percent of the assessed valuation of real property within the proposed district as ownership and valuation appear on the last equalized assessment roll, the board of supervisors after holding a public hearing as prescribed in Article 4 (commencing with Section 58090) Chapter 1, Division 1, Title 6 of the Government Code, may, by resolution, declare the district formed without recourse to an election.

CHAPTER 1087

An act to amend Sections 8220, 8221, 8222, and 8224 of the Fish and Game Code, relating to salmon.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 8220 of the Fish and Game Code is amended to read:

8220. It shall be unlawful for any person to take by the use of any type of net or long line, any salmon within the waters of the Pacific Ocean over which the State has jurisdiction. This section does not apply to such waters within District 16.

SEC. 2. Section 8221 of said code is amended to read:

8221. It shall be unlawful for any citizen of this State to take by the use of any type of net or long line, any salmon within the international waters of the Pacific Ocean.

"International waters" means waters outside the territorial boundaries of any state, territory, or country.

A "citizen of this State" means a person who maintains his usual place of abode within the State.

SEC. 3. Section 8222 of said code is amended to read:

8222. It is unlawful for any person to transport through the Pacific Ocean waters of the State or to have in his possession anywhere within the State, any salmon which were taken by any type of net or long line within the international waters of the Pacific Ocean or within the territorial waters of this State or of another state, territory or country where fishing for salmon with nets or long lines is unlawful, and it is unlawful for any person to possess any salmon on board any vessel carrying any net or long line within Pacific Ocean waters of this State, except persons on vessels carrying paranzella nets, beam trawls, and otter trawls may possess salmon taken with hook and line. The provisions of this section do not apply to waters within District 16 nor to the use of bait gill nets with meshes less than two inches in length or to hand dip nets, or to salmon taken lawfully under the authority of any state, territory or country.

SEC. 4. Section 8224 of said code is amended to read:

8224 None of the provisions of Sections 8220, 8221 and 8222 shall be construed to make it unlawful to use nets or long lines for the taking of salmon for purposes of scientific investigation authorized by the State or to prohibit the use of any troll line otherwise authorized

CHAPTER 1088

An act to add Sections 2751 and 2752 to the Labor Code, relating to employment contracts.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 2751 is added to the Labor Code, to read:

2751. Whenever any employer who has no permanent and fixed place of business in this State enters into a contract of employment with an employee for services to be rendered within this State and the contemplated method of payment of the employee involves commissions, the contract shall be in writing and shall set forth the method by which the commissions shall be computed and paid.

The employer shall give a signed copy of each such contract to every employee who is a party thereto and shall obtain a signed receipt for the contract from each employee.

As used in this section, "commissions" does not include short term productivity bonuses such as are paid to retail clerks; and it does not include bonus and profit-sharing plans, unless there has been an offer by the employer to pay a fixed percentage of sales or profits as compensation for work to be performed.

SEC. 2. Section 2752 is added to said code, to read:

2752. Any employer who does not employ an employee pursuant to a written contract as required by Section 2751 shall be liable to the employee in a civil action for triple damages.

CHAPTER 1089

An act to add Section 21160 to the Government Code, relating to employment of persons retired under the State Employees' Retirement System.

[Approved by Governor June 29, 1963 Filed with Secretary of State July 1, 1963]

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

SECTION 1. Section 21160 is added to the Government Code, to read:

21160. Notwithstanding the provisions of Section 21150, any person heretofore or hereafter retired under this part may without reinstatement from retirement or any loss or interruption of benefits under this part, serve as a member of the teaching staff of a state college; provided, that such service shall not exceed 90 teaching days in any one fiscal year, and the compensation payable to such person for such service shall not exceed two thousand dollars ($2,000) in that fiscal year.

CHAPTER 1090

An act to amend Section 3374 of the Welfare and Institutions Code, relating to employment opportunities for the blind.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 3374 of the Welfare and Institutions Code is amended to read:

3374. There is hereby constituted in the State Treasury a permanent revolving fund to be known as the Opportunity Work Center Revolving Fund to be administered by the Department of Education. At the request of the Director of Education and the Director of Finance, the State Controller shall transfer to said fund from the California Industries for the Blind Manufacturing Fund moneys in quantities deemed by them necessary to carry out the operations of said fund.

The fund shall be used for the purchase of materials and supplies or for the purchase or rental of equipment needed in the manufacturing, fabricating or assembly of products, and for the payment of salaries of blind workers and physically handicapped engaged in such manufacturing, fabricating or assembly at any opportunity work center operated under the jurisdiction of the Department of Education. The fund may be used for the payment of the cost of distribution of products.

Money received from the manufacture, fabrication, assembly or distribution of products at any opportunity work center shall be paid to the State Treasurer monthly and shall be credited to the Opportunity Work Center Revolving Fund.

Whenever in the opinion of the Director of Education or the Director of Finance the balance in the revolving fund herein created is greater than is necessary to carry out the purposes of this section, either shall so inform the State Controller and request a transfer of the unneeded balance from the said revolving fund to the General Fund. The Controller is hereby authorized to transfer such balances upon the request of the Director of Finance.

CHAPTER 1091

An act to add Section 23604.1 to the Education Code, relating to state colleges.

[Approved by Governor June 29, 1963 Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 23604.1 is added to the Education Code, to read:

23604.1. The trustees may establish rules and regulations for the government and maintenance of the buildings and grounds of the state colleges. Every person who violates or attempts to violate the rules and regulations is guilty of a misdemeanor.

CHAPTER 1092

An act to amend Sections 10252.5, 10253.5, and 10305 of the Business and Professions Code, relating to the regulation of real estate and business opportunity licensees.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 10252.5 of the Business and Professions Code is amended to read:

10252.5. A business opportunity broker within the meaning of this part also includes any person who engages in the business of claiming, demanding, charging, receiving, collecting or contracting for the collection of an advance fee in connection with any employment undertaken to promote the sale or lease or exchange of business opportunities by advance fee listing, advertisement or other offering to sell, lease, exchange or rent a business opportunity, or to obtain a loan or loans thereon.

SEC. 2. Section 10253.5 of said code is amended to read:

10253.5. A business opportunity salesman within the meaning of this part also includes a natural person who is employed by a licensed business opportunity broker to claim, demand, charge, receive, collect or contract for the collection of an advance fee in seeking to promote the sale, exchange, or lease of business opportunities by advance fee listing, advertisement or other offering to sell, exchange, or lease business opportunities.

SEC. 3. Section 10305 of said code is amended to read:

10305. Any real estate broker or business opportunity broker who contracts for or collects an advance fee from any other person, hereinafter referred to as the "principal," shall deposit any such amount or amounts, when collected, in a trust account with a trust company authorized to do business in California. Such funds are trust funds and not the funds of the agent. Amounts may be withdrawn therefrom for the benefit of the agent only when actually expended for the benefit of the principal or five days after the verified accounts mentioned hereinafter has been mailed to the principal.

The commissioner may issue such rules and regulations as he deems necessary to regulate the method of accounting, and to accomplish the purpose of the provisions of this code relating to advance fees, including, but not limited to, establishing

forms for and determining information to be included in such accountings. Each principal shall be furnished a verified copy of such accounting at the end of each calendar quarter and when the contract has been completely performed by the advertising agent. The Real Estate Commissioner shall be furnished a verified copy of any account or all accounts on his demand therefor.

Where advance fees actually paid by or on behalf of any principal are not handled in accordance with the preceding paragraph it shall be presumed that the agent has violated Sections 506 and 506a of the Penal Code. The principal may recover treble damages for amounts so misapplied and shall be entitled to reasonable attorneys' fees in any action brought to recover the same.

CHAPTER 1093

An act to add Article 6 (commencing with Section 35400) to Chapter 1 of Part 2 of Division 2 of Title 4 of the Government Code, relating to annexation of enclosed territory.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Article 6 is added to Chapter 1 of Part 2 of Division 2 of Title 4 of the Government Code, to read:

Article 6. Annexation of Enclosed Territory Act of 1963

35400. This article may be cited as the Annexation of Enclosed Territory Act of 1963.

35401. When proceedings for the annexation of territory to a city are commenced pursuant to this article, the provisions of this article and of Article 1 of this chapter alone apply. This article shall apply only to territory which prior to January 1, 1963, constituted "enclosed territory" as defined in Section 35405.

35402. The boundaries of the city may be altered and enclosed territory annexed to and incorporated within it pursuant to this article.

35403. The provisions of Sections 35002.3, 35002.5, and 35008 shall not apply to proceedings instituted under this article, except that any territory annexed pursuant to this article must abut territory within the city at at least one point.

35404. Real property belonging to a public agency may be annexed pursuant to this article.

35405. "Enclosed territory" for the purposes of this article shall mean all or any part of lands less than 10 acres in total area, which said lands are completely surrounded by

the annexing city. Enclosed territory may be annexed pursuant to this article regardless of whether the enclosed territory, proposed to be annexed, is inhabited territory or uninhabited territory within the meaning of this chapter.

35406. Proceedings for the annexation of territory may be initiated by the city council on its own motion or upon the request of one or more property owners within the enclosed territory.

35407. Upon receiving a written petition requesting annexation, containing a description of the territory sought to be included in the city, and signed by the owners of any of the land within the enclosed territory, the legislative body may pass a resolution giving notice of the proposed annexation.

35408. The legislative body of a city may initiate proceedings to annex the territory on its own motion without requiring a petition. If it does, the resolution giving notice shall declare that proceedings have been initiated by the legislative body and set forth its reasons for desiring annexation.

35409. The resolution shall describe the boundaries of the territory specifically, designate it by an appropriate name, and contain a notice of the time and place the legislative body will hear written protests against the annexation made by any person owning real property within the territory. In the resolution, the legislative body may set a date when, pursuant to Section 35318, the annexation will become effective if such annexation is completed.

35410. The hearing shall be set not less than 40 nor more than 60 days after the passage of the resolution; provided, however, that if the owner or owners of all of the territory to be annexed have petitioned for annexation or filed their consent to such annexation in writing with the legislative body, the legislative body may proceed as set forth in Section 35416.

35411. The city clerk of the annexing city shall cause a copy of the resolution to be published at least twice, but not oftener than once a week, in a newspaper of general circulation published in the city, publication to be complete at least 20 days prior to the date set for the hearing. If there is no newspaper of general circulation published within the annexing city, he shall post a copy of the resolution not less than 20 days before the hearing in at least three conspicuous places within the city.

(a) The city clerk of the annexing city shall also cause written notice of such proposed annexation to be mailed to each person to whom land within the territory proposed to be annexed, is assessed in the last equalized county assessment roll available on the date the proceedings were initiated, at the address shown on said assessment roll or as known to said clerk, and to any person who has filed his name, address, or mailing address and the designation of the lands in which he has any interest, either legal or equitable, with said clerk.

(b) In the event any land within the territory proposed to be annexed to a city is owned by a county, the city clerk of

the annexing city shall also cause a written notice of such proposed annexation to be mailed to the board of supervisors of such county.

The notices referred to in subsections (a) and (b) shall be given not less than 20 days before the first public hearing on the proposed annexation.

35412. At any time prior to final adjournment of the hearing on protests, any owner of property within the territory may file written protest against the annexation. The protest shall state the name of the owner of the property affected and the street address or other description of the property sufficient to identify it on the last equalized assessment roll. A metes and bounds description shall not be required if the property can be otherwise described in a manner sufficient to identify it on the last equalized assessment roll. As used in this article, "owner" means the owner as shown on the last equalized assessment roll, except that the person entitled to be shown as owner on the current assessment roll shall be deemed the owner, and except that, where the property affected is subject to a recorded written agreement to buy, the purchaser under such agreement to buy shall be deemed the owner. Protests may be made or withdrawn on behalf of the owner by an agent authorized in writing by the owner to act as agent with respect to such land, except that protest may be made or withdrawn on behalf of a private corporation which is an owner of property by any officer or employee of the corporation without written authorization by the corporation to act as agent or make such protest.

35413. Protests may be filed by the owner of any property included within the territory proposed to be annexed. The city council may continue the hearing from time to time and the owner of any property may at any time withdraw the protest on his property. For the purposes of this section, the "owner" shall mean the person shown on the last equalized assessment roll, or the person owning the equitable interest in the subject real property.

35414. The city legislative body shall find and declare by resolution adopted at the hearing or within 10 days after the hearing on protests whether or not a majority protest has been made. If it does not adopt such a resolution within such period, it shall be deemed to have adopted on the 10th day a resolution that a majority protest has been made.

If a resolution is adopted or deemed adopted finding and declaring that a protest is made by the owners of real property within the territory proposed to be annexed the assessed value of which, as shown by the last equalized assessment roll, consitutes more than one-half of the total assessed value of the real property within the territory proposed to be annexed, no further proceedings for the annexation of any of the same territory to the city shall be taken for one year after the date of the adoption of the resolution.

35415. If the city legislative body finds by resolution adopted pursuant to Section 35414 that a majority protest has not been made, the legislative body shall approve or disapprove the annexation by ordinance adopted within 60 days after the hearing on protests. If the legislative body fails to adopt the ordinance within such period, it shall be deemed to have adopted, on the 60th day of such period, an ordinance disapproving the annexation.

35416. As an alternative to the foregoing proceedings, in the event that all of the owners of land located within an enclosed territory request or consent in writing to annexation of said land to the city, the city legislative body may, after complying with Section 35002, adopt an ordinance annexing said land to the city. Such written request shall not be deemed a petition within the meaning of Section 35002.

35417. When an ordinance approving annexation becomes effective, the clerk of the legislative body shall immediately prepare under seal a certified copy of the ordinance, giving the date of its passage, and transmit it to the Secretary of State.

35418. Upon receipt of the certified copy of the ordinance, the Secretary of State shall file it and transmit certificates of filing to the clerk of the city legislative body and the board of supervisors of the county in which the city is situated.

35419. From the date of filing by the Secretary of State, annexation proceedings are complete. The annexed territory is a part of the city from the date fixed by the legislative body in the resolution described in Section 35409, but not later than one year after the date of filing by the Secretary of State or the due date of property taxes levied by the city in the territory, whichever occurs first, except that for the purpose of compliance with Sections 34080 and 54900 of this code, and any action required for the assessment and levy of property taxes, the territory shall be deemed part of the city from the date of filing by the Secretary of State. If no date is fixed by the legislative body in the resolution described in Section 35409, the territory is a part of the city for all purposes from the date of filing by the Secretary of State or the date of the filing of the affidavit with the recorder of the county pursuant to Section 34080, whichever occurs later.

35420. All proper expenses of proceedings for annexation pursuant to this article shall be paid by the city annexing or attempting to annex the territory.

35421. Where territory is annexed to a city divided into wards, or to a city which later divides itself into wards, the legislative body, by ordinance, shall alter the boundaries of the city wards to include the annexed territory in one or more wards adjoining the territory, or make one or more additional wards out of the annexed territory. The number of wards shall not be increased to exceed the number which the city is allowed by law.

35422. In altering the boundaries of wards, or creating new wards, each ward shall contain, as nearly as possible, an equal number of inhabitants eligible to citizenship.

35423. Any proceeding held pursuant to this article does not alter or affect the boundaries of any senatorial or assembly district.

CHAPTER 1094

An act to amend Section 25826 of the Health and Safety Code, relating to filing of employee injury reports.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963]

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

SECTION 1. Section 25826 of the Health and Safety Code is amended to read:

25826. The department shall require each person who possesses or uses a source of ionizing radiation to maintain appropriate records showing the radiation exposure of all individuals for whom personnel monitoring is required by rules and regulations of the department. Copies of these records and those required to be kept in accordance with Section 25825 shall be submitted to the department upon request.

The department shall adopt reasonable regulations, compatible with those of the United States Atomic Energy Commission, pertaining to reports of exposure of personnel. Such regulations shall require that reports of excessive exposure be made to the individual exposed and to the department, and shall make provision for periodic and terminal reports to individuals for whom personnel monitoring is required. The provisions of Section 6411 of the Labor Code shall not be construed as exempting any person from making any report required by this section.

CHAPTER 1095

An act to amend Section 28 of the Vehicle Code, relating to repossession of vehicles.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 28 of the Vehicle Code is amended to read:

28. Whenever possession is taken of any vehicle by or on behalf of any legal owner thereof under the terms of a mortgage, conditional sale or lease agreement, the person taking possession shall immediately notify by the most expeditious

means available the city police department where such taking of possession occurred, if within an incorporated city, or the sheriff's department of the county where such taking of possession occurred, if outside an incorporated city, and shall within 24 hours forward a written notice to such department.

SEC. 2. Section 28 of the Vehicle Code is amended to read:

28. Whenever possession is taken of any vehicle by or on behalf of any legal owner thereof under the terms of a security agreement or lease agreement, the person taking possession shall immediately notify by the most expeditious means available the city police department where such taking of possession occurred, if within an incorporated city, or the sheriff's department of the county where such taking of possession occurred, if outside an incorporated city, and shall within 24 hours forward a written notice to such department.

SEC. 3. Section 2 of this act shall become operative only if Senate Bill No. 118 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as Senate Bill No. 118 becomes operative; at which time Section 28 of the Vehicle Code as amended by Section 1 of this act is repealed.

CHAPTER 1096

An act to add Sections 19576.1 and 19630.1 to the Education Code, relating to school public works, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 19576.1 is added to the Education Code, to read:

19576.1. The board shall, after consultation with the Department of Education, establish site cost standards which shall be used in evaluating the cost in relationship to the size of any site to be acquired wholly or partially with funds apportioned under this chapter. In determining such standards, consideration should be given to the following factors:

(a) The grade level of the school.
(b) The location of the school.
(c) The enrollment to attend the school.
(d) The purchase price of each acre of the site.
(e) The site development cost.
(f) Land use in the area.

SEC. 2. Section 19630.1 is added to said code, to read:

19630.1. If the board, between April 5, 1963, and July 1, 1963, approves an application for an apportionment and makes a conditional apportionment to the district making the application and if after such approval it is determined that the

projected enrollment of the district is less than that upon which the district's application was based, any apportionment made by the board under such application is hereby ratified and confirmed and payments shall be made to the district pursuant to such apportionment. The board shall as a condition to any apportionment made under such application require the district to repay in full that portion of the apportionment which it determines to be attributable to the excess projected enrollment upon which the application was based and the district shall be empowered and obligated to comply with such requirement if it accepts such portion of the apportionment. Such repayment shall be in equal annual installments made within 20 years from the date the district receives the apportionment. Such repayment shall be in addition to any other repayment required by this chapter. The rate of interest shall be the same rate as that fixed for the remainder of the apportionment.

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

In order to finance school construction needed for the education of the children of this State, it is necessary that this act take effect immediately.

CHAPTER 1097

An act to amend Sections 4762, 4766, and 4795 of, and to add Section 4762.1 to, the Health and Safety Code, relating to county sanitation districts.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 4762 of the Health and Safety Code is amended to read:

4762. Whenever any area in the district is provided with a sewerage system the governing body of the city in which the area lies may declare the further maintenance or use of cesspools or other local means of sewage disposal to be a public nuisance, and may require all buildings inhabited or used by human beings to be connected with the sewerage system. The board of supervisors may prohibit the use of cesspools or other local means of sewage disposal and declare the same to be a public nuisance in any area in the district which is outside of any incorporated city, and may require all buildings inhabited or used by human beings to be connected with the sewerage system.

SEC. 2. Section 4762.1 is added to said code, to read:

4762.1. All connections of lateral or other sewerlines to the sewerage system of the district, whether within or without any city, shall be made at points and in the manner to be directed by the engineers of the district under instructions from the district board, subject to such terms and conditions as the district board may prescribe. The district board may prescribe standards for installation and maintenance of laterals or sewerlines connecting to the sewerage system of the district, including, but not limited to, installation and maintenance by property owners of cleanouts and backflow protective devices.

SEC. 3. Section 4766 of said code is amended to read:

4766. The district board may adopt ordinances to carry out the provisions of Sections 5473 to 5473.11, inclusive, of the Health and Safety Code and this chapter; the procedure for the adoption of said ordinances shall be the same as is provided for in Article 7 (commencing with Section 25120), Chapter 1, Part 2, Division 2, Title 3 of the Government Code for counties. In the absence of county or city regulation, the district board may also adopt ordinances for the purpose of exercise and effect of any of its powers, or for the purposes for which it was formed. Any ordinance adopted by the district board shall impose restrictions equal to or greater than those imposed by the State Housing Law, Part 1.5 (commencing with Section 17910), Division 13 of this code, and the rules and regulations promulgated pursuant thereto by the Department of Industrial Relations. A violation of a regulation or ordinance of a district is a misdemeanor, punishable by a fine of not to exceed one hundred dollars ($100), imprisonment not to exceed 30 days, or both.

SEC. 4. Section 4795 of said code is amended to read:

4795. If the district board by resolution passed by a vote of a majority of all its members determines that the public interest or necessity of the district demands the issuance of additional bonds for carrying out any of the objects of the district, the district board may again have a report made, and submit to the voters the question of issuing additional bonds in the same manner as for a first issue. All the provisions of this chapter for the issuance and sale of bonds, and for the expenditure of the proceeds apply to the issuance of additional bonds.

CHAPTER 1098

An act to amend Sections 7000.5, 7002, and 7003 of the Business and Professions Code, relating to contractors.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 7000.5 of the Business and Professions Code is amended to read:

7000.5. There is in the Department of Professional and Vocational Standards a Contractors' State License Board, which consists of nine members appointed by the Governor.

SEC. 2. Section 7002 of said code is amended to read:

7002. One member of the board shall be a general engineering contractor, three members shall be general building contractors, four members shall be specialty contractors, and one member shall be a public member.

For the purposes of construing this article, a general engineering contractor is a contractor whose principal contracting business is in connection with fixed works for any or all of the following divisions or subjects: irrigation, drainage, water power, water supply, flood control, inland waterways, harbors, railroads, highways, tunnels, airports and airways, sewerage and bridges; a general building contractor is a contractor whose principal contracting business is in connection with any structure built, being built, or to be built, for the support, shelter and inclosure of persons, animals, chattels or movable property of any kind, requiring in its construction the use of more than two unrelated building trades or crafts, or to do or superintend the whole or any part thereof; a specialty contractor is a contractor whose operations as such are the performance of construction work requiring special skill and whose principal contracting business involves the use of specialized building trades or crafts.

This does not include anyone who merely furnishes materials or supplies under Section 7045 without fabricating them into, or consuming them in the performance of the work of the general building contractor.

Each member of the board, except the public member, shall be of recognized standing in his branch of the contracting business. Each member of the board shall be at least 30 years of age and of good character.

Each member of the board shall have been a citizen and resident of the State of California for at least five years next preceding his appointment.

SEC. 3. Section 7003 of said code is amended to read:

7003. The terms of the members of the board in office when this chapter takes effect shall expire as follows: one general building contractor and one specialty contractor, January 15, 1940; one general building contractor and one specialty contractor, January 15, 1941; one general building contractor and one specialty contractor, January 15, 1942; the general engineering contractor, January 15, 1943.

The Governor shall, on or before January 1, 1962, appoint the first public member of the board, and his term shall expire on January 15, 1963.

The Governor shall, on or before January 1, 1964, appoint the specialty contractor member provided for at the 1963 Regular Session, and his term shall expire on January 15, 1966.

Appointments to fill a vacancy caused by the expiration of the term of office shall be for a term of four years and shall be

filled, except for a vacancy in the term of the public member, by a member from the same branch of the contracting business as was the branch of the member whose term has expired. A vacancy in the term of the public member shall be filled by another public member. Each member shall hold office until the appointment and qualifications of his successor or until six months shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs.

Vacancies occurring in the membership of the board for any cause shall be filled by appointment for the balance of the unexpired term.

No person shall serve as a member of the board for more than three consecutive terms, but this provision shall not apply to any member in office at the time this provision takes effect.

CHAPTER 1099

An act to repeal and add Section 6644.1 of the Health and Safety Code, relating to sanitary districts.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 6644.1 of the Health and Safety Code is repealed.

SEC. 2. Section 6644.1 is added to said code, to read:

6644.1. If at an election held pursuant to Section 6644, two-thirds of the vote cast were not in favor of the issuance of the bonds and if the health officer of the county in which the principal portion of the district is located makes a finding that the proceeds of any bond issue are necessary for the construction of sewage facilities essential to the public health, and said finding is concurred in by the board of supervisors of such county as evidenced by resolution, then by resolution adopted by a four-fifths vote, the district board may call for a bond election and provide in the resolution calling for such election that bonds for the district for the amount stated may be issued and sold if a majority of the votes cast at the election are in favor of incurring the bonded indebtedness as proposed. This section shall remain in effect until September 1, 1965.

CHAPTER 1100

An act to amend Sections 21658 and 21686 of the Public Utilities Code, relating to accounting funds.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 21685 of the Public Utilities Code is amended to read:

21685. Any city, county, or airport district may apply to the Division of Aeronautics during the first six months of the year for the allocation of funds for the acquisition and development of airports The Division of Aeronautics may make an allocation to a city, county, or airport district if it determines that the proposed acquisition and development is feasible and in accordance with the policies and standards established by the Division of Aeronautics.

No allocation shall be made to a city, county or airport district unless it has established a special aviation fund and has deposited in such fund, for expenditure solely for acquisition and development of airports, a sum at least equal to the allocation which the Division of Aeronautics is to make. All moneys received by a city, county or airport district pursuant to this section shall be deposited in its special aviation fund and shall be expended solely for the acquisition and development of airports. No money allocated under Section 21684 or money appropriated by the city, county or airport district for matching this allocation shall be expended for operation or maintenance of an airport.

SEC. 2. Section 21686 of said code is amended to read:

21686. Any city, county, or airport district may pay any part of the money in its special aviation fund to a state college or branch of the University of California located within its boundaries to be expended for the same purposes as the city, county, or airport district may expend such money. Any money paid to a state college or branch of the University of California shall be expended within the city, county, or airport district paying the money.

CHAPTER 1101

An act to repeal Section 12463.2 of, and Article 3 (commencing with Section 26940) of Chapter 4 of Part 3 of Division 2 of Title 3 of, the Government Code, relating to the annual financial statement of a county.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963]

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

SECTION 1. Section 12463.2 of the Government Code is repealed.

SEC. 2. Article 3 (commencing with Section 26940) of Chapter 4 of Part 3 of Division 2 of Title 3 of said code is repealed.

CHAPTER 1102

An act to amend Section 5545 of the Public Resources Code, relating to the levy and collection of taxes in regional park districts.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 5545 of the Public Resources Code is amended to read:

5545. It may levy and collect, or cause to be levied and collected, taxes to carry out any of its objects or purposes and to pay the obligations of the district. Taxes levied for any one fiscal year shall not exceed five cents ($0.05) on each hundred dollars ($100) of the assessed value of all real and personal property within the district. Provided, however, that for fiscal years 1964-65 through 1968-69 an additional tax of not to exceed five cents ($0 05) on each hundred dollars ($100) of the assessed value of all real and personal property within the district may be levied for use in land acquisition and capital improvements only. Any tax provided for in this section shall be exclusive of any tax levied to meet the bonded indebtedness of the district and the interest thereon.

CHAPTER 1103

An act to amend Section 54418 of the Government Code, relating to revenue bonds.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 54418 of the Government Code is amended to read:

54418. The legislative body may sell the bonds at a price below par value; provided, however, that the discount on any bonds so sold shall not exceed 6 percent of the par value thereof.

CHAPTER 1104

An act to amend Section 54426 of the Government Code, relating to revenue bonds.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 54426 of the Government Code is amended to read:

54426. In its discretion the legislative body may provide in the resolution providing for the issuance of the bonds that, the principal, interest, and sums for other security funds shall be paid from the revenues prior to paying the maintenance and operation costs of the enterprise.

CHAPTER 1105

An act to add Article 8 (commencing with Section 29285) to Chapter 2 of Division 15 of the Elections Code, relating to election petitions.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Article 8 is added to Chapter 2 of Division 15 of the Elections Code, to read:

Article 8. Local Petitions

29285. This article applies to any initiative, referendum or recall petition other than such petitions circulated on statewide matters or elections.

29286. Every person is punishable by a fine not exceeding five hundred dollars ($500), or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment, who, circulating, as principal or agent, or having charge or control of the circulation of, or obtaining signatures to, any initiative, referendum or recall petition, intentionally misrepresents or intentionally makes any false statement concerning the contents, purport or effect of the petition to any person who signs, or who desires to sign, or who is requested to sign, or who makes inquiries with reference to it, or to whom it is presented for his signature.

29287. Every person is punishable by a fine not exceeding five hundred dollars ($500), or by imprisonment in county jail for a period not exceeding six months, or by both such fine and imprisonment, who willfully and knowingly circu-

lates, publishes or exhibits any false statement or misrepresentation concerning the contents, purport or effect of any initiative, referendum, or recall petition for the purpose of obtaining any signature to, or persuading or influencing any person to sign, that petition.

CHAPTER 1106

An act to amend Sections 220, 9263, 9264, 9551, 9552, 10656, 11500, 11501, 11502, 11504, 11507, 11509, 11510, 11512, 11513, 11514, 11516, 11518, 11519, 11520 and 11521 of, and to amend the title of Chapter 3 (commencing with Section 11500) of Division 5 of, and to repeal Section 11511 of, and to add Section 11511 to, the Vehicle Code, relating to automobile wreckers.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 220 of the Vehicle Code is amended to read:

220. An "automobile dismantler," is any person who has an established place of business and is engaged in the business of buying, selling, or dealing in vehicles of a type required to be registered under this code, for the purpose of dismantling the same, and who buys or sells the integral parts and component materials thereof, in whole or in part, and deals in used motor vehicle parts. This section does not apply to the occasional and incidental dismantling of vehicles by dealers who have secured dealers plates from the department for the current year whose principal business is buying and selling new and used vehicles, or by owners who desire to dismantle not more than three personal vehicles within any 12-months period, or by garages or repair shops.

SEC. 2. Section 9263 of said code is amended to read:

9263. (a) Any automobile dismantler acquiring a vehicle subject to registration under this code, for the purpose of dismantling the same, who fails to forward to the department notification of acquiring such vehicle as required in Section 11520(a) within 24 hours after taking possession of the vehicle and before dismantling such vehicle or who fails to forward to the department the documents and license plate or plates required by Section 11520(b), within ninety (90) days after taking possession of the vehicle, shall pay in addition to any other fees due an investigation service fee in the amount of five dollars ($5). If such person who fails to forward the documents and license plate or plates as required by Section 11520(b) can furnish written evidence of a diligent effort to secure required documents, the investigation service fee shall not be due or payable.

(b) Any person other than a licensed automobile dismantler who fails to surrender to the department the documents and license plate or plates as required by Section 11520(b) before dismantling a vehicle, shall pay in addition to any other fees due an investigation service fee of five dollars ($5).

SEC. 3. Section 9264 of said code is amended to read:

9264. (a) The fees for a certificate and license and special plates issued to automobile dismantlers shall be:

(1) For the certificate and license and the first set of special plates where in the discretion of the department an investigation is necessary $58

(2) For the first set of special plates where no investigation is necessary, or upon annual renewal 8

(3) For each additional set of special plates 8

(b) Should an automobile dismantler make application for a license and certificate and special plates as a manufacturer, transporter, or dealer, then in that event he shall pay such additional fees as are set forth under Section 9262.

SEC. 4. Section 9551 of said code is amended to read:

9551. All fees required to be paid by an automobile dismantler, in accordance with this code, for any certificate and license, or special set of plates, shall be paid at the time application is made to the department therefor.

SEC. 5. Section 9552 of said code is amended to read:

9552. (a) Whenever any vehicle is operated upon any highway of this State without the registration fee having first been paid as required by this code, such fee is delinquent.

(b) Whenever any person has received as transferee a properly endorsed certificate of ownership and the registration card of the vehicle described in the certificate and card and the transfer fee has not been paid as required by this code within 10 days, the fee is delinquent.

(c) Whenever any person becomes an automobile dismantler without first having paid the license or certificate and special plate fees as required by this code, the fees are delinquent.

SEC. 6. Section 10656 of said code is amended, to read:

10656. The director, deputy director, registrar, deputy registrar, and investigators of the department may inspect any vehicle of a type required to be registered under this code in any garage, repair shop, parking lot, used car lot, automobile dismantlers lot, or other similar establishment for the purpose of investigating the title and registration of vehicles and inspection of vehicles wrecked or dismantled.

SEC. 7. The title of Chapter 3 (commencing with Section 11500) of Division 5 of said code is amended to read:

CHAPTER 3. AUTOMOBILE DISMANTLERS

SEC. 8. Section 11500 of said code is amended to read:

11500. On and after January 1, 1962, it shall be unlawful for any person to act as an automobile dismantler without first

having procured from the department a license and certificate as required in this code.

SEC. 9. Section 11501 of said code is amended to read:

11501. Every automobile dismantler as defined in Section 220 of this code shall make application to the department upon the appropriate form for a license and certificate containing a general distinguishing number and for one or more pair of special plates. The applicant shall submit proof of his status as a bona fide automobile dismantler as may reasonably be required by the department.

SEC. 10. Section 11502 of said code is amended to read:

11502. The department shall have the power and duty to issue and for reasonable cause shown to refuse to issue a license, and certificate. The department may refuse to any applicant therefor a license and certificate provided for herein, if such applicant does not meet the requirements of the terms and provisions of this code relating to the conduct of an automobile dismantling business.

SEC. 11. Section 11504 of said code is amended to read:

11504. (a) The department shall prescribe and provide forms to be used for application for licenses to be issued under the terms and provisions of this chapter and require of such applicants, as a condition to issuance of such license, such information, including but not limited to, fingerprints and personal history statements, touching on and concerning the applicant's character, honesty, integrity, and reputation as it may consider necessary, except that every application for an automobile dismantler's license shall contain in addition to such information as the department may require, a statement of the following facts:

(1) The name and residence address of the applicant and the trade name, if any, under which he intends to conduct his business; and if the applicant be a copartnership, the name and residence addresses of each member thereof, whether a limited or general partner, and the name under which the partnership is to be conducted; and if the applicant be a corporation, the name and residence address of each of its principal officers and directors and controlling stockholders.

(2) A complete description, including the city and town or village, with the street and number, if any, of the established place of business and such other and additional place or places of business as shall be operated and maintained by the applicant in conjunction with the principal established place of business.

(b) Upon receipt of an application accompanied with the appropriate fee as provided in Section 9264, the department shall make a thorough investigation of the applicant.

SEC. 12. Section 11507 of said code is amended to read:

11507. Pending the satisfaction of the department that the applicant has met the requirements under this code, it may issue a temporary permit to any person applying for an automobile dismantler license and certificate. The temporary permit

shall permit the operation by the automobile dismantler for a period not to exceed 120 days while the department is completing its investigation and determination of all facts relative to the qualification of the applicant to such license and certificate. Such temporary permit shall be invalid when the applicant's license and certificate have been issued or refused.

SEC. 13. Section 11509 of said code is amended to read:

11509. The department after notice and hearing may suspend, revoke or refuse to renew the certificate and license and special plates issued to an automobile dismantler upon determining that any such automobile dismantler is not lawfully entitled thereto, has made or knowingly or negligently permitted an illegal use of the special plates issued to said person, used a false or fictitious name, knowingly made any false statements or concealed any material fact in any application or other document filed with the department, or has violated one or more terms and provisions of Divisions 3 (commencing with Section 4000) or 4 (commencing with Section 10500) or Chapter 3 (commencing with Section 11500) of Division 5, of this code or Part 5 (commencing with Section 10701) of Division 2 of the Revenue and Taxation Code; or has been convicted of a felony or a crime involving moral turpitude arising out of or in connection with any business licensed under this code; or has purchased, or concealed, or had in his possession, or has otherwise acquired or disposed of a vehicle, knowing the same to be stolen; or has failed to meet and maintain the requirements for issuance of an automobile dismantler license and certificate and special plates as provided for in this code; or has failed to pay within 30 days after written demand from the department any fees or penalties due on vehicles acquired for dismantling.

Every hearing as provided for in this chapter shall be pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 14 Section 11510 of said code is amended to read:

11510. The department may, pending a hearing, temporarily suspend or refuse to renew the license and certificate and special plates issued to an automobile dismantler for a period not to exceed 30 days if the director finds that such action is required in the public interest. In any such case a hearing shall be held and a decision thereon issued within 30 days after notice of temporary suspension.

Every hearing as provided for in this section shall be pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 15. Section 11511 of said code is repealed.

SEC. 16. Section 11511 is added to said code, to read:

11511. In any administrative disciplinary proceeding to revoke, suspend, or refuse to renew an automobile dismantler license, proof that a vehicle reported stolen to a law enforcement agency was thereafter found in the possession of, or upon

the premises of a licensed automobile dismantler shall constitute in evidence a prima facie presumption that such licensee had knowledge that such vehicle was stolen. This presumption may be rebutted by satisfactory evidence that the licensee made reasonable inquiry to ascertain that the person from whom he bought or received the said vehicle had the legal right to sell or deliver the said vehicle to the licensee, that he had properly reported acquisition of the vehicle as required by this code, and that he has maintained business records sufficient to identify the vehicle.

SEC. 17. Section 11512 of said code is amended to read:

11512. (a) Upon refusal of the department to issue a license and certificate and special plates to an automobile dismantler the applicant shall be entitled to demand in writing a hearing before the director or his representative within 60 days after notice of refusal.

(b) The hearing shall be conducted pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code

SEC. 18. Section 11513 of said code is amended to read:

11513. The department shall not issue an automobile dismantler's license and certificate to any applicant therefor who has not an established place of business as is defined in this code. Should the automobile dismantler change the site or location of his established place of business, he shall immediately upon making such change so notify the department. Should the automobile dismantler for any reason whatsoever, cease to be in possession of an established place of business, as in this code defined, from and on which he conducts the business for which he is licensed, he shall immediately so notify the department and upon demand therefor by the department shall deliver up unto the department such automobile dismantler's license and certificate, automobile dismantler's special plates, and all books and forms provided by the department in his possession.

SEC. 19. Section 11514 of said code is amended to read:

11514. An automobile dismantler's established place of business and such other sites or locations as may be operated and maintained by such automobile dismantlers in conjunction with their principal established place of business shall have posted in a conspicuous place in each and every location the certificate and license issued by the department and shall have erected or posted thereon such signs or devices providing information relating to the automobile dismantler's name, the location and address of the automobile dismantler's established place of business so as to enable any person doing business with such automobile dismantler to identify him properly. Every such sign erected or posted on an established place of business, shall have an area of not less than four square feet per side displayed, and shall contain lettering of sufficient size to enable the sign to be read from a distance of at least 50 feet.

SEC. 20. Section 11516 of said code is amended to read:

11516. (a) Any automobile dismantler owning or controlling any vehicle of a type otherwise required to be registered hereunder, may operate or move the same upon the highways without subjecting the vehicle to registration or transfer, or both, solely for the purpose of moving the same from its then location to the established place of business of such automobile dismantler, if there is displayed on the vehicle special plates issued to such automobile dismantler as provided in this chapter, in addition to other license plates or permits already assigned and attached to the vehicle in the manner prescribed in Article 9 (commencing with Section 5200) of Chapter 1 of Division 3.

(b) The provisions of this section do not apply to work or service vehicles owned by an automobile dismantler.

SEC. 21. Section 11518 of said code is amended to read:

11518. The special plates, license and certificate provided for in this chapter shall be automatically canceled upon:

(a) The abandonment of the established place of business of the automobile dismantler or the change thereof without notice to the department as provided in Section 11513 of this code.

(b) The voluntary surrender for any cause by the licensee of the said special plates, license and certificate.

(c) When the person as defined in Section 470 of this code and designated as licensee has changed, except that the special plates issued to the original licensee may be transferred upon application as provided in Section 11501 and the newly designated licensee as transferee thereof shall succeed to the privileges evidenced by said plates until the expiration thereof.

(d) The failure of the licensee to file an application for renewal of the special plates, license and certificate before January 1st following the expiration date of the current special plates, license and certificate.

SEC. 22. Section 11519 of said code is amended to read:

11519. No vehicle which has been reported dismantled may be subsequently registered until it has been inspected by the department and found to be in a safe mechanical condition and equipped with safety glass.

SEC. 23. Section 11520 of said code is amended to read:

11520. (a) Any licensed automobile dismantler who obtains actual possession as a transferee of a vehicle subject to registration hereunder for the purpose of dismantling, shall within twenty-four (24) hours forward notification on an appropriate form, to the department at its headquarters in Sacramento, of acquiring such vehicle and at the same time a copy of said form shall be forwarded to the California Highway Patrol at it headquarters in Sacramento and to local enforcement agencies when required by local ordinance. A copy of such form shall also be forwarded to the legal owner if known to the dismantler.

(1) A period of seven (7) days, exclusive of Saturdays, Sundays, and holidays set forth in Sections 6700 and 6701 of the Government Code, shall elapse following the forwarding of the notification before the dismantling shall begin, unless earlier permission has been received from the department as provided in subdivision (b) of this section, except that vehicles acquired under the provisions of Section 3072 or 3073 of the Civil Code shall not be dismantled until permission has been received from the department.

(2) Within 90 days of the date of taking possession, a licensed automobile dismantler shall surrender, or show diligent effort to secure and surrender, to the department the documents evidencing ownership, and the license plates last issued for each vehicle acquired for dismantling purposes.

(b) Any person desiring to dismantle any vehicle subject to registration hereunder shall surrender to the department the report as required, the certificate of ownership, registration card, and the license plate or plates last issued therefor, and thereby make application for a transfer of ownership, but such person shall not dismantle the vehicle until permission has been received from the department, except as provided in subdivision (a)(1) of this section. Any person who complies with this subdivision within 24 hours from the time of obtaining actual possession as a transferee of a motor vehicle subject to registration, exclusive of Saturdays, Sundays, and holidays set forth in Sections 6700 and 6701 of the Government Code, or any person who receives a vehicle under a bill of sale conforming to subdivision (b) of Section 11515 from an insurance company, shall be exempt from the requirements of the first paragraph and paragraph (1) of subdivision (a) of this section.

(1) When the department has received the report when required, the certificate of ownership from such person, the registration card and last issued license plate or plates as required herein, the transfer shall be deemed complete and no transfer fee or prior unpaid transfer fee shall be paid.

(2) When the transferee of a vehicle is an automobile dismantler who acquired the same for the purpose of dismantling the same, and when said transferee shall report the vehicle for the purpose of dismantling as required by subdivision (b) of this section, then said transferee shall not be required to file an affidavit of nonoperation and shall not be required to pay fees as would otherwise be required if said vehicle were to be registered for operations on the highways of this State.

(c) Automobile dismantlers licensed hereunder shall maintain a record of all vehicles acquired for dismantling, which shall contain the name and address of the person from whom such vehicle was purchased or acquired and the date thereof, the registration number last assigned to the vehicle and a brief description of the vehicle, including insofar as the hereinafter specified data may exist with respect to a given vehicle, the make, type, serial number and the identifying number used for registration purposes.

(d) It shall be prima facie evidence that an identifiable vehicle in a dismantled condition has been so partially dismantled by the person having possession thereof.

(e) Any person who violates this section is guilty of a misdemeanor. Any person not licensed under the provisions of this chapter who is convicted under this section shall be punished upon a first conviction by imprisonment in the county jail for not less than five days nor more than six months or by a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500) or by both such fine and imprisonment and upon a second or any subsequent conviction by imprisonment in the county jail for not less than 30 days nor more than one year or by a fine of not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000) or by both such fine and imprisonment.

SEC. 24. Section 11521 of said code is amended to read:

11521. The provisions of Section 4457, 4458, and 4459 shall not apply when a vehicle is reported for dismantling. However, any person desiring to dismantle such vehicle shall, in accordance with Section 11520, surrender to the department the certificate of ownership, registration card, and license plate or plates last issued for such vehicle In event the person so reporting is unable to furnish the certificate of ownership, registration card, and license plate or plates last issued to the vehicle, or any of them, the department may receive such report and application, examine into the circumstances of the case, and may require the filing of suitable affidavits, or other information or documents. No duplicate certificate of ownership, registration card, license plate or plates will be issued when a vehicle is reported for dismantling and no fees shall be required for the aforesaid affidavit or any stolen, lost or damaged certificate, card, plate or plates of duplicates thereof, unless the vehicle is subsequently registered in accordance with Section 11519.

CHAPTER 1107

An act to add Section 18683 to the Business and Professions Code, relating to boxing.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 18683 is added to the Business and Professions Code, to read:

18683. If any boxer whose license has been suspended because he has been knocked out, or because of any physical injury which he has suffered, engages as a contestant in any boxing contest or match in any other jurisdiction during the period of the suspension of his license, his license shall be

revoked by the commission. If the manager who represented in any way the interest of the boxer in procuring, or with respect to the arrangement or conduct of, the boxing contest or match is licensed in this State, the commission shall also revoke the license of the manager.

All persons who have had their licenses revoked pursuant to this section shall be entitled to a hearing before the Athletic Commission pursuant to Section 18682.6. At said hearing the commission shall determine the merits of said revocation and the duration thereof.

CHAPTER 1108

An act to add Chapter 4 (commencing with Section 8600) to Division 6 of the Elections Code, relating to the endorsement of candidates.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Chapter 4 (commencing with Section 8600) is added to Division 6 of the Elections Code, to read:

CHAPTER 4. ENDORSEMENT OF CANDIDATES FOR PARTISAN OFFICES

8600. This chapter shall be known and may be cited as the Truth in Endorsements Law.

8601. The Legislature hereby finds the following to be true:

(1) The major political parties have become an integral part of the American governmental system requiring regulation as to their structure, governing bodies, and functions by state government in the public interest.

(2) The Legislature has found it necessary and appropriate in the regulation of political parties to create and provide for the convening of state conventions, state central committees, and county central committees for parties qualified by law to participate in the direct primary election, by statute.

(3) Over the several years preceding the adoption of this section organizations of electors using as a part of their names the name of a political party qualified to participate in the direct primary election have endorsed candidates for nomination of that party for partisan office in the direct primary election and have publicized and promulgated such endorsements in a manner which has resulted in considerable public doubt and confusion as to whether such endorsements are those of a private group of citizens or of an official governing body of a political party.

(4) The voting public is entitled to protection by law from deception in political campaigns in the same manner and for

the same reasons that it is entitled to protection from deception by advertisers of commercial products.

8602. The state convention, state central committee, and the county central committee in each county are the official governing bodies of a party qualified to participate in the direct primary election. The state convention, state central committee, and the county central committee in each county shall not endorse, support, or oppose, any candidate for nomination by that party for partisan office in the direct primary election. No candidate for such nomination shall claim, nor shall any other person claim on his behalf, that he is the official candidate or the officially endorsed candidate of that party.

8603. Every advertisement, bill, placard, pamphlet or other printed or duplicated matter having reference to any candidate for nomination for partisan office in the direct primary election, which contains a statement or words to the effect that the candidate has been endorsed or is being supported by a political party, political party organization, or organization using as a part of its name the name of a political party or derivative thereof, shall bear on each surface, page, or fold thereof on which such statement or words appear, or on the front and back surface thereof, in type or lettering at least half as large as the type or lettering of such statement or words or in 10-point roman type, whichever is larger, in a printed or drawn box and set apart from any other printed matter, the following statement:

NOTICE TO VOTERS
(Required by law)

The endorsement hereon is by an unofficial political group. Official organizations of the (name) Party are prohibited by law from endorsing candidates in primary elections.

Nothing in this section shall be construed to apply to any news item, comment, or article, for which no consideration, direct or indirect, is paid by or on behalf of any candidate or committee, and which is published in any regularly published newspaper or magazine which in the ordinary course of business publishes political news items, comments, or articles.

8604. Notwithstanding any provision of Section 8603, in the case of any post card published and circulated by or in behalf of any committee or organization using as a part of its name the name of qualified political party or derivative thereof, which post card is not folded and consists of only two surfaces, on one or both of which surfaces appear a statement or words as described in Section 8603 with reference to a candidate or group of candidates in the direct primary election, the requirements of Section 8603 shall be satisfied if there

is printed on both surfaces thereof the words "published by", followed by the name of the committee or organization printed in not less than 10-point boldface type, followed by the words " , an unofficial political group" printed in not less than 10-point boldface type, provided that this section shall not be construed so as to modify the requirements of Section 11592, and further provided that this section shall not apply to any matter which bears the word "official" followed by the name of the party or derivative thereof, or the words "officially endorsed", or to any matter which violates the provisions of Section 8602.

8605. The requirements of Section 8603 shall apply to any paid political advertisement intended for broadcast or telecast by radio or television, except that the "Notice to Voters" required by Section 8603 shall be read in full instead of printed.

8606. In addition to any other penalty, no payment shall be made or allowed to any person in consideration for his having prepared, printed, published, or circulated, or assisted in the preparation, printing, publishing, or circulating of any advertisement, bill, placard, poster, or other printed or duplicated matter in violation of Section 8603. Any person who knowingly pays or receives a payment in violation of this section is guilty of a misdemeanor.

The superior court, in any case brought before it by any registered voter, may issue a temporary or permanent restraining order or injunction against the publication, printing, circulation, posting, broadcasting, or telecasting of any matter in violation of this chapter, and all cases of this nature shall be in a preferred position for purposes of trial and appeal, so as to assure the speedy disposition thereof.

CHAPTER 1109

An act to amend Section 69894.1 of the Government Code, relating to officers and employees of the superior court in counties of over 6,000,000 population.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 69894.1 of the Government Code is amended to read:

69894.1. In each county with a population of over 6,000,000 a majority of the judges of the superior court may appoint the following officers and employees whose salaries shall be:

	Schedule
(a) Thirty-five clerks I	16
(b) Sixty clerks II	20

	Schedule
(c) Nine accounting clerks	24
(d) Forty clerks III	26
(e) One financial investigator	33
(f) Six probate checkers	32
(g) One master calendar assistant	41
(h) One probate investigator	36
(i) One jury qualification supervisor	38
(j) One chief clerk	39
(k) One court accountant	47
(*l*) Twenty-seven legal secretaries	27
(m) Thirty senior judicial secretaries	29
(n) Fourteen administrative secretaries	31
(o) One supervising judicial secretary	41
(p) One executive secretary	39
(q) One administrative assistant	35
(r) One property control assistant	34
(s) One court reporter assignment clerk	32
(t) One hundred seventy court reporters	49
(u) Ten legal research assistants	31
(v) Six law clerks	37
(w) One court statistician	39
(x) One executive assistant	47
(y) One superior court information assistant	43
(z) One personnel assistant	43
(aa) Twenty-five juvenile traffic hearing officers	41
(aab) One supervising juvenile traffic hearing officer	49
(bb) One criminal courts co-ordinator	47
(cc) One chief, jury division	53
(dd) One assistant executive officer	61
(ee) Twenty-eight counselors	37
(ff) Ten senior counselors	41
(gg) Two principal counselors	43
(hh) Fifteen conciliation counselors	47
(ii) One supervising mental health counselor	53
(jj) One supervising conciliation counselor	53
(kk) Ten probate examiners	54
(*ll*) Fifteen referees	59
(mm) One supervising referee	61
(nn) Thirty court commissioners	69
(oo) One executive officer	73
(pp) One child support co-ordinator	43
(qq) One assistant chief, jury division	47
(rr) One chief, administrative division	53
(ss) One research attorney	55
(tt) Five key punch operators	19
(uu) One intermediate tabulating machine operator	29
(vv) Ten interpreters	23
(ww) One payroll records supervisor	31
(xx) Six senior stenographic secretaries	33
(yy) One assistant supervising traffic hearing officer	45

Whenever a reference to a numbered salary schedule is made in this section that found in the salary ordinance of the County of Los Angeles shall apply. Reduction of the schedule applicable to a class by reason of the adoption of this salary plan or subsequent reclassification of positions for organizational purposes shall not result in a lower salary rate to incumbents of such positions. The court is authorized to regulate by rule the status of employees so affected.

All personnel appointed pursuant to this article shall serve at the pleasure of the court and may at any time be removed by the court in its discretion.

CHAPTER 1110

An act to add Article 14 (commencing with Section 25214.1) to Chapter 2 2, Part 2, Division 2, Title 3 of the Government Code, relating to county service areas.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963]

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

SECTION 1. Article 14 (commencing with Section 25214.1) is added to Chapter 2.2, Part 2, Division 2, Title 3 of the Government Code, to read:

Article 14. Consolidation of County Service Areas

25214.1. Proceedings for the consolidation of county service areas may be instituted by the board of supervisors on its own initiative and shall be instituted by the board when:

(a) A written request therefor, signed by two members of the board, is filed with the board, or

(b) A petition requesting the institution of such proceedings and signed by the requisite number of registered voters residing within the areas is filed with the board.

25214.2. A petition requesting the institution of proceedings for the consolidation of county service areas shall:

(a) Name the county service areas and request that proceedings be instituted for their consolidation.

(b) Name the type or types of extended services which are authorized to be provided within the areas.

(c) Be signed by not less than 10 percent of the registered voters residing within each of the areas. If the board of supervisors finds that the petition is signed by the requisite number of registered voters residing within each of the areas, that finding shall be final and conclusive.

25214.3. Within 40 days after either a written request by two members of the board, or a petition requesting the institution of proceedings for the consolidation of county service

areas is filed with it, the board of supervisors shall adopt a resolution of intention to consolidate the areas containing at least the matter hereinafter specified.

25214.4. Proceedings for the consolidation of county service areas shall be instituted by the adoption of a resolution of intention to consolidate the areas which shall:

(a) Name the areas and describe generally the territory included within the areas.

(b) Name the type or types of extended service which are authorized to be provided within the areas.

(c) Fix a time and place for a public hearing on the consolidation of the areas which shall not be less than 30 nor more than 60 days after the adoption of the resolution.

25214.5. The clerk of the board of supervisors shall give notice of the hearing in the same manner and within the same time as provided for the giving of notice of a hearing on a resolution of intention to establish a county service area.

The notice shall:

(a) Contain the text of the resolution.

(b) State the time and place of the hearing.

(c) State that at the hearing the testimony of all interested persons or taxpayers for or against the consolidation of the areas will be heard.

25214.6. At the hearing protests against the consolidation of the areas may be made orally or in writing by any interested persons or taxpayers. Any protests pertaining to the regularity or sufficiency of the proceeding must be in writing and must clearly set forth the irregularity or defects to which objection is made. All written protests must be filed with the clerk of the board of supervisors on or before the time fixed for the hearing. The board of supervisors may waive any irregularities in the form or content of any written protests and at the hearing may correct minor defects in the proceedings. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

25214.7. The hearing may be continued from time to time but must be completed within 30 days. At the conclusion of the hearing the board of supervisors may abandon the proceedings or may, after passing upon all protests, by resolution order the consolidation of the areas and fix the effective date thereof which shall not be later than June 30th of the fiscal year in which the resolution is adopted.

25214.7a. If 50 percent or more of the registered voters residing within any one of the areas proposed to be consolidated, or the owners of one-half or more of the value of the land and improvements in any one of the areas proposed to be consolidated as shown by the last equalized assessment roll, file written protests against the consolidation, the board shall abandon the consolidation proceedings.

25214.8. If prior to the adoption of the resolution of consolidation the board of supervisors determines that the proceedings prior thereto were valid and in conformity with the

requirements of this chapter, its determination shall be final and conclusive upon all persons.

25216. In the event the county service areas which are to be consolidated have indebtedness evidenced by bonds and the indebtedness is outstanding and owing on the date of the consolidation, the property within the county service area which incurred the bonded indebtedness shall continue to remain responsible for the bonded indebtedness despite the consolidation.

CHAPTER 1111

An act to amend Sections 25210.95 and 25210.98 of the Government Code, relating to county service areas.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 25210.95 of the Government Code is amended to read:

25210.95. Proceedings for the discontinuance of a county service area shall be instituted by the adoption of a resolution of intention to discontinue the area which shall:

(a) Name the area and describe generally the territory included in the area.

(b) Name the type or types of extended service which are authorized to be provided within the area and state that if the area is discontinued no extended services, as determined by the board of supervisors, will thereafter be provided within the area from the general funds of the county.

(c) Fix a time and place for a public hearing on the discontinuance of the area which shall not be less than 30 nor more than 60 days after the adoption of the resolution.

SEC. 2. Section 25210.98 of said code is amended to read:

25210.98. The hearing may be continued from time to time but must be completed within 30 days. At the conclusion of the hearing the board shall find and determine the extended county services which are at that time being provided in the area, and which are not being provided generally throughout the county. After making the finding the board of supervisors may abandon the proceedings or may, after passing upon all protests, by resolution order the discontinuance of the area and fix the effective date thereof which shall not be later than June 30th of the fiscal year in which the resolution is adopted. If the board orders the discontinuance of the area the extended county services found by the board to be such services which are not being provided generally throughout the county shall not thereafter be provided to the area from general funds of the county. Upon the discontinuance of a county service area any unencumbered funds standing to the credit of the county service area in the county treasury, shall be transferred to the general fund of the county.

CHAPTER 1112

An act to add Section 25210.8 to the Government Code, relating to county service areas.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 25210.8 is added to the Government Code, to read:

25210.8. Notwithstanding any other provision in this chapter, the board of supervisors may establish zones within any county service area with tax rates varying with the extent of benefit to each zone derived from services provided to the property within each zone.

CHAPTER 1113

An act to add Section 25210.7 to the Government Code, relating to county service areas.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 25210.7 is added to the Government Code, to read:

25210.7. Notwithstanding any other provision of this chapter, the board of supervisors may levy and collect taxes for any appropriation for contingencies to be used for expenses for maintenance and operation of any services within a county service area.

CHAPTER 1114

An act to add Article 13 (commencing with Section 25213.1) to Chapter 2.2, Part 2, Division 2, Title 3 of the Government Code, relating to county service areas.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Article 13 (commencing with Section 25213.1) is added to Chapter 2.2, Part 2, Division 2, Title 3 of the Government Code, to read:

Article 13. Withdrawal of a Portion of a County Service Area

25213.1. Proceedings for the withdrawal of a portion of a county service area may be instituted by the board of supervisors on its own initiative and shall be instituted by the board when:

(a) A written request therefor, signed by two members of the board, is filed with the board.

(b) A petition requesting the institution of such proceedings and signed by the requisite number of registered voters residing within the portion of the area to be withdrawn is filed with the board.

25213.2. A petition requesting the institution of proceedings for the withdrawal of a portion of a county service area shall:

(a) Name the county service area, designate the portion of the area to be withdrawn and request that proceedings be instituted for such withdrawal.

(b) Name the type or types of extended services which are authorized to be provided within the portion of the area to be withdrawn and state that it is understood that upon the withdrawal of the portion of the area such extended services shall not thereafter be provided within such portion under this chapter.

(c) Be signed by not less than 10 percent of the registered voters residing within the portion of the area to be withdrawn. If the board of supervisors finds that the petition is signed by the requisite number of registered voters residing within the portion of the area to be withdrawn, that finding shall be final and conclusive.

25213.3. Within 40 days after either a written request by two members of the board, or a petition requesting the institution of proceedings for the withdrawal of a portion of a county service area is filed with it, the board of supervisors shall adopt a resolution of intention to withdraw such portion of the area containing at least the matter hereinafter specified.

25213.4. Proceedings for the withdrawal of a portion of a county service area shall be instituted by the adoption of a resolution of intention to withdraw such portion of the area which shall:

(a) Name the area and describe generally the territory included within the portion of the area to be withdrawn.

(b) Name the type or types of extended services which are authorized to be provided within the portion of the area to be withdrawn and state that if such portion of the area is withdrawn such services will not thereafter be provided within that portion of the area pursuant to this chapter.

(c) Fix a time and place for a public hearing on the withdrawal of the portion of the area which shall not be less than 30 days nor more than 60 days after the adoption of the resolution.

25213.5. The clerk of the board of supervisors shall give notice of the hearing in the same manner and within the same time as provided for the giving of notice of a hearing on a resolution of intention to establish a county service area. The notice shall:

(a) Contain the text of the resolution.

(b) State the time and place of the hearing.

(c) State that at the hearing the testimony of all interested persons or taxpayers for or against the withdrawal of the portion of the area will be heard.

25213.6. At the hearing protests against the withdrawal of the portion of the area may be made orally or in writing by any interested persons or taxpayers. Any protests pertaining to the regularity or sufficiency of the proceedings must be in writing and must clearly set forth the irregularity or defects to which objection is made. All written protests must be filed with the clerk of the board of supervisors on or before the time fixed for the hearing. The board of supervisors may waive any irregularity in the form or content of any written protests and at the hearing may correct minor defects in the proceedings. Written protests may be withdrawn in writing any time before the conclusion of the hearing.

25213.7. The hearing may be continued from time to time but must be completed within 30 days. At the conclusion of the hearing the board of supervisors may abandon the proceedings or may, after passing upon all protests, by resolution order the withdrawal of the portion of the area and fix the effective date thereof which shall not be later than June 30th of the fiscal year in which the resolution is adopted. The property within the area so withdrawn shall remain liable for assessment and payment of tax for its pro rata share of indebtedness evidenced by bonds outstanding and owing at the time of withdrawal.

25213.8. If 50 percent or more of the registered voters residing within the portion of the area proposed to be withdrawn, or the owners of one-half or more of the value of the land and improvements within the portion of the area proposed to be withdrawn as shown by last equalized assessment roll, file written protest against the withdrawal, the board shall abandon the withdrawal proceedings.

25213.9. If prior to the adoption of the resolution of withdrawal the board of supervisors determines that the proceedings prior thereto were valid and in conformity with the requirements of this chapter, its determination shall be final and conclusive upon all persons.

25213.11. This article shall not affect any other provisions of law providing for withdrawal of portions of county service areas.

CHAPTER 1115

An act to amend Sections 25210.17a, 25210.34a, and 25210.84a of the Government Code, relating to county service areas.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 25210.17a of the Government Code is amended to read:

25210.17a. If 50 percent or more of the registered voters residing within the territory proposed to be included in the area, or the owners of one-half or more of the value of the land and improvements in the territory proposed to be included in the area, as shown by the last equalized assessment roll, file written protests against the establishment of the area, the board shall abandon the proposed establishment of the county service area.

If such majority protest of the registered voters or of assessed property owners is against only the furnishing of a specified type or types of extended service within the area, those types of service shall be eliminated from the resolution finally establishing the area.

SEC. 2 Section 25210.34a of said code is amended to read:

25210.34a. If 50 percent or more of the registered voters residing within the area, or the owners of one-half or more of the value of the land and improvements in the territory included in the area as shown by the last equalized assessment roll, file written protests against the furnishing of any specified type or types of extended service within the area, those types of service shall be eliminated from the resolution ordering additional types of extended service to be provided within the area.

SEC. 3. Section 25210.84a. of said code is amended to read:

25210.84a. If 50 percent or more of the registered voters residing within the territory proposed to be annexed to the area, or the owners of one-half or more of the value of the land and improvements in the territory proposed to be annexed to the area as shown by the last equalized assessment roll, file written protests against the annexation, the board shall abandon the annexation proceedings

CHAPTER 1116

An act to amend Section 5 of the Contra Costa County Water Agency Act (Chapter 518, Statutes of 1957), relating to the Contra Costa County Water Agency.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 5 of the Contra Costa County Water Agency Act (Chapter 518, Statutes of 1957) is amended to read:

Sec. 5. (a) The chairman of the board of supervisors of the county shall be the chairman of the board of the agency and shall preside at all meetings of the board and in the case of his absence or inability to act, the remaining members of the board present shall select one of their number to act as chairman temporarily.

(b) The county clerk shall be the secretary of the agency. The members shall appoint an attorney and an engineer who may be employees of the county and may appoint such other officers, agents and employees who may be employees of the county as the board in its judgment may deem necessary, prescribe their duties and fix their compensation. All officers, agents or employees of the board or agency shall hold office at the pleasure of the board.

CHAPTER 1117

An act to amend Sections 5515, 5527, 5532, 5533, 5536, 5540, 5541, 5549, 5550, 5554, 5563, and 5594 of, and to add Sections 5534.5, 5544.1, 5561.5, and 5561.6 to, the Public Resources Code, relating to regional park districts.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 5515 of the Public Resources Code is amended to read:

5515. Before calling the election the board of supervisors shall divide the proposed district into five or seven wards or subdistricts, the boundaries of which shall be so drawn that each contains approximately an equal number of electors.

The municipalities and any other territory included in the proposed district may be divided for the purpose of establishing the boundaries of the wards or subdistricts, if no election precinct is divided.

SEC. 2. Section 5527 of said code is amended to read:

5527. The government of each district shall be vested in a board of five or seven directors, one from each of the wards or subdistricts, together with the other officers mentioned in this article. Directors shall be residents and electors of the wards or subdistricts from which they are nominated. They shall be elected at large, and every qualified elector in the district may vote for all of the directors to be elected.

SEC. 3. Section 5532 of said code is amended to read:

5532. Except as otherwise provided in this section, the provisions of Sections 6830 and 6831 of the Elections Code and of Sections 5, 6 and 10 of the Direct Primary Law as the latter existed in 1926 shall substantially govern as to the manner of appointment of verification deputies, the form of nomination papers and the securing of signatures and fastening together of sections of the nomination paper containing the signatures, the filing of the candidate's affidavit, the payment of filing fees, and all other things necessary to get the name of the candidate upon the ballot.

Verification deputies may obtain signatures to the nomination paper of any candidate at any time not more than 85 days nor less than 60 days prior to the election, and all nomination papers shall be filed with the secretary of the district not more than 80 days nor less than 60 days before the day of election and shall be examined by him.

The election shall be consolidated with the general election as to territory which is the same, and the secretary of the district shall certify the names of all candidates to be placed upon the ballot to the county clerk or county clerks within the territory affected by the consolidation at least 53 days prior to the date of the election.

Upon the filing of a sufficient nomination paper and affidavit by any candidate, the name of the candidate shall go upon the ballot at the ensuing general election. Upon receipt of the returns of the canvass by the respective boards of supervisors, the directors of the district shall meet and determine results of the election and declare the candidate or candidates elected.

The secretary of the district shall issue certificates of election, signed by him and duly authenticated, immediately following the determination of the result of the election by the directors of the district.

The oath of office shall be taken, subscribed, and filed with the secretary of the district within 30 days after the officer has notice of his election or appointment or before the expiration of 15 days before the commencement of his term of office. No other filing is required.

SEC. 4. Section 5533 of said code is amended to read:

5533 Of the directors elected at the next general state election following the election at which the district is created, those three elected by the highest vote in a five-ward district, or those four elected by the highest vote in a seven-ward district, shall hold office for four years, and the other two in a

five-ward district and the other three in a seven-ward district for two years, and until their successors are elected and qualified. Thereafter, at each biennial general election, a number of directors corresponding to the number whose term of office expires shall be elected for terms of four years. The terms shall commence on the first Monday after the first day of January next following the election.

SEC. 4.5. Section 5534.5 is added to said code, to read:

5534.5. Notwithstanding any provision in this article to the contrary, the board may at any time by ordinance alter the existing boundaries of the wards or subdistricts and create new wards or subdistricts for the purpose of increasing the number of the board of directors.

SEC. 5. Section 5536 of said code is amended to read:

5536. The board shall establish rules for its proceedings and may provide by ordinance or resolution that each of its members shall receive for each attendance at the meetings of the board the sum of twenty-five dollars ($25). They shall not receive any other compensation, and a director shall not receive pay for more than two meetings in any one calendar month.

The board of directors shall fill all vacancies on the board, including those caused by the death or resignation of a member, or the establishment of a new ward; but whenever a vacancy exists for 30 days the Governor shall fill the vacancy. The person appointed to fill any vacancy shall hold office for the remainder of the unexpired term of his predecessor, except in the appointment of a person for a newly created ward, in which case such person shall hold office until the next general state election, and his successor is elected and qualified.

SEC. 6. Section 5540 of said code is amended to read:

5540. It may take by grant, appropriation, purchase, gift, devise, condemnation, or lease, and may hold, use, enjoy, and lease or dispose of real and personal property of every kind, and rights in real and personal property, within or without the district, necessary to the full exercise of its powers.

A district may not validly convey any interest in any real property actually dedicated and used for park purposes without the consent of a majority of the voters of the district voting at a special election called by the board and held for that purpose. Consent need not first be obtained for a lease of any real property for a period not exceeding 25 years; and consent need not first be obtained for a transfer of any real property if the Legislature by concurrent resolution authorizes a transfer after a resolution of intention has been adopted by at least a two-thirds vote of the board of directors of the district, specifically describing the property to be conveyed.

SEC. 6.5. Section 5541 of said code is amended to read:

5541. A district may plan, adopt, lay out, plant, and otherwise improve, extend, control, operate, and maintain a system of public parks, playgrounds, golf courses, beaches, parkways, scenic drives, boulevards, and other facilities for public recre-

ation, for the use and enjoyment of all the inhabitants of the district, and it may select, designate, and acquire land, or rights in land, within or without the district, to be used and appropriated for such purposes. It may cause such parkways, scenic drives, and boulevards to be opened, altered, widened, extended, graded or regraded, paved or repaved, planted or replanted, repaired, and otherwise improved. may conduct programs and classes in outdoor science education and conservation education, and may do all other things necessary or convenient to carry out the purposes of this article.

The board of directors of a district shall not interfere with control of any existing public park, playground, beach, parkway, scenic drive, boulevard, or other public property, owned or controlled by a municipality or county in the district, except with the consent of the governing body of the municipality, or of the county if the same is in unincorporated territory, and upon such terms as may be mutually agreed upon between the board of directors of the district and the governing body.

SEC. 7. Section 5544.1 is added to said code, to read:

5544.1. Notwithstanding any other provisions of this article, the board may borrow money by issuance of promissory notes or other evidences of indebtedness in an amount or of a value not exceeding in the aggregate at any one time the sum of two hundred thousand dollars ($200,000) or 5 percent of the assessed valuation of the real and personal property situated in the district, whichever is the lesser amount, to be used for any revenue-producing purpose for which the district is authorized to expend funds.

Indebtedness incurred pursuant to this section shall be repaid in approximately equal annual installments during a period not to exceed five years from June 30th of the fiscal year in which it is incurred and shall bear interest at a rate not exceeding six percent (6%) per annum payable annually or semiannually or in part annually and in part semiannually.

Each such indebtedness shall be authorized by a resolution of the board unanimously adopted, and shall be evidenced by a promissory note or contract signed by the president of the board and attested by the secretary.

The indebtedness authorized to be incurred by this section shall be in addition to, and the provisions of this section shall not apply to, any bonded indebtedness authorized by vote of the electors.

SEC. 8. Section 5549 of said code is amended to read:

5549. The district manager has the following administrative and executive functions, powers, and duties. He shall:

(a) See that the provisions of this article and all ordinances and regulations of the district are enforced.

(b) Exercise supervision and control over all departments and offices of the district.

(c) Attend all meetings of the board unless excused by the board.

(d) Submit to the board for adoption such measures, ordinances, and regulations as he deems necessary or expedient.

(e) See that all terms and conditions imposed in favor of the district or its inhabitants in any contract are faithfully kept and performed, and call any violations to the attention of the board and to the police department.

(f) Prepare and submit the annual budget to the board, and perform such other duties as may be imposed by this article or by the board.

With the approval of the board, the district manager may bind the district, without advertising and without written contract, for the payment for supplies, labor, or other valuable consideration furnished to the district, in amounts not exceeding two thousand dollars ($2,000). All purchases shall be reported to the board of directors at its next regular meeting.

SEC. 9. Section 5550 of said code is amended to read:

5550. The superintendent shall, under the direction and supervision of the district manager, have full charge of the construction of the improvements and of the maintenance and operation of all property of the district. He shall report to the district manager and the board as requested, and shall perform such other duties as may be imposed upon him by this article, the board, or the district manager.

SEC. 10. Section 5554 of said code is amended to read:

5554. The board, at its first meeting following the end of its fiscal year, shall render and immediately cause to be published at least once, in a newspaper of general circulation printed and published in the district, a verified statement of the financial condition of the district, showing particularly the receipts and disbursements of the last preceding year, together with the source of the receipts and the purpose of the disbursements.

SEC. 11. Section 5561.5 is added to said code, to read:

5561.5. The board may provide by resolution or regulation for the care, restitution, sale, or destruction of unclaimed property in the possession of the district. Any resolution or regulation adopted pursuant to this section shall provide therein (1) that such unclaimed property shall be held by the district for a period of at least six months, (2) that thereafter such property will be sold at public auction to the highest bidder, and (3) that notice of such sale shall be given by the board at least five days before the time therefor by publication once in a newspaper of general circulation published in the district. The board may dispose of any such property upon which no bid is made at any such sale.

SEC. 11.5. Section 5561.6 is added to said code, to read:

5561.6. The district shall be primarily responsible for the prevention and suppression of all fires on any lands in its possession or control, excluding all lands of a district located within the exterior boundaries of any municipality or other fire protection district.

For the purposes of the prevention and suppression of fires on such lands, the board may enter into co-operative mutual aid agreements with the federal government, the State, any municipality, county or district, or any person, corporation or association.

SEC. 12. Section 5563 of said code is amended to read:

5563. If, in the opinion of the board, any land or property owned by the district, or any interest therein, becomes unnecessary for the purposes of the district, the board may, subject to the provisions of Section 5540, sell such lands or property, or interest therein. When land or property is temporarily unnecessary for park purposes, it may be leased for nonpark purposes for a term not exceeding 25 years with an express provision in the lease that should the board by ordinance determine to use the lands for park or other district purposes, the lease shall thereby be terminated. The proceeds of any sale or lease of lands or property, or any interest therein, shall be used for and applied to such purposes of the district as the board may, by resolution, determine.

SEC. 13. Section 5594 of said code is amended to read:

5594. All contracts for furnishing materials or supplies, or for constructing any building, structure, or improvement, when the expenditures will exceed the sum of two thousand dollars ($2,000), shall be let to the lowest responsible bidder, after notice inviting bids, published in a newspaper in the district at least one week before the time of receiving bids. The board of directors may reject all bids and readvertise, or by a four-fifths vote may elect to purchase the materials or supplies in the open market, or to construct the building, structure, or improvement by force account.

CHAPTER 1118

An act to add Section 57 to the Elections Code, relating to legally qualified candidates.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 57 is added to the Elections Code, to read:

57. No person shall be considered a legally qualified candidate for any office or party nomination for a partisan office under the laws of this State unless he has filed a declaration of candidacy or declaration of acceptance of nomination with the proper official for the particular election or primary, or is entitled to have his name placed on a general election ballot by reason of having been nominated at a primary election

or having been selected to fill a vacancy on the general election ballot as provided in Section 6655 of this code.

This section shall not be construed to prevent a voter from writing in the name of any person for an office at a primary or general election, or from having such vote counted.

It is the intent of the Legislature, in enacting this section, to enable the Federal Communications Commission to determine who is a "legally qualified candidate" in this State for the purposes of administering the provisions of Section 315 of the Communications Act of 1934.

CHAPTER 1119

An act to add Section 70046.2 to the Government Code, relating to compensation of official reporters and fees.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 70046.2 is added to the Government Code, to read:

70046.2. In a county with a population of over 350,000 and not over 390,000, as determined by the 1960 federal decennial census, each reporter shall be paid an annual salary of nine thousand six hundred dollars ($9,600) and each pro tempore reporter shall be paid thirty-five dollars ($35) per day for the days he actually is on duty under order of the court. In such a county, the fee required by Section 70053 shall be seven dollars and fifty cents ($7.50).

CHAPTER 1120

An act to amend Section 689b of the Code of Civil Procedure, relating to execution of civil judgments.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 689b of the Code of Civil Procedure is amended to read:

689b. (1) Where the property levied upon is a vehicle required to be registered with the Department of Motor Vehicles or a vessel required to be registered with the Division of Small Craft Harbors, the officer shall forthwith determine from the department or division, as the case may be, the name and address of the legal owner of the vehicle or vessel and shall notify

any such legal owner who is not also the registered owner of such vehicle or vessel of the levy by registered mail or certified mail or personal service.

(2) A seller or mortgagee may file with the officer levying on personal property a verified written claim, together with a copy thereof, containing a detailed statement of the sales contract or mortgage and the total amount of sums due or to accrue to him under the contract or mortgage, above setoffs, with interest to date of tender, and also stating therein his address within this State for the purpose of permitting service by mail upon him of any notice in connection with said claim. The officer making the levy may demand and exact the payment or undertaking herein provided for, notwithstanding any defect, informality or insufficiency of the verified claim delivered to him.

(3) Within five days after being served with such verified claim the officer levying on such property must make demand by registered mail or certified mail on the plaintiff or his attorney for the amount of the claimed debt and interest due to date of tender or the delivery to the officer of an undertaking and statement as hereinafter provided, which demand shall include the copy of such claim.

(4) Within five days after receipt by the plaintiff or his attorney of such officer's demand the plaintiff shall deposit with the officer the amount of such debt and interest or deliver the undertaking and statement hereinafter provided, or the levying officer must release the property.

(5) Within five days after receipt by him of such deposit the officer must pay or tender same to the seller or mortgagee; provided, that should such deposit be made by check the officer shall be allowed a reasonable time for check to clear.

(6) If the tender is accepted, all right, title, and interest of the seller or mortgagee in the property levied upon shall pass to the party to the action making the payment.

(7) If the tender is refused, the amount thereof shall be deposited with the county treasurer, payable to the order of the seller or mortgagee.

(8) Until such payment or deposit covering such claim is made, or the undertaking and statement herein provided delivered to the officer, the property cannot be sold under the levy; but when made (and also in case the seller or mortgagee fails to render his claim within 30 days after the personal service upon him of a written demand therefor, which service must be attested by the certificate of the serving officer, filed before the sale with the papers of the action wherein the attachment or execution was issued), then the officer must retain the property, and, in the case of an execution sell it in the manner provided by law, free of all liens or claims of the seller or mortgagee. Such written demand of the levying officer may be served by him, or for him by any sheriff, marshal, or constable whose office is closer to the place of service,

and whose fees and mileage shall be paid out of the prepaid fees in the possession of the levying officer.

(9) When an attachment or execution creditor presents to the officer, within the time allowed from the officer's demand, a verified statement that the sales contract or mortgage is void or invalid for the reasons specified therein, and delivers to the officer a good and sufficient undertaking in double the amount of the indebtedness claimed by the seller or mortgagee or double the value of the personal property as the officer may determine and require, the officer shall retain the property and in case of an execution sell it in the manner provided by law, free of all liens or claims of the seller or mortgagee.

The undertaking shall be made to the seller or mortgagee and shall indemnify him for the taking of the property against loss, liability, damages, costs and counsel fees. Exceptions to the sufficiency of the sureties and their justification may be had and taken in the same manner as upon an undertaking on attachment.

If such undertaking be given, such officer shall not be liable for damages to any such claimant for the taking, keeping, or sale of such property in accordance with the provisions of this code.

(10) Whenever a verified claim herein is delivered to the officer as herein provided, upon levy of execution or attachment (whether any undertaking hereinabove mentioned be given or not), the plaintiff, or the person in whose favor the writ runs, the claimant, or any one or more such joint claimants, shall be entitled to a hearing in the court in which the action is pending or from which the writ issued for the purpose of determining the validity of such sales contract or chattel mortgage. Such hearing may be had and taken, and stay of execution or other order made in the same manner as on third party claims under Section 689 of this code. At the conclusion of the hearing the court shall give judgment determining the validity of the claim under the sales contract or chattel mortgage which shall be conclusive between the claimant and the plaintiff, or other person in whose favor the writ runs. The court in which the action is pending, or which issued such writ, shall have original jurisdiction in all proceedings under this section.

If the property shall have been released by the officer for want of an undertaking or payment, and final judgment shall go for the plaintiff or other person in whose favor the writ runs, the officer shall retake the property on such writ, if the writ shall still be in his hands, or if the writ shall have been returned, another writ may be issued on which the officer may take such property.

CHAPTER 1121

An act to add Section 8565.5 to the Business and Professions Code, relating to structural pest control.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 8565.5 is added to the Business and Professions Code, to read:

8565.5. The board shall grant a Branch 3 structural pest control operator's license without examination to a person who prior to 1935 held a license issued by a government agency authorizing him to engage in the business of structural pest control in this State and who has, since that time, continually engaged in the business of pest control in this State.

CHAPTER 1122

An act to amend Sections 73076, 73084.1, 73084.2, 73084.3, 73084.4, 73084.5, 73085.1, 73085.2, 73085.3, 73085.4, 73085.5, 73085.6, 73085.7, 73086, 73087, 73088, 73089, 73090 and 73090.1 of the Government Code, relating to salaries of municipal court attachés.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 73076 of the Government Code is amended to read:

73076. The following salary schedule shall apply to all persons employed by municipal courts in Alameda County:

Salary Schedule

Schedule number	Step 1	Step 2	Step 3	Step 4	Step 5
27	$325	$341	$358	$376	$395
27.5	333	349	367	385	405
28	341	358	376	395	415
28.5	349	367	385	405	425
29	358	376	395	415	436
29.5	367	385	405	425	447
30	376	395	415	436	458
30.5	385	405	425	447	469
31	395	415	436	458	481
31.5	405	425	447	469	493
32	415	436	458	481	505
32.5	425	447	469	493	517

Schedule number	Step 1	Step 2	Step 3	Step 4	Step 5
33	436	458	481	505	530
33.5	447	469	493	517	543
34	458	481	505	530	556
34.5	469	493	517	543	570
35	481	505	530	556	584
35.5	493	517	543	570	598
36	505	530	556	584	613
36.5	517	543	570	598	628
37	530	556	584	613	644
37.5	543	570	598	628	660
38	556	584	613	644	676
38.5	570	598	628	660	693
39	584	613	644	676	710
39.5	598	628	660	693	727
40	613	644	676	710	745
40.5	628	660	693	727	763
41	644	676	710	745	782
41.5	660	693	727	763	801
42	676	710	745	782	821
42.5	693	727	763	801	841
43	710	745	782	821	862
43.5	727	763	801	841	883
44	745	782	821	862	905
44.5	763	801	841	883	927
45	782	821	862	905	950
45.5	801	841	883	927	974
46	821	862	905	950	998
46.5	841	883	927	974	1,023
47	862	905	950	998	1,048
47.5	883	927	974	1,023	1,074
48	905	950	998	1,048	1,100
48.5	927	974	1,023	1,074	1,127
49	950	998	1,048	1,100	1,155
49.5	974	1,023	1,074	1,127	1,184
50	998	1,048	1,100	1,155	1,213
50.5	1,023	1,074	1,127	1,184	1,243
51	1,048	1,100	1,155	1,213	1,274
51.5	1,074	1,127	1,184	1,243	1,306
52	1,100	1,155	1,213	1,274	1,338

SEC. 2. Section 73084.1 of said code is amended to read:

73084.1. The clerk of the municipal court for the Oakland Piedmont Judicial District shall receive a monthly salary at the rate specified in schedule number 49 of the salary schedule.

SEC. 3. Section 73084.2 of said code is amended to read:

73084.2. The clerk of the municipal court for the Alameda Judicial District shall receive a monthly salary at the rate specified in schedule number 42 of the salary schedule.

SEC. 4. Section 73084.3 of said code is amended to read:

73084.3. The clerk of the municipal court for the Berkeley-Albany Judicial District shall receive a monthly salary at the rate specified in schedule number 45 of the salary schedule.

SEC. 5. Section 73084.4 of said code is amended to read:

73084.4. The clerk of the municipal court for the San Leandro-Hayward Judicial District shall receive a monthly salary at the rate specified in schedule number 45 of the salary schedule.

SEC. 6. Section 73084.5 of said code is amended to read:

73084.5. The clerk of the municipal court for the Fremont-Newark-Union City Judicial District shall receive a monthly salary at the rate specified by schedule number 42 of the salary schedule, but shall not receive increments based on length of service in any superseded court.

SEC. 7. Section 73085.1 of said code is amended to read:

73085.1. Deputy clerks, division chiefs, shall receive a monthly salary at the rate specified in schedule number 43 of the salary schedule.

SEC. 8. Section 73085.2 of said code is amended to read:

73085.2. Deputy clerks, chief deputies, shall receive a monthly salary at the rate specified in schedule number 40 of the salary schedule.

SEC. 9. Section 73085.3 of said code is amended to read:

73085.3. Deputy clerks grade IV shall receive a monthly salary at the rate specified in schedule number 38 of the salary schedule.

SEC. 10. Section 73085.4 of said code is amended to read:

73085.4. Deputy clerks grade III shall receive a monthly salary at the rate specified in schedule number 36 of the salary schedule.

SEC. 11. Section 73085.5 of said code is amended to read:

73085.5. Deputy clerks grade II shall receive a monthly salary at the rate specified in schedule number 32 of the salary schedule, except as otherwise provided in Section 73089.

SEC. 12. Section 73085.6 of said code is amended to read:

73085.6. Deputy clerks grade I shall receive a monthly salary at the rate specified in schedule number 28 of the salary schedule. Appointments to such position shall be at step 2 of the schedule.

SEC. 12.5. Section 73085.7 of said code is amended to read:

73085.7. All deputy clerks who are required by the clerk to work a "night shift" on each regular working day of a month shall be allowed additional compensation in addition to their regular compensation otherwise provided for in this article, of two schedule numbers on the pay schedule provided in Section 73076 for each full month so worked or at an hourly rate determined by dividing the appropriate additional monthly pay by 173.33 for each hour so worked when less than the regular number of working days of such month are so worked. For the purposes of this section a "night shift" is defined as meaning all time worked by a person required by

the clerk to work at least five-eighths ($\frac{5}{8}$) of his normal daily tour of duty after 4.30 p.m. or before 8 a.m.

SEC. 13. Section 73086 of said code is amended to read:

73086. Notwithstanding any other provision of this article, until 90 days after the adjournment of the next regular session of the Legislature, whenever a higher compensation is provided for positions in the class of clerk II in the Alameda County classified service, each person holding a position in the class of deputy clerk I specified in this article shall receive correspondingly higher compensation up to but not exceeding four steps on the pay schedule provided in Section 73076, payable at the same time as that higher compensation provided in the salary ordinance of Alameda County; and whenever a higher compensation is provided for positions in the class of superior court clerk I in the Alameda County classified service, each person holding a position in the class of deputy clerk II specified in this article shall receive correspondingly higher compensation up to but not exceeding four steps on the pay schedule provided in Section 73076, payable at the same time as that higher compensation provided in the Salary Ordinance of Alameda County; and whenever a higher compensation is provided for positions in the class of superior court clerk II in the Alameda County classified service, each person holding a position in the classes of deputy clerk III, deputy clerk IV, chief deputy clerk, division chief and clerk specified in this article shall receive correspondingly higher compensation up to but not exceeding four steps on the pay schedule provided in Section 73076, payable at the same time as that higher compensation provided in the salary ordinance of Alameda County.

SEC. 14. Section 73087 of said code is amended to read:

73087. The clerk of the municipal court for the Alameda Judicial District may appoint the following deputy clerks:

(a) One deputy clerk grade IV who shall act as chief deputy.

(b) Three deputy clerks grade III.

(c) Two deputy clerks grade II.

(d) Two deputy clerks grade I.

SEC. 15. Section 73088 of said code is amended to read:

73088. The clerk of the municipal court for the Berkeley-Albany Judicial District may appoint the following deputy clerks:

(a) One chief deputy clerk.

(b) Three deputy clerks grade IV.

(c) Five deputy clerks grade III.

(d) Seven deputy clerks grade II.

(e) Two deputy clerks grade I.

SEC. 16. Section 73089 of said code is amended to read:

73089. The clerk of the municipal court for the Oakland-Piedmont Judicial District may appoint the following deputy clerks:

(a) Four deputy clerks, division chiefs, who shall be in charge of the civil division, criminal division, traffic division and accounting division.

(b) Seventeen deputy clerks grade IV.

(c) Thirteen deputy clerks grade III.

(d) Twenty-nine deputy clerks grade II; provided, that not to exceed nine (9) such deputy clerks may be assigned to perform duties as bail office tellers at the additional compensation of two schedule numbers.

(e) Fourteen deputy clerks grade I.

SEC. 17. Section 73090 of said code is amended to read:

73090. The clerk of the municipal court for the San Leandro-Hayward Judicial District may appoint the following deputy clerks:

(a) One chief deputy clerk.

(b) Five deputy clerks grade IV.

(c) Three deputy clerks grade III.

(d) Ten deputy clerks grade II.

(e) Two deputy clerks grade I

SEC. 18. Section 73090.1 of said code is amended to read:

73090.1. The clerk of the municipal court for the Fremont-Newark-Union City Judicial District may appoint the following deputy clerks:

(a) One deputy clerk grade IV, who shall act as chief deputy.

(b) Three deputy clerks grade III.

(c) Three deputy clerks grade II.

(d) One deputy clerk grade I.

CHAPTER 1123

An act to amend Section 26202 of the Government Code, relating to the destruction of county records more than two years old.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 26202 of the Government Code is amended to read:

26202. The board may authorize the destruction or disposition of any record, paper, or document which is more than two years old and which was prepared or received in any manner other than pursuant to a state statute or county charter. The board may authorize the destruction or disposition of any record, paper or document which is more than two years old, which was prepared or received pursuant to state statute or county charter, and which is not expressly required by law to be filed and preserved if the board determines by

four-fifths ($\frac{4}{5}$) vote that the retention of any such record, paper or document is no longer necessary or required for county purposes. Such records, papers or documents need not be photographed, reproduced or microfilmed prior to destruction and no copy thereof need be retained.

CHAPTER 1124

An act to amend Section 3002 of the Corporations Code, relating to share registers.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 3002 of the Corporations Code is amended to read:

3002. Every corporation for profit shall keep at the principal office, or at the office of the transfer agent, a share register, or a duplicate share register, showing the names of the shareholders and their addresses, the number and classes of shares held by each, the number and date of certificates issued for shares, and the number and date of cancellation of every certificate surrendered for cancellation. The above specified information may be kept by the corporation on punchcards, magnetic tape, or other information storage device related to electronic data processing equipment provided that such card, tape, or other equipment is capable of reproducing the information in clearly legible form for the purposes of inspection as provided in Section 3003.

CHAPTER 1125

An act to amend Sections 73872, 73873, 73874, 73876 and 73877 of, to repeal Sections 73873.1, 73874.1, 74186, 74187, 74188, 74189, 74190, and 74191 of, and to add Article 21.5 (commencing with Section 74190) to Chapter 10 of Title 8 of the Government Code, relating to municipal courts.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 73872 of the Government Code is amended to read:

73872. There shall be one clerk who shall be appointed by the judges of the court and who shall be secretary of the court. The clerk shall receive a monthly salary at a rate specified in Schedule 28 of Section 73876.

SEC. 2. Section 73873 of said code is amended to read:

73873. The clerk may appoint:

(a) Three deputy clerks, grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 21 of Section 73876.

(b) Four deputy clerks, grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 18 of Section 73876.

(c) Seven deputy clerks, grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 15 of Section 73876.

SEC. 3. Section 73874 of said code is amended to read:

73874. There shall be one marshal who shall receive a monthly salary at a rate specified in Schedule 28 of Section 73876. The marshal may appoint:

(a) Two deputy marshals, who shall be sergeants, each of whom shall receive a monthly salary at a rate specified in Schedule 25 of Section 73876.

(b) Three deputy marshals, each of whom shall receive a monthly salary at a rate specified in Schedule 23 of Section 73876.

(c) One deputy marshal clerk, grade III, who shall be a stenographer, and who shall receive a monthly salary at a rate specified in Schedule 21 of Section 73876.

(d) One deputy marshal clerk, grade I, who shall receive a monthly salary at a rate specified in Schedule 15 of Section 73876.

SEC. 4. Section 73876 of said code is amended to read:

73876. Whenever reference to a numbered salary schedule is made in any section of this article the following schedule of monthly salaries shall apply:

Schedule number	Step 1	Step 2	Step 3	Step 4	Step 5
15	$341	$358	$376	$395	$415
16	358	376	395	415	436
17	376	395	415	436	458
18	395	415	436	458	481
19	415	436	458	481	505
20	436	458	481	505	530
21	458	481	505	530	556
22	481	505	530	556	584
23	505	530	556	584	613
24	530	556	584	613	644
25	556	584	613	644	676
26	584	613	644	676	710
27	613	644	676	710	745
28	644	676	710	745	782
29	676	710	745	782	821
30	710	745	782	821	862
31	745	782	821	862	905

Schedule number	Step 1	Step 2	Step 3	Step 4	Step 5
32	862	905	950		
33	905	950	1,000		
34	950	1,000	1,050		
35	1,000	1,050	1,100		
36	1,050	1,100	1,150		
37	1,100	1,150	1,200		
38	1,150	1,200	1,250		
39	1,200	1,250	1,300		
40	1,250	1,300	1,350		

(a) Unless otherwise specifically provided each person appointed to a position, the compensation of which is fixed by reference to the salary schedule set forth in this article, shall, for the first 12 months of service, receive monthly the rate of compensation specified in the first step of the salary schedule for the position to which he is appointed. Upon the first day of the month following 12 months' continuous service in a class, the initial rate of compensation of such person shall be increased to the next higher step of the salary schedule for the position occupied. On and after the first day of the month following each ensuing 12 months of such service such compensation shall be increased to the rate specified in the next higher step of the salary schedule for the position occupied until such compensation equals the sum specified in the highest step of the schedule pertaining to such position.

(b) When any person in the service of the court is appointed or promoted to another office or position in such service compensated at a higher numbered schedule, he shall receive step 1 of such schedule if step 1 is at least one step higher than the salary received in the office or position relinquished; but if not, he shall receive initially that step of the schedule pertaining to such office or position which will provide a one-step of the schedule pertaining to such position.

(c) When any person in the service of the court is demoted to another office or position he shall receive compensation at the highest step of the salary schedule applicable to the position to which he is demoted which provides a salary not higher than that previously received by such person, except that if such demotion is due to disciplinary action, the appointing power may specify any step rate of such schedule which provides compensation not higher than that last previously received by such person.

SEC. 5. Section 73877 of said code is amended to read:

73877. Notwithstanding the provisions of Article 4 (commencing with Section 72150) of Chapter 8 of Title 8 and the provisions of this article, and in order to equalize the compensation of employees of the municipal court with the compensation paid to county employees with commensurate duties and responsibilities, upon recommendation of the judges of the court and with the approval of the Board of Supervisors of

the County of Sacramento, an officer or an attaché of the court, whether appointed under the provisions of this article or under Article 4 of Chapter 8 of Title 8, may be paid any compensation, in excess of or less than the maximum to which such employee would otherwise be entitled under the schedules set forth in this article. Any such salary adjustment shall not extend longer than ninety (90) days after the adjournment of the next general session of the Legislature.

SEC. 6. Section 73873.1 of said code is repealed.

SEC. 7. Section 73874.1 of said code is repealed.

SEC. 8. Section 74186 of said code is repealed.

SEC. 9. Section 74187 of said code is repealed.

SEC. 10. Section 74188 of said code is repealed.

SEC. 11. Section 74189 of said code is repealed.

SEC. 12. Section 74190 of said code is repealed.

SEC. 13. Section 74191 of said code is repealed.

SEC. 14. Article 21.5 (commencing with Section 74190) is added to Chapter 10 of Title 8 of said code, to read:

Article 21.5. Sacramento

74190. This article applies to the municipal court established in a district embracing the Cities of Sacramento and North Sacramento, formed by an ordinance, adopted pursuant to Section 71040 of this code, changing the boundaries of the municipal court district embracing the City of Sacramento to include the municipal court district embracing the City of North Sacramento, hereinafter referred to as a "consolidation." The consolidated court district shall be known as the Sacramento Municipal Court District.

74191. There shall be eight judges. The judges of courts superseded by consolidation of municipal court districts shall automatically succeed to judgeships of the consolidated district.

74192. There shall be one clerk who shall be appointed by the judges of the court and who shall be secretary of the court. The clerk shall receive a monthly salary at a rate specified in Schedule 33 of Section 74196. The clerk of the Municipal Court District of the City of Sacramento on the effective date of the consolidation shall succeed to this position.

74193. The clerk shall appoint:

(a) One assistant clerk who shall receive a monthly salary at a rate specified in Schedule 28 of Section 74196. The clerk of the North Sacramento Municipal Court District on the effective date of the consolidation shall succeed to this position.

(b) Two chief deputy clerks, each of whom shall receive a monthly salary at a rate specified in Schedule 26 of Section 74196. The two chief deputy clerks, or the chief deputy clerk and the deputy clerk, grade IV, whichever is applicable, of the Municipal Court District of the City of Sacramento on the effective date of the consolidation shall succeed to these two positions.

(c) Eight court clerks, each of whom shall receive a monthly salary at a rate specified in Schedule 21 of Section 74196. Four deputy clerks of the Municipal Court District of the City of Sacramento on the effective date of the consolidation shall succeed to four of the court clerk positions and two deputy clerks of the North Sacramento Municipal Court District on the effective date of the consolidation shall succeed to two of the court clerk positions.

(d) Four deputy clerks, grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 21 of Section 74196.

(e) Nineteen deputy clerks, grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 18 of Section 74196.

(f) Ten deputy clerks, grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 15 of Section 74196.

74194. There shall be one marshal, who shall be appointed by the judges of the court, and who shall receive a monthly salary at a rate specified in Schedule 33 of Section 74196. The marshal of the Municipal Court District of the City of Sacramento on the effective date of the consolidation shall succeed to this position.

74195. The marshal shall appoint:

(a) One chief deputy marshal who shall receive a monthly salary at a rate specified in Schedule 28 of Section 74196. The marshal of the North Sacramento Municipal Court District on the effective date of the consolidation shall succeed to this position.

(b) Six deputy marshals, who shall be sergeants, each of whom shall receive a monthly salary at a rate specified in Schedule 25 of Section 74196.

(c) Nine deputy marshals, bailiffs, each of whom shall receive a monthly salary at a rate specified in Schedule 23 of Section 74196.

(d) Two deputy marshals, clerk grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 21 of Section 74196.

(e) Four deputy marshals, clerk grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 18 of Section 74196.

(f) One deputy marshal, clerk grade I, who shall receive a monthly salary at a rate specified in Schedule 15 of Section 74196.

74196. Whenever reference to a numbered salary schedule is made in any section of this article the following schedule of monthly salaries shall apply:

Schedule number	Step 1	Step 2	Step 3	Step 4	Step 5
15	$341	$358	$376	$395	$415
16	358	376	395	415	436
17	376	395	415	436	458
18	395	415	436	458	481
19	415	436	458	481	505
20	436	458	481	505	530
21	458	481	505	530	556
22	481	505	530	556	584
23	505	530	556	584	613
24	530	556	584	613	644
25	556	584	613	644	676
26	584	613	644	676	710
27	613	644	676	710	745
28	644	676	710	745	782
29	676	710	745	782	821
30	710	745	782	821	862
31	745	782	821	862	905
32	862	905	950		
33	905	950	1,000		
34	950	1,000	1,050		
35	1,000	1,050	1,100		
36	1,050	1,100	1,150		
37	1,100	1,150	1,200		
38	1,150	1,200	1,250		
39	1,200	1,250	1,300		
40	1,250	1,300	1,350		

(a) Unless otherwise specifically provided each person appointed to a position, the compensation of which is fixed by reference to the salary schedule set forth in this article, shall, for the first 12 months of service, receive monthly the rate of compensation specified in the first step of the salary schedule for the position to which he is appointed. Upon the first day of the month following 12 months' continuous service in a class, the initial rate of compensation of such person shall be increased to the next higher step of the salary schedule for the position occupied. On and after the first day of the month following each ensuing 12 months of such service such compensation shall be increased to the rate specified in the next higher step of the salary schedule for the position occupied until such compensation equals the sum specified in the highest step of the schedule pertaining to such position.

(b) When any person in the service of the court is appointed or promoted to another office or position in such service compensated at a higher numbered schedule, he shall receive step 1 of such schedule if step 1 is at least one step higher than the salary received in the office or position relinquished; but if not, he shall receive initially that step of the schedule pertaining to such office or position which will provide a one-step increase in his compensation.

(c) When any person in the service of the court is demoted to another office or position he shall receive compensation at the highest step of the salary schedule applicable to the position to which he is demoted which provides a salary not higher than that previously received by such person, except that if such demotion is due to disciplinary action, the appointing power may specify any step rate of such schedule which provides compensation not higher than that last previously received by such person.

74197. Notwithstanding the provisions of Article 4 (commencing with Section 72150) of Chapter 8 of Title 8 and the provisions of this article, and in order to equalize the compensation of employees of the municipal court with the compensation paid to county employees with commensurate duties and responsibilities, upon recommendation of the judges of the court and with the approval of the Board of Supervisors of the County of Sacramento, an officer or an attaché of the court, whether appointed under the provisions of this article or under Article 4 of Chapter 8 of Title 8, may be paid any compensation in excess of or less than the maximum to which such employee would otherwise be entitled under the schedules set forth in this article Any such salary adjustment shall not extend longer than ninety (90) days after the adjournment of the next succeeding general session of the Legislature after such salary adjustment.

74198. A judge automatically succeeding to a judgeship in the consolidated district shall continue to hold office in such district for the term to which he was elected or appointed in either of the component districts and until his successor is elected and qualifies; but in no event shall such judge or his successor be elected at any election held within 18 months of the operative date or effective date, whichever is later, of the ordinance adopted by the board of supervisors fixing for the first time the boundaries of the consolidated district.

74199. The deputy clerks and deputy marshals, including sergeants, of the Municipal Court District of the City of Sacramento and the North Sacramento Municipal Court District on the effective date of the consolidation shall automatically succeed to at least the same or comparable positions in the consolidated district upon the effective date of the consolidation.

74200. Compensation and other benefits provided by law for the clerks, marshals, and other attachés of the component districts shall not be affected and shall in no event be diminished by the consolidation of the municipal court districts, and such officers and attachés shall receive and be entitled to at least the same vacation leave, sick leave, leaves of absence, and all privileges and benefits, including the right to participate in any retirement plan, or group accident, health, or life insurance plan, provided for such officers and attachés at the time the consolidation becomes effective. All such officers and attachés shall receive credit for continued service and prior

benefits to which they would otherwise be entitled. The majority of all of the municipal court judges may adopt rules for the conduct of and personnel privileges to be afforded the attachés of the court.

CHAPTER 1126

An act to add Section 13329.1 to, and to amend Sections 14001 and 14601 of, the Education Code, relating to specially credentialed teachers.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 13329.1 is added to the Education Code, to read:

13329.1. Service by a person in the public schools only as an instructor in classes organized under the Manpower Development and Training Act of 1962, shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of a school district.

SEC. 2. Section 14001 of said code is amended to read:

14001. The following persons are excluded from membership in the retirement system:

(a) Any person who shows to the satisfaction of the board, that he will be unable, by reason of the nature of his services, to become eligible to benefits thereunder.

(b) Persons employed in a status which is requisite for membership, but who are members of a county retirement system. A member who is excluded by this subdivision shall not be considered to have terminated his membership or right to a retirement allowance based on time served as a member unless he withdraws his contributions as provided in Section 14151.

(c) Persons serving as exchange teachers from outside of this State.

(d) Persons employed on a substitute basis, who are not already members when they become employed and who render less than 100 complete days of service during the school year. If, at the end of a pay period, a substitute teacher has rendered 100 or more complete days of substitute service in that school year and subsequently renders one or more complete days of such service in that school year, he shall become a member on the first day of the pay period during which such additional service was rendered.

(e) Persons not already members who are employed on a part-time basis and who will render less than 24 hours of service per pay period, or on a daily basis and who will serve less than four days per pay period.

(f) Persons not already members who are employed as instructors of adult education classes which have a duration of less than one school semester, or less than one school quarter of 12 weeks if the district operates its adult education program on that basis.

(g) Persons not already members who are employed as part-time teachers and who are concurrently employed in full-time positions as members of another retirement system, other than a local system, supported wholly or in part by public funds.

For the purposes of this section a pay period may not be less than four weeks or more than one calendar month.

(h) Persons not already members employed in the public schools only as an instructor in classes organized under the Manpower Development and Training Act of 1962.

(i) Persons not already members who are employed for less than full time in positions requiring health and development credentials, or a standard credential in designated services for health.

SEC. 3. Section 14601 of said code is amended to read:

14601. Every regular full-time teacher and every other employee of any school district for which the plan for district retirement is adopted, who is employed by the district at the time of the adoption of the plan, and who signs an agreement to be subject to the burdens of the district retirement plan, shall be entitled to the benefits and subject to the burdens of the plan and of Sections 14551 to 14698, inclusive. Every regular full-time teacher employed in the public schools of the districts after the adoption of the provisions of Sections 14551 to 14698, inclusive, by the governing boards of the districts, and such other employees as the boards or the petition determines, shall be bound by the benefits and burdens of Sections 14551 to 14698, inclusive.

This section shall not be applicable to a person employed in the public schools only as an instructor in classes organized under the Manpower Development and Training Act of 1962.

CHAPTER 1127

An act to amend Section 13059 of the Education Code, relating to school district employees.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 13059 of the Education Code is amended to read:

13059. (a) Any school district which, on the effective date of this section, had designated a title listed under Section 1537 of this code for the position of business manager, may continue

to do so both as to current employment and future employment during the effective period of this section, provided such action is otherwise authorized by law.

(b) In any school district which, on the effective date of this section, was not using a title listed under Section 1537 of this code for its business manager shall, when employing a business manager, consider all qualified applicants without reference to certification qualifications, per se.

It may, however, after employment assign a title listed under Section 1537 of this code, provided it is otherwise authorized to do so and the person so employed is a holder of the appropriate credentials.

(c) This section shall remain in effect until the 91st day after the final adjournment of the 1965 Regular Session of the Legislature, and shall have no force or effect after that date.

CHAPTER 1128

An act to amend Sections 1124.3 and 1124.4 of, and to add Section 1124.2 to, the Education Code, relating to school districts.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 1124.2 is added to the Education Code, to read:

1124.2. If the number of members of the governing board is increased from five to seven pursuant to Sections 1124.3 and 1124.4, the two additional members of the board of trustees shall be appointed by the governing board of the district, with the term of one of such appointees being designated to expire on June 30th of the next succeeding odd-numbered year and the term of the other such appointee being designated to expire on June 30th of the second succeeding odd-numbered year.

SEC. 2. Section 1124.3 of said code is amended to read:

1124.3. The augmented county committee shall have power to establish trustee areas, rearrange the boundaries of any trustee areas, abolish trustee areas and increase the number of members of the governing board from five to seven in any unified school district formed under the provisions of Chapter 10 (commencing with Section 3101) of Division 5 at any time the committee deems such action advisable. Any such proposal may also be made by a petition signed by at least five (5) qualified electors residing in the school district concerned. The petition shall be presented to the committee which shall hold at least one (1) public hearing thereon. The hearing shall be called and conducted in the manner prescribed for calling and conducting other public hearings of the county committee

except that notice thereof shall be posted at some public place in each trustee area of the school district concerned, on a prominent place in each schoolhouse, and at the place of holding the hearing.

SEC. 3. Section 1124 4 of said code is amended to read:

1124.4. (a) The resolution of the augmented county committee approving the proposal and dividing the district into trustee areas pursuant to Section 1124.3, shall constitute an order of election and the proposal shall be presented to the electors of the district at the next succeeding election for members of the governing board. The provisions of Sections 1123 and 1124 shall be applicable to the proceedings.

(b) The resolution of the augmented county committee approving the proposal and increasing the number of members of the governing board pursuant to Section 1124.3 shall constitute an order of election and the proposal shall be presented to the electors of the district at the next succeeding election for members of the governing board. The ballot shall contain the following words, properly located thereon:

"For increasing the numbers of members of the governing board in (Insert name) Unified School District from five to seven—Yes" and "For increasing the number of members of governing board in (Insert name) Unified School District from five to seven—No."

(c) If the proposal of the augmented county committee includes both the establishment of trustee areas and increasing the number of members of the governing board, there shall be two propositions on the ballot, as set forth in Section 1123 and subdivision (b) of this section; and both propositions must carry in order for the proposal to be effective.

SEC. 4. The action heretofore taken by any unified school district in increasing the number of members of the governing board of the school district from five to seven, if such action was taken as provided in Sections 1124.3 and 1124.4 of the Education Code as amended by this act, is hereby validated and shall have the same legal effect as if such action had been taken subsequent to the effective date of this act.

CHAPTER 1129

An act to add Section 4717 to the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 4717 is added to the Revenue and Taxation Code, to read:

4717. If a tax payment which is insufficient to cover the amount of taxes due and payable is received by the tax col-

lector of a county that has elected to follow the procedure authorized by this chapter, the tax collector shall place the tax payment in a trust fund and immediately notify the taxpayer of the deficiency.

In the case of a deficiency in the payment of secured taxes, the taxpayer may pay the balance due until the date on which the property is sold to the State by operation of law. If payment of the balance due is not received on or before the sale date, the insufficient payment shall be returned to the taxpayer, and sale to the State shall be made in the usual manner as provided in this code.

In the case of a deficiency in the payment of unsecured taxes, the taxpayer may pay the balance due within six months after the date of the insufficient payment. If payment of the balance due is not made within such time, the tax collector or other officer collecting unsecured taxes shall credit the amount of the insufficient payment on the unsecured roll.

If payment of the balance due is made within the time specified in this section, any delinquent penalty which attaches by operation of law shall be computed only upon the additional amount required to bring the payment to a nondelinquent status.

The county auditor shall make the necessary adjustments in the tax rolls and in the tax and penalty charges.

The tax collector may accept payments which are within one dollar ($1) of the tax due as payment in full. The auditor or controller shall prescribe methods for accounting and adjusting their accounts in this matter.

The provisions of this section shall become effective in any county when authorized by resolution adopted by majority vote of the board of supervisors of such county.

CHAPTER 1130

An act to amend Section 5092 of the Public Resources Code, relating to roadside rests.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 5092 of the Public Resources Code is amended to read:

5092. It shall be unlawful for any person to throw or deposit any substance in a roadside rest other than in a receptacle provided for that purpose. It shall be unlawful for any person to deposit in the receptacles provided for refuse in a roadside rest any refuse or waste from homes, farms, or commercial establishments, or other material which does not arise out of the use of the roadside rest by a member of the traveling

public. The violation of this section shall be a misdemeanor punishable as provided in Section 42002 of the Vehicle Code, and all of the provisions of Chapter 2 (commencing at Section 40300) of Division 17 of the Vehicle Code shall apply to an offense committed under this section the same as if such offense were made an offense by the Vehicle Code.

CHAPTER 1131

An act to add Section 34157 to the Water Code, relating to the formation of California water districts.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 34157 is added to the Water Code, to read:

34157. The proposed district may include land situated in other distinctive district agencies of the State, including other water districts organized under the provisions of this division having different plans and purposes and the object of which is not the same. The organization of any district prior to the enactment of this section and which included lands in one or more distinctive district agencies of the State, including other water districts organized under the provisions of this division having different plans and purposes and the object of which is not the same, is hereby ratified and confirmed.

CHAPTER 1132

An act to repeal Chapter 3 (commencing with Section 30051) of Division 21 of the Education Code, relating to foreign language schools.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Chapter 3 (commencing with Section 30051) of Division 21 of the Education Code is repealed.

CHAPTER 1133

An act to amend Section 13309 of the Education Code, relating to public school teachers.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 13309 of the Education Code is amended to read:

13309. When a teacher of classes for adults serves sufficient probationary time as provided in Sections 13303 to 13308 and 13328 to be eligible for election to permanent classification in that district, his tenure shall be for such service as is equivalent to the average number of hours per week which he has served during his probationary years. In no case shall such an employee be classified as permanent for more than one full-time assignment. The service for which such a person has acquired tenure may be reduced in conformity with Sections 13447 and 13448.

Notwithstanding any other provision to the contrary, in a district which has, or in a district which is one of two or more districts governed by governing boards of identical personnel which have a combined, average daily attendance of 400,000 or more, as shown by the annual report of the county superintendent of schools for the preceding fiscal year, no person who is assigned 10 hours or less a week in adult classes in such a district shall be eligible for election to permanent classification in such district on account of such assignment in adult classes.

CHAPTER 1134

An act to amend Section 7056 of the Revenue and Taxation Code, relating to disclosure of sales and use tax information.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 7056 of the Revenue and Taxation Code is amended to read:

7056. It is unlawful for the board or any person having an administrative duty under this part to make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment of any retailer or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any return, or to permit any return or copy

thereof or any book containing any abstract or particulars thereof to be seen or examined by any person. However, the Governor may, by general or special order, authorize examination by other state officers, by tax officers of another state, by the federal government, if a reciprocal arrangement exists, or by any other person of the records maintained by the board under this part. The information so obtained pursuant to the order of the Governor shall not be made public except to the extent and in the manner that the order may authorize that it be made public.

When requested by resolution of the legislative body of any county, city and county or city, the board shall permit any duly authorized officer or employee of such county, city and county, or city, to examine all of the sales and use tax records of the board pertaining to sales and use taxes collected for the county, city and county or city by the board pursuant to contract entered into between the board and the county, city and county or city under the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5, commencing with Section 7200, of Division 2 of the Revenue and Taxation Code). Information obtained by examination of board records as herein permitted shall be used only for purposes related to the collection of local sales and use taxes by the board pursuant to the contract.

Successors, receivers, trustees, executors, administrators, assignees, and guarantors, if directly interested, may be given information as to the items included in the measure and amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties.

CHAPTER 1135

An act to amend Section 2160 of the Welfare and Institutions Code, relating to eligibility for old age aid.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 2160 of the Welfare and Institutions Code is amended to read:

2160. Aid shall be granted under this chapter to any person who comes within all of the following descriptions:

(a) Who has attained the age of 65 years; provided, that if, when and during such time as the federal government shall provide or make available to this State grants-in-aid to persons who have attained the age of 60 years, the age contained in this subdivision shall be reduced to 60 years and persons who have attained the age of 60 years and who come within all of the descriptions hereinafter contained shall be eligible for aid under this chapter;

(b) Who resides in the State and has so resided continuously for at least one year immediately preceding the date of application, and for at least five years within the nine years immediately preceding the date of application; provided, however, that if, when, and during such time as the federal government shall fix maximum residence requirements, aid shall be paid to any person, otherwise eligible, who meets those requirements.

(c) Who is not cared for under a contract for a period of time exceeding one month; provided, however, that during such times as the federal statutes or rules and regulations of the Federal Security Agency provided for federal sharing, all persons cared for under such a contract may be granted assistance for their personal and incidental expenses not to exceed ten dollars ($10) per month if the contract does not specifically provide for this need; provided further, that during such time as the additional federal funds made available for that purpose by federal legislation enacted in 1952 remain available, all persons cared for under a contract mentioned in the last preceding clause of this subdivision may be granted assistance for their personal and incidental expenses not to exceed fifteen dollars ($15) per month in lieu of the ten-dollar ($10) grant authorized by said last preceding clause, if the contract does not specifically provide for this need.

(d) Who is not receiving adequate support from a husband or wife, or child able and responsible under the laws of this State to furnish such support; free board and lodging supplied to an applicant, because of his necessity, by a friend or relative who is not responsible for his support, shall not be grounds for refusing aid;

(e) Who has not made any voluntary assignment or transfer of property for the purpose of qualifying for such aid.

(f) Who is not a patient in a public institution for tuberculosis or mental disease.

(g) Who is not a patient in a public medical institution as the result of a diagnosis as having tuberculosis or psychosis.

(h) Who is not an inmate of a public institution of a custodial (nonmedical), penal or correctional character.

(i) Who is not an inmate of a federal medical institution.

CHAPTER 1136

An act to add Section 13593 to the Education Code, relating to classified employees of school districts.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 13593 is added to the Education Code, to read:

13593. Regularly employed part-time classified employees shall be entitled to sick leave, and all other benefits conferred by law, and all vacation, maternity, and other leaves and benefits granted by the governing board to regular full-time employees in the same classified positions; but such leaves and benefits may be prorated in the same ratio as the regular work hours per day, days per week, weeks per month, or months per year of such part-time employees bear to eight hours per day, 40 hours per calendar week, calendar weeks per month, or 12 calendar months during the school year.

Except as herein provided no governing board shall adopt any rule or regulation discriminating against any employee or class of employees serving in the same classified position and with like service in the district.

This section shall not apply to employees properly designated as substitute, short term, or limited term employees unless such employees are specifically included by a governing board, or by a personnel commission for those districts included under the provisions of Article 5 (commencing with Section 13701) of this chapter.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

CHAPTER 1137

An act to add Section 14694.1 to the Education Code, relating to discontinuance of district retirement salary plans.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 14694.1 is added to the Education Code, to read:

14694.1. The procedure stated in Section 14694 shall be applicable to a junior college district to which it would have applied on January 1, 1963, but which would no longer be subject to the provisions of that section because of legislation requiring that the junior college district be governed by a separate governing board.

CHAPTER 1138

An act to add Article 8 (commencing with Section 26775) to Chapter 2 of Part 3 of Division 2 of Title 3 of the Government Code, relating to transportation of prisoners.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Article 8 (commencing with Section 26775) is added to Chapter 2 of Part 3 of Division 2 of Title 3 of the Government Code, to read:

Article 8. Transportation of Prisoners

26775. The boards of supervisors of two or more counties may enter into a contract pursuant to this article.

26776. The contract may provide, with respect to any situation in which, under the law, a sheriff is authorized to transport a prisoner from the sheriff's own county to a point in another county, or is authorized to take a prisoner into custody in another county and transport him to the sheriff's own county, that a sheriff of either of the contracting counties shall perform such function.

26777. In any case in which a sheriff, acting pursuant to a contract entered into under this article, takes a prisoner into custody and transports him, such action shall be deemed lawful to the same extent as if he were the sheriff for whom he is performing such service.

26778. A contract entered into under this article shall provide for compensation to the county whose sheriff is performing the service by the county for whose sheriff the service is performed, in an amount approximating the cost of the service.

CHAPTER 1139

An act to amend Section 627.5 of the Agricultural Code, relating to milk and dairy products.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 627.5 of the Agricultural Code is amended to read:

627.5. (a) Sterilized flavored drink is milk or skim milk, evaporated or condensed or dried milk or nonfat milk solids or any combination thereof which contains harmless sweetening, chocolate, chocolate sirup, or other harmless sirups or flavor-

ings or combinations thereof, harmless edible stabilizer not to exceed five-tenths of 1 percent or seasoning, and which may be homogenized, packed in hermetically sealed containers and so processed by heat as to prevent spoilage.

(b) Sterilized flavored milk is milk, evaporated or condensed milk or dried milk or any combination thereof which contains harmless sweetening, chocolate, chocolate sirup, or other harmless sirups or flavorings or combinations thereof, harmless edible stabilizer not to exceed five-tenths of 1 percent or seasoning, and which is homogenized, packed in hermetically sealed containers and so processed by heat as to prevent spoilage. Sterilized flavored milk shall contain not less than 3 percent milk fat and not less than 16½ percent total solids.

(c) Sterilized flavored cream is cream to which nonfat dry milk solids have been added, which contains harmless flavorings, sirups or combinations thereof, harmless edible stabilizer not to exceed five-tenths of 1 percent or seasoning and harmless stabilizing salts, and which is homogenized, packed in hermetically sealed containers and so processed by heat as to prevent spoilage. Sterilized flavored cream shall contain not less than 20 percent milk fat.

CHAPTER 1140

An act to add Section 7031.5 to the Business and Professions Code, and to amend Section 3800 of the Labor Code, relating to contractors.

[Approved by Governor June 29, 1963. Filed with Secretary of State July 1, 1963.]

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

SECTION 1. Section 7031.5 is added to the Business and Professions Code, to read:

7031.5. Each county or city which requires the issuance of a permit as a condition precedent to the construction, alteration, improvement, demolition or repair of any building or structure shall also require that each applicant for such a permit file as a condition precedent to the issuance of a permit a statement which he has prepared and signed stating that the applicant is licensed under the provisions of this chapter, giving the number of the license and stating that it is in full force and effect, or, if the applicant is exempt from the provisions of this chapter, the basis for the alleged exemption.

SEC. 2. Section 3800 of the Labor Code is amended to read:

3800. Every county or city which requires the issuance of a permit as a condition precedent to the construction, alteration, improvement, demolition or repair of any building or structure shall require that each applicant for such permit have on file or file

(1) A certificate of consent to self-insure issued by the Director of Industrial Relations, or

(2) A certificate of workmen's compensation insurance issued by an admitted insurer, or

(3) An exact copy or duplicate thereof certified by the director or the insurer.

The certificate of insurance shall state that there is in existence a valid policy of workmen's compensation insurance in a form approved by the Insurance Commissioner. The certificate shall show the expiration date of the policy. No insurer shall issue such certificate unless the full deposit premium on the policy has been paid, and the insurer shall give the county or city at least 10 days' advance notice of the cancellation of the policy.

This section shall not apply if

(1) The permit is for one hundred dollars ($100) or less, or

(2) The applicant for the permit signs a certificate which reads as follows, or the wording of which has been approved by the Director of Industrial Relations:

"I certify that in the performance of the work for which this permit is issued I shall not employ any person in any manner so as to become subject to the workmen's compensation laws of California."

If, after making such certificate, the applicant for the permit should become subject to the workmen's compensation provisions of this code, he shall forthwith comply with the provisions of Section 3700 or his permit shall be deemed revoked.

CHAPTER 1141

An act to amend Section 8046 of the Fish and Game Code, relating to fish-handling privilege taxes.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 8046 of the Fish and Game Code is amended to read:

8046. Every person operating under a license pursuant to this article shall, in addition to the license fee and the tax imposed by Section 8045, pay a privilege tax of five cents ($0.05) for each 100 pounds, or fraction thereof, of sardines, Pacific mackerel, jack mackerel, squid, herring, or anchovies purchased, received, or taken by him until December 31, 1965.

The money shall be deposited in the Fish and Game Preservation Fund for use by the Marine Research Committee pursuant to Sections 729 and 730.

The committee shall pay the department for accounting and other services rendered to the committee by the department. The fiscal year cost of such services shall not be in excess of 2 percent of the money so collected each fiscal year under this section.

CHAPTER 1142

An act to amend Sections 73912, 73913, 73914, 73915, 74642, 74643, 74644 and 74644.1 of the Government Code, relating to court attachés.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 73912 of the Government Code is amended to read:

73912. There shall be one clerk, one assistant clerk, one deputy clerk III, two deputy clerks II, two deputy clerks I and one typist-clerk, each of whom shall receive a salary in accordance with Section 73914 and Section 73915.

SEC. 2. Section 73913 of said code is amended to read:

73913. There shall be one marshal, three deputy marshals, one marshal's clerk and one typist-clerk, each of whom shall receive a salary in accordance with Section 73914 and Section 73915.

SEC. 3. Section 73914 of said code is amended to read:

73914. Salary schedule

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

	Range	A	B	C	D	E
Clerk of the municipal court	33	$581	$610	$641	$673	$707
Assistant clerk	27	433	455	478	502	527
Deputy clerk III	26	412	433	455	478	502
Deputy clerk II	24	373	392	412	433	455
Deputy clerk I	22	338	355	373	392	412
Typist-clerk	20	307	322	338	355	373
Marshal	33	581	610	641	673	707
Deputy marshal	27	433	455	478	502	527
Marshal's clerk	23	355	373	392	412	433

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

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

(1) Any reference in this section to an amount of compensation provided for in one of the columns set forth in paragraph (a) above shall include any amount which is added to such amount under the provisions of Section 73915.

(2) All new employees shall be hired at the compensation provided for in column A of the appropriate salary range.

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

(4) The salary anniversary date for persons employed on the effective date of this section shall be the date of their last salary increase.

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

(6) An employee promoted to a higher class of position shall be paid the compensation provided for in column A of the appropriate range. In the event such compensation is the same or less than the employee's salary immediately prior to his promotion, the employee's salary shall be adjusted to the next higher column in dollar amount in the range appropriate to his new position. Any increase in salary under this subparagraph will establish a new anniversary date.

(7) An employee holding a position for which a new range of salaries is established by this section shall be paid the compensation provided for in column A of the new range. In the event such compensation is less than the employee's salary immediately prior to the effective date of this section, the employee's salary shall be adjusted to the next higher column in dollar amount in the new range. For purposes of this subparagraph (7), an employee's salary immediately prior to the effective date of this section shall be computed as if that employee had been receiving the additional compensation provided for in Section 73915, as added by Chapter 1991, Statutes of 1961, as a result of two, separate general salary increases having the effect of two, separate augmentations of salary in the amounts shown in said Section 73915, as added by Chapter 1991, Statutes of 1961, whether such amounts were ever actually received by the employee or not. Any increase in salary under this subparagraph will not establish a new anniversary date, except that a new anniversary date will be established for those employees who are classified as deputy marshals and who are paid the compensation provided for in column A as a result of this section.

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

(9) Notwithstanding any prior provision of this code, any person employed and classified as a marshal or clerk prior to January 1, 1963, shall be compensated in the amount provided for in column C and any person employed and classified as assistant clerk prior to January 1, 1963, shall be compensated in the amount provided for in column D of his appropriate salary range and a new anniversary date will be established.

(10) Any person serving in the position of deputy court clerk at the time of the effective date of this section shall be redesignated deputy clerk III, which redesignation shall neither be considered a promotion or a demotion.

(11) For purposes of this section, an employee, unless otherwise designated, refers to every person filling any position established by Sections 73912 and 73913.

SEC. 4. Section 73915 of said code is amended to read:

73915. To each monthly salary rate set forth in columns A, B, C, D and E of Section 73914(a), or to such rate as supplemented by amounts previously added under this section, there is added the following amounts to the classes of positions set forth below:

Clerk of the municipal court and marshal	$32 per calendar month
Assistant clerk, deputy marshal and deputy clerk III	$23 per calendar month
Deputy clerk II	$21 per calendar month
Marshal's clerk	$20 per calendar month
Deputy clerk I	$19 per calendar month
Typist-clerk	$17 per calendar month

The additional compensation authorized by this section shall be paid only for services rendered on or after the operative date of this section. After the effective date of this section, it shall become operative each time that, and on the same date as, a general salary increase is effective for permanent county monthly salaried employees. For the purpose of determining the operative date of this section, a "general salary increase" shall be considered to have been granted when seventy-five percent (75%), or more, of the permanent, monthly salaried employees of the county have been granted a salary increase of one or more steps, as set out in the Santa Barbara County Salary Ordinance, in addition to any regular annual increase for length of service.

It is the intent of the Legislature, in enacting this amendment, that the salaries of the clerk and marshal of the municipal court and of their assistants and deputies shall be increased by the amounts hereinabove specified for the respective officers, assistants and deputies each and every time that a general salary increase is granted for permanent county monthly employees during the time this section is in effect. This section shall remain in effect until the 91st day after the final adjournment of the 1965 Regular Session of the Legislature.

SEC. 5 Section 74642 of said code is amended to read:

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

SEC. 6. Section 74643 of said code is amended to read:

74643. There shall be one marshal, one chief deputy marshal, five deputy marshals, one marshal's clerk, and one typist-clerk, each of whom shall receive a salary in accordance with Section 74644 and Section 74644.1.

SEC. 7. Section 74644 of said code is amended to read:

74644. Salary schedule.

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

	Range	A	B	C	D	E
Clerk of the municipal court	35	$641	$673	$707	$742	$779
Assistant clerk	28	455	478	502	527	553
Deputy clerk III	26	412	433	455	478	502
Deputy clerk II	24	373	392	412	433	455
Deputy clerk I	22	338	355	373	392	412
Typist-clerk	20	307	322	338	355	373
Marshal	35	641	673	707	742	779
Chief deputy marshal	28	455	478	502	527	553
Deputy marshal	27	433	455	478	502	527
Marshal's clerk	23	355	373	392	412	433

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

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

(1) Any reference in this section to an amount of compensation provided for in one of the columns set forth in paragraph (a) above shall include any amount which is added to such amount under the provisions of Section 74644.1.

(2) All new employees shall be hired at the compensation provided for in column A of the appropriate salary range.

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

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

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

(6) An employee promoted to a higher class of position shall be paid the compensation provided for in column A of the appropriate range. In the event such compensation is the same or less than the employee's salary immediately prior to his promotion, the employee's salary shall be adjusted to the next higher column in dollar amount in the range appropriate to his new position. Any increase in salary under this subparagraph will establish a new anniversary date.

(7) An employee holding a position for which a new range of salaries is established by this section will be paid the compensation provided for in column A of the new range. In the event such compensation is less than the employee's salary immediately prior to the effective date of this section, this employee's salary shall be adjusted to the next higher column in dollar amount in the new range. For purposes of this subparagraph, an employee's salary immediately prior to the effective date of this section shall be computed as if that employee had been receiving the additional compensation provided for in Section 74644.1, as amended by Chapter 749, Statutes of 1961, as a result of two, separate general salary increases having the

effect of two, separate augmentations of salary in the amounts shown in said Section 74644.1, as amended by Chapter 749, Statutes of 1961, whether such amounts were ever actually received by the employee or not. Any increase in salary under this subparagraph will not establish a new anniversary date, except that a new anniversary date will be established for those employees who were at column E prior to the effective date of this section and those employees who are classified as deputy marshals and who are paid the compensation provided for in column A as a result of this section.

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

(9) Notwithstanding any prior provisions of this code, any person employed and classified as a marshal, clerk or deputy clerk III prior to January 1, 1963, shall be compensated in the amount provided for in column D of their appropriate salary range and a new anniversary date will be established.

(10) Any person serving in the position of deputy court clerk at the time of the effective date of this section shall be redesignated a deputy clerk III, which redesignation shall neither be considered a promotion nor a demotion.

(11) For purposes of this section, an employee, unless otherwise designated, refers to every person filling any position established by Sections 74642 and 74643.

SEC. 8. Section 74644.1 of said code is amended to read:

74644.1. To each monthly salary set forth in columns A, B, C, D and E of Section 74644(a), or to such rate as supplemented by amounts previously added under this section, there is added the following amounts to the classes of positions set forth below:

Clerk of the municipal court and marshal	$35 per calendar month
Assistant clerk, and chief deputy marshal	$25 per calendar month
Deputy marshal, and deputy clerk III	$23 per calendar month
Deputy clerk II	$21 per calendar month
Marshal's clerk	$20 per calendar month
Deputy clerk I	$19 per calendar month
Typist-clerk	$17 per calendar month

The additional compensation authorized by this section shall be paid only for services rendered on or after the operative date of this section. After the effective date of this section, it shall become operative each time that, and on the same date as a general salary increase is effective for other permanent county monthly salaried employees. For the purpose of determining the operative date of this section, a "general salary increase" shall be considered to have been granted when seventy-five percent (75%), or more, of the permanent, monthly salaried employees of the county have been granted a salary increase of one or more steps, as set out in the Santa Barbara

County Salary Ordinance, in addition to any regular annual increase for length of service.

It is the intent of the Legislature, in enacting this section, that the salaries of the clerk and marshal of the municipal court and of their assistants and deputies shall be increased by the amounts hereinabove specified for the respective officers, assistants and deputies each and every time that a general salary increase is granted for permanent county monthly salaried employees during the time this section is in effect. This section shall remain in effect until the 91st day after final adjournment of the 1965 Regular Session of the Legislature.

CHAPTER 1143

An act to add Section 27456 to the Education Code, relating to dissolution of boards of library trustees.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 27456 is added to the Education Code, to read:

27456. Whenever the governing bodies of two or more cities or counties consolidate their existing public library services, as a joint exercise of powers under Chapter 5 (commencing with Section 6500), Division 7, Title 1 of the Government Code, and the ownership or management of the cities' and counties' library facilities and other library assets are turned over to a newly formed joint agency, any boards of public library trustees existing prior to the consolidation, may be dissolved by ordinance.

CHAPTER 1144

An act to amend Section 31478 of the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 31478 of the Government Code is amended to read:

31478. "Public agency" means the United States of America, this State, or any department or agency of either, or any county, or any city, public corporation, municipal corporation, or public district, which city, public corporation, municipal corporation, or public district is situated in whole or in part within the county.

Section 31468 does not apply to this section.

CHAPTER 1145

An act to amend Section 31304 of the Water Code, relating to county water districts, declaring the urgency thereof, to take effect immediately

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 31304 of the Water Code is amended to read:

31304. The district may issue negotiable promissory notes bearing interest at a rate not exceeding 6 percent per annum; provided, however, that said notes shall be general obligations of the district payable from revenues and taxes, unless paid from other available funds of the district, in the same manner as bonds of said district; and provided further, that the maturity shall not be later than five years from the date thereof and that the total aggregate amount of such notes outstanding at any one time shall not exceed 2 percent of the assessed valuation of the taxable property in the district or, if said assessed valuation is not obtainable, 2 percent of the county auditor's estimate of the assessed valuation of the taxable property in the district evidenced by this certificate; and provided further, that a district which has been formed for less than 18 months may borrow not exceeding twenty-five thousand dollars ($25,000), and no district shall borrow for purposes other than flood control in excess of five hundred thousand dollars ($500,000).

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

The rapid rate of population expansion in California and the rising costs in the acquisition of necessary and required lands for flood control and protective works, as well as the costs of the construction of those works, makes it not only hazardous but practicably impossible to provide adequate storm water protection on a piecemeal basis relying on current taxes and revenues; any delay in acquiring the required and necessary lands simply means an increase in the costs of said lands, and also protracted delays in the construction of necessary flood control and protective works, as well as increasing the ultimate costs of those works.

In order to provide for an efficient and immediate solution of the existing situation, and to permit the forthwith acquisition of the necessary lands so that construction work may efficiently go forward with the greatest economy to the people, and to conserve surface waters which otherwise cannot be put to beneficial use, it is necessary that this act take effect immediately.

CHAPTER 1146

An act to amend Section 17688 of the Revenue and Taxation Code, relating to personal income taxes, to take effect immediately.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963]

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

SECTION 1. Section 17688 of the Revenue and Taxation Code is amended to read:

17688. For purposes of this section and Section 17687—

(a) The term "gross income from the property" means, in the case of a property other than an oil or gas well, the gross income from mining.

(b) The term "mining" includes not merely the extraction of the ores or minerals from the ground but also the treatment processes considered as mining described in paragraph (d) (and the treatment processes necessary or incidental thereto), and so much of the transportation of ores or minerals (whether or not by common carrier) from the point of extraction from the ground to the plants or mills in which such treatment processes are applied thereto as is not in excess of 50 miles unless the Franchise Tax Board finds that the physical and other requirements are such that the ore or mineral must be transported a greater distance to such plants or mills.

(c) The term "extraction of the ores or minerals from the ground" includes the extraction by mine owners or operators of ores or minerals from the waste or residue of prior mining. The preceding sentence shall not apply to any such extraction of the mineral or ore by a purchaser of such waste or residue or of the rights to extract ores or minerals therefrom.

(d) The following treatment processes where applied by the mine owner or operator shall be considered as mining to the extent they are applied to the ore or mineral in respect of which he is entitled to a deduction for depletion under Sections 17681, 17687 and 17688:

(1) In the case of coal—cleaning, breaking, sizing, dust allaying, treating to prevent freezing, and loading for shipment;

(2) In the case of sulfur recovered by the Frasch process—cleaning, pumping to vats, cooling, breaking, and loading for shipment;

(3) In the case of iron ore, bauxite, ball and sagger clay, rock asphalt, and ores or minerals which are customarily sold in the form of a crude mineral product—sorting, concentrating, sintering, and substantially equivalent processes to bring to shipping grade and form, and loading for shipment;

(4) In the case of lead, zinc, copper, gold, silver, uranium, or fluorspar ores, potash, and ores or minerals which are not customarily sold in the form of the crude mineral product—

crushing, grinding, and beneficiation by concentration (gravity, flotation, amalgamation, electrostatic, or magnetic), cyanidation, leaching, crystallization, precipitation (but not including electrolytic deposition, roasting, thermal or electric smelting, or refining), or by substantially equivalent processes or combination of processes used in the separation or extraction of the product or products from the ore or the mineral or minerals from other material from the mine or other natural deposit;

(5) The pulverization of talc, the burning of magnesite, the sintering and nodulizing of phosphate rock, and the furnacing of quicksilver ores;

(6) In the case of calcium carbonates and other minerals when used in making cement—all processes (other than preheating of the kiln feed) applied prior to the introduction of the kiln feed into the kiln, but not including any subsequent process;

(7) In the case of clay used, or sold for use, in the manufacture of building or paving brick, drainage and roofing tile, sewer pipe, flowerpots and kindred products—crushing, grinding, and separating the mineral from waste, but not including any subsequent process; and

(8) Any other treatment process provided for by regulations prescribed by the Franchise Tax Board which, with respect to the particular ore or mineral, is not inconsistent with the preceding provisions of this paragraph.

(e) Unless such processes are otherwise provided for in subdivision (d) (or are necessary or incidental to processes so provided for), the following treatment processes shall not be considered as "mining": electrolytic deposition, roasting, calcining, thermal or electric smelting, refining, polishing, fine pulverization, blending with other materials, treatment effecting a chemical change, thermal action, and molding or shaping.

SEC. 2. The provisions of this bill shall be applicable only with respect to taxable years beginning after December 31, 1962. The determination as to the treatment processes which shall be considered as mining for any taxable year beginning before January 1, 1963, shall be made as if Section 17688 had not been amended at the 1963 Regular Session of the Legislature and without inferences drawn from the fact that such amendments were not expressly made applicable with respect to taxable years beginning before January 1, 1963.

SEC. 3. This act provides for a tax levy within the meaning of Article IV of the Constitution, and shall go into effect immediately.

CHAPTER 1147

An act to repeal Sections 131.2 and 131.5 of the Code of Civil Procedure, relating to powers of courts.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 131.2 of the Code of Civil Procedure is repealed.

SEC. 2. Section 131.5 of said code is repealed.

CHAPTER 1148

An act to amend Section 28139 of the Government Code, relating to compensation for public services in counties.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 28139 of the Government Code is amended to read:

28139. In a county of the 39th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, nine thousand dollars ($9,000) a year.

(b) The district attorney, fifteen thousand dollars ($15,000) a year. He shall not engage in private law practice during his term of office.

(c) Each supervisor, seven thousand two hundred dollars ($7,200) a year and ten cents ($0.10) a mile: (1) each way, for traveling to and from his residence to the courthouse while going to or returning from meetings of the board of supervisors, and (2) for each mile actually and necessarily traveled when traveling, either within or without the county on county business.

(d) Grand jurors and all trial jurors in the superior court, for each day's attendance six dollars ($6), and fifteen cents ($0.15) for each mile actually traveled, in going only. The judge of the court shall make an order directing the auditor to draw his warrant in favor of the juror for the per diem and mileage and the treasurer shall pay the warrant.

CHAPTER 1149

An act to amend Section 28145 of the Government Code, relating to compensation of county officers.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 28145 of the Government Code is amended to read:

28145. In a county of the 45th class the following shall receive as compensation for the services required of them by law, or by virtue of their offices, the following sums:

(a) The auditor, four thousand four hundred twenty dollars ($4,420) a year.

(b) The district attorney, ten thousand dollars ($10,000) a year, and he shall not engage in the private practice of law.

(c) Each supervisor, six thousand six hundred dollars ($6,600) a year for all services performed by him, as supervisor and member of the board of equalization; provided, that if and when any county of this class adopts a charter, and the provisions of the charter provide for the election of members of the board of supervisors on a countywide basis, the salary of each supervisor shall be six thousand dollars ($6,000) a year, unless otherwise provided by the charter.

Each supervisor shall receive ten cents ($0.10) a mile for each mile actually and necessarily traveled when traveling within or without the county on county business.

In lieu of mileage, supervisors may use automobiles provided and maintained by the county in connection with the performance of their official duties.

(d) The official reporter of the superior court shall receive as full compensation for taking notes in criminal cases in the superior court, before the grand jury, for preliminary examinations and for coroner's inquests, a monthly salary of four hundred dollars ($400) payable out of the county treasury at the same time and in the same manner as the salaries of the county officers are paid. He shall receive as compensation for taking notes when required in civil cases a per diem as provided by law, to be paid by the litigants as the court directs, and for transcription of such notes in civil cases, and in criminal cases on appeal from the superior court, such fees as are provided by law The compensation for transcriptions in criminal cases on appeal from the superior court shall be audited and allowed upon a written order of the court and paid out of the county treasury, and in civil cases shall be paid by the party ordering the transcript, or when ordered by the judge, by either party, or by both or all parties, as the court directs. He shall also be allowed his actual traveling expenses when reporting outside of the county seat.

(e) Grand jurors and jurors in the superior court shall be paid seven dollars ($7) a day for each day's attendance, and ten cents ($0.10) per mile each way per each day of service. The county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each juror. The auditor shall draw his warrants for the fees and mileage due the juror, and the treasurer shall pay the warrant.

(f) Witnesses when legally required to attend upon the superior court in criminal cases and upon the juvenile court in juvenile court matters, shall be paid six dollars ($6) a day for each day's actual attendance, and ten cents ($0.10) for each mile actually traveled. The county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each witness. The auditor shall draw his warrant for the fees and mileage due the witness, and the treasurer shall pay the warrant.

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

CHAPTER 1150

An act to amend Section 28150 of the Government Code, relating to compensation of county officers.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 28150 of the Government Code is amended to read:

28150. In a county of the 50th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) Each supervisor, five thousand seven hundred dollars ($5,700) a year and mileage from his residence to the county seat at each sitting of the board, twenty cents ($0.20) a mile, such compensation to be in full for services as supervisor.

(b) Grand jurors, eight dollars ($8) per day and such mileage fees as are allowed by law.

(c) Trial jurors, seven dollars ($7) per day and such mileage fees as are allowed by law.

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

(e) The district attorney, eleven thousand four hundred dollars ($11,400) a year.

CHAPTER 1151

An act to amend Sections 8, 9, 12, 12.3, 14, 16.3 and 16.6 of, and to add Section 16.7 to the Municipal Water District Act of 1911 (Chapter 671, Statutes of 1911), to amend Sections 71254, 71274, 71278, 71279, 71362, 71363, 71752, 71680, and 72730 of, to add Article 3 (commencing with Section 71936) to Chapter 4 of Part 7 of Division 20 of, and to repeal Sections 71850 and 71851 of, the Water Code, as proposed by Senate Bill No. 15, and to add Sections 71312.5, 71313 and 72738 to the Water Code, and to amend Sections 16 and 17 of Chapter 426 of the Statutes of 1963, relating to municipal water districts.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 8 of the Municipal Water District Act of 1911 (Chapter 671, Statutes of 1911) is amended to read:

Sec. 8. The board of directors shall be the governing body of such municipal water district. It shall hold its first meeting as soon as possible after the election and certification of the first board of directors and not later than the sixth Monday after the date of the first election of directors as herein provided; it shall choose one of its members president, and shall thereupon provide for the time and place of holding its meetings and the manner in which its special meetings may be called. All legislative sessions of the board of directors whether regular or special shall be open to the public. A majority of the board of directors shall constitute a quorum for the transaction of business; however, no ordinance, motion or resolution shall be passed or become effective without the affirmative vote of a majority of the members of the board. At its first meeting in the month of January of each odd-numbered year, the board of directors shall choose one of its members president.

SEC. 2. Section 9 of said act is amended to read:

Sec. 9. The board of directors shall act only by ordinance, resolution, or motion. On all ordinances the roll shall be called and the ayes and noes recorded in the journal of the proceedings of the board of directors. Resolutions and motions may be adopted by voice vote, but on demand of any member the roll shall be called. Votes of the members of the board shall not be cast or exercised by proxy. The enacting clause of all ordinances passed by the board shall be: "Be it ordained by the Board of Directors of _____ Municipal Water District as follows:". Each of the members of the board of directors shall receive compensation in an amount not to exceed fifty dollars ($50) for each attendance at the meetings of the board, which amount shall be fixed from time to time by the board of directors. No director, however, shall receive pay for more than two

meetings in any calendar month. Any vacancy in the board of directors shall be filled by a majority of the remaining directors, the person so chosen shall be a resident of and otherwise qualified to be a director from the division in which the vacancy shall occur and shall hold office for the remainder of the unexpired term. If within 60 days after a vacancy on the board of directors occurs the remaining directors have failed to fill such vacancy, a special election shall be called by the board of directors and held in the division affected, for the purpose of filling such vacancy. Such special election shall be conducted in the manner provided for in Section 4. In the event there are more than two candidates at such special election, only a plurality will be required for election. The candidate elected at such special election shall fill the unexpired term of the vacating director.

SEC. 3. Section 12 of said act is amended to read:

Sec. 12. Any municipal water district incorporated as herein provided, shall have power:

1. To have perpetual succession;

2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction;

3. To adopt a seal and alter it at pleasure;

4. To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real and personal property of every kind, within or without the district;

5. To acquire, or contract to acquire, waterworks or a waterworks system, waters, water rights, lands, rights and privileges and construct, maintain and operate conduits, pipelines, reservoirs, works, machinery and other property useful or necessary to store, convey, supply or otherwise make use of water for a waterworks plant or system for the benefit of the district, and to complete, extend, add to, repair, or otherwise improve any waterworks or waterworks system acquired by it as herein authorized;

5a. To construct, maintain, improve and operate public recreational facilities appurtenant to any water reservoir operated or contracted to be operated by the district, and to provide by ordinance regulations binding upon all persons to govern the use of such facilities, including regulations imposing reasonable charges for the use thereof. Violation of any such regulation shall be a misdemeanor;

6. To lease of and from any person, firm or public or private corporation, or public agency, with the privilege of purchasing or otherwise, all or any part of water storage, transportation or distribution facilities, existing waterworks or a waterworks system, and to carry on and conduct waterworks or a waterworks system; also to sell water under the control of the district to cities, and to other public corporations and public agencies within the district, and to the inhabitants of such cities and of other territory within the district, and to persons, corporations, and other private agencies within the

district for use within said district without any preference, and it may, whenever the board shall find that there is a surplus of water above that which may be required by such consumers within said district, sell or otherwise dispose of such surplus water to any persons, firms, public or private corporations or public agencies or other consumers;

6a. To supply and deliver district water to publicly owned and operated golf courses and other publicly owned and operated recreational facilities and to public schools, school districts and public school properties, and to fix and establish special rates, terms and conditions for the use and sale of water for each of these purposes; provided, however, that this provision shall not be construed to indicate legislative intent either for or against the existence of any power of the district to furnish water to other persons, firms or corporations at just and reasonable rates;

7. To have and exercise the right of eminent domain and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to supply the district or any portion thereof with water, whether such property be already devoted to the same use or otherwise, and may condemn any existing waterworks or system, or any portion thereof, or any waters or water rights owned by any person, firm or private corporation. In proceedings relative to the exercise of such right, the district shall have all of the rights, powers and privileges of a city; provided, the district, in exercising such power, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be removed to a new location;

7a. To have and exercise the right of eminent domain and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any powers of the district. In proceedings relative to the exercise of such right, the district shall have all of the rights, powers and privileges of a city; provided, the district, in exercising such right, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be removed to a new location. A municipal water district shall not exercise the right of eminent domain, under this subdivision, for the condemnation of property outside the boundaries of the district, unless it first obtains the consent thereto of the board of supervisors of the county in which such property is located;

8. To issue bonds, borrow money and incur indebtedness as authorized by law or in this act provided; also to refund (by the issuance of the same obligations following the same procedure) or retire any indebtedness or lien that may exist against the district or property thereof; also to issue warrants

to pay the formation expenses of the district, which warrants may bear interest at a rate not exceeding 6 percent per annum from the date of issue until funds are available to pay the warrants, and which formation expenses may include fees of attorneys and others employed to conduct the formation proceedings, but shall not include the expenses of holding and conducting the formation election;

8a. To issue negotiable promissory notes bearing interest at a rate not exceeding 6 percent per annum; provided, however, that said notes shall be general obligations of the district payable from revenues and taxes in the same manner as bonds of said district; and provided further, that the maturity shall not be later than three years from the date thereof and that the total aggregate amount of such notes outstanding at any one time may be at least equal to seventy-five thousand dollars ($75,000) in any district but shall not otherwise exceed the lesser of either one million dollars ($1,000,000) or 2 percent of the assessed valuation of the taxable property in the district or, if said assessed valuation is not obtainable, 2 percent of the county auditor's estimate of the assessed valuation of the taxable property in the district evidenced by his certificate;

8b. To issue negotiable promissory notes for the purpose of acquiring funds to finance the construction or acquisition of administrative offices, construction headquarters, commercial offices or facilities for similar district purposes and for the acquisition of land for district purposes; provided, however, that said negotiable promissory notes shall bear interest at a rate not exceeding 6 percent per annum; that said notes shall be general obligations of the district payable from revenue and taxes in the same manner as bonds of said district; and provided further, that the maturity shall not be later than 10 years from the date thereof; and that the total aggregate amount of such notes outstanding at any one time may be at least equal to fifty thousand dollars ($50,000) in any district, but shall not otherwise exceed the lesser of either five hundred thousand dollars ($500,000) or 1 percent of the assessed valuation of the taxable property in the district, or if said assessed valuation is not obtainable, 1 percent of the county auditor's estimate of the assessed valuation of the taxable property in the district evidenced by his certificate;

9. To cause taxes to be levied, in the manner hereinafter provided, for the purpose of paying any obligation of the district, including its formation expenses and any warrants issued therefor;

9a. To restrict the use of district water during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of district water or the use of district water during such periods, for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the district; to prohibit use of such water during such periods for specific uses which the district may from time to time find to be nonessential;

9b. To prescribe and define by ordinance the restrictions, prohibitions and exclusions referred to in subdivision 9a hereof. Every ordinance relating to the matters referred to in this subdivision shall be in full force and effect forthwith upon adoption, but shall be published pursuant to Section 6061 of the Government Code in full in a newspaper of general circulation, printed, published and circulated in the district within 10 days after adoption, or if there be no such newspaper it shall be posted within said time in three public places within the district;

10. To make contracts, to employ labor, and do all acts necessary for the full exercise of the district's powers;

11. In case of condemnation proceedings the board shall proceed in the name of the district;

12. To provide by ordinance of its board of directors for the pensioning of officers or employees and the creation of a special fund for the purpose of paying such pensions; and the accumulation of contributions to said fund from the revenues of the district, the wages of officers or employees, voluntary contributions, gifts, donations or any source of revenue not inconsistent with the general powers of the board, and to contract with any insurance corporation or any other insurance carrier for the maintenance of a service covering the pension of such officers or employees, and to provide in such ordinance for the terms and conditions under which such pensions shall be awarded, and for the time and extent of service of officers or employees before such pensions shall be available to them;

13. To acquire, control, distribute, store, spread, sink, treat, purify, reclaim, recapture, and salvage any water, including sewage and storm waters, for the beneficial use or uses of the district or its inhabitants or the owners of rights to water therein;

14. To join with one or more public agencies, private corporations or other persons for the purpose of carrying out any of the powers of such district, and for that purpose to contract with such other public agencies or private corporations or persons for the purpose of financing such acquisitions, constructions and operations. Such contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom, and may provide for an agency to effect such acquisitions and to carry on such operations, and shall provide in the powers and methods of procedure for such agency the method by which such agency may contract. Such contracts with other public agencies or private corporations or persons may contain such other and further covenants and agreements as may be necessary or convenient to accomplish the purposes thereof. The term "public agency," as used in this subdivision, shall be deemed to mean and include the United States of America or any depart-

ment or agency thereof, the State of California or any department or agency thereof, a county, city, public corporation or public district of this State. The term "private corporation," as used in this subdivision, shall be deemed to mean and include any private corporation organized under the laws of the United States of America or of this or any other state thereof. Contracts mentioned herein include those made with the United States, under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting co-operation. Any such contract with the United States of America or any department or agency thereof, or with any private corporation organized under the laws of the United States of America, by which the municipal water district or an improvement district thereof incurs an indebtedness or liability exceeding in any year the income and revenue for such year shall not be executed without the assent of two-thirds of the qualified electors of the district or the improvement district voting at a special election to be held for that purpose, such election to be called and held, so far as practicable, in the same manner as bond elections for the district or an improvement district.

The exact final form of such contract need not be available at the time of the special election but the (1) purpose of the contract, (2) the maximum amount of the indebtedness created thereby, (3) the maximum term of repayment, and (4) the maximum interest rate on such indebtedness shall be known and included in the proposition or measure submitted to the qualified electors of the district or an improvement district at such special election;

15. To commence, maintain, intervene in, and compromise, in the name of the district, any action or proceeding involving or affecting the ownership or use of water or water rights within the district, used or useful for any purpose of the district, or a common benefit to lands within the district or its inhabitants;

16. To issue bonds under Section 15 of this act for the purpose of providing money required to be paid to any district organized under the Metropolitan Water District Act or the County Water Authority Act by the board of directors of such district as all or part of the terms and conditions upon which the corporate area of a municipal water district may be annexed to and become a part of said metropolitan water district or county water authority. The amount of said bonds may include expenses of all proceedings for the authorization, issuance and sale of the bonds;

17. To issue revenue bonds for any purpose for which general obligation bonds could be issued under the provisions of the Revenue Bond Law of 1941 or any other law which by its terms is applicable to districts formed under this act;

18. To use the Improvement Act of 1911 for the construction of any facilities authorized to be constructed by a municipal

water district under the provisions of this act. The powers and duties conferred by the Improvement Act of 1911 on the various boards, officers and agents of cities shall be exercised by the respective boards, officers and agents of the municipal water district. In the application of said Improvement Act of 1911 to proceedings instituted by a municipal water district, the terms used in said Improvement Act of 1911 shall have the following meanings:

(a) "City council" and "council" shall mean the board of directors of a municipal water district.

(b) "Municipality" and "city" shall mean a municipal water district.

(c) "Clerk" and "city clerk" shall mean the secretary.

(d) "Superintendent of streets," "street superintendent" and "city engineer" shall mean any person appointed by the board of directors to perform such duties.

(e) "Tax collecter" shall mean the county tax collector.

(f) "Treasurer" and "city treasurer" shall mean the person or officer who has charge of and makes payment of the funds of the district.

(g) "Mayor" shall mean the president of the board of directors of a municipal water district.

(h) "Right-of-way" shall mean any parcel of land in, on, under or through which a right-of-way or easement has been granted to the district for the purpose of constructing and maintaining any works or improvements of municipal water districts.

Any certificates or documents required to be filed or recorded in the office of the superintendent of streets or street superintendent shall be filed or recorded in the office of the secretary of the municipal water district;

19. To acquire, construct, and operate facilities for the collection, treatment and disposal of sewage, waste and storm water of the district and its inhabitants and may prescribe, revise and collect rates or other charges for the services and facilities furnished pursuant to this subdivision. The revenues from such rates and charges may be used to pay the operating and maintenance expenses of such facilities, provide a reasonable surplus for improvements, extensions and enlargements, pay the interest on any bonded debt for such facilities and provide a sinking or other fund for the payment of the principal of such debt as it may become due. The district may provide that such rates and charges may be collected with the water rates of the district and that all rates shall be billed upon the same bill and collected as one item, and that in the event of failure to pay the whole or any part thereof, the district may discontinue any and all service for which such bill is rendered, but this provision shall not be construed to prohibit the collection of rates or charges by the district in any other lawful manner. The second sentence of Section 33 of this act shall not be applicable to this subdivision;

20. To acquire, construct, and operate facilities for providing fire protection to the district and its inhabitants, including buildings, engines, hose, hose carts, or carriages, and other applicances and supplies for the full equipment of a fire company or department; to established and maintain a fire department, and to establish and enforce rules and regulations for the administration, operation, and maintenance thereof; to adopt and enforce reasonable ordinances for the prevention and suppression of fires and conflagrations and for the protection and preservation of life and property against the hazards of fire and conflagration not in conflict with any ordinance on the subject previously adopted by the board of supervisors of any county in which a part of the district is located. The officers of the fire department of the district shall have the powers of peace officers while engaged in the performance of their duties with respect to the prevention and suppression of fires and conflagrations and the protection and preservation of life and property against the hazards of fire and conflagration. The terms "county fire protection district" and "fire protection district" as used in Chapter 1 (commencing with Section 13100) of Part 2 of Division 12 of the Health and Safety Code and in Section 25643 of the Government Code, shall include a municipal water district which has established a fire department pursuant to this subdivision.

If the district includes any part of a city, fire district, or other local agency which provides fire protection service to any territory in the district, the district shall have no authority pursuant to this subdivision regarding the prevention or suppression of fires, in such territory unless and until it has obtained the consent of such city, fire district, or other local agency.

Every person who violates any of the provisions of a district ordinance adopted pursuant to this subdivision or who fails or refuses to correct or eliminate a fire or life hazard after written order of the district board or its authorized representative is guilty of a misdemeanor.

The second sentence of Section 33 of this act shall not be applicable to this subdivision.

21. To disseminate information concerning the rights, properties, and activities of the district.

SEC. 4. Section 12.3 of said act is amended to read:

Sec. 12.3. An action to determine the validity of any bonds, notes, evidences of indebtedness or contracts may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

SEC. 5. Section 14 of said act is amended to read:

Sec. 14. The president and secretary in addition to the respective duties imposed on them by law shall perform such duties as may be imposed on them by the board of directors. The treasurer, or such other person or persons as may be authorized by the board of directors, shall draw checks or warrants to pay demands when such demands shall have been

audited and approved in the manner prescribed by the board of directors.

Subject to the approval of the Board of Directors, the general manager shall have full charge and control of the maintenance, operation and construction of the waterworks or waterworks system of the district with full power and authority to employ and discharge all employees and assistants, other than the secretary, treasurer, attorney, or auditor, at pleasure, prescribe their duties, and fix their compensation.

The general manager shall perform such duties as may be imposed on him by the board of directors. The general manager shall report to the board of directors in accordance with such rules and regulations as they may direct.

The attorney shall be the legal adviser of the district and shall perform such other duties as may be prescribed by the board of directors.

The board of directors shall designate a depository or depositories to have the custody of the funds of the district, all of which depositories shall give security sufficient to secure the district against possible loss, and who shall pay the warrants drawn by the treasurer for demands against the district under such rules as the directors may prescribe.

The general manager, secretary and treasurer, and all other employees or assistants of said district who may be required so to do by the board of directors, shall give such bonds to the district conditioned for the faithful performance of their duties as the board of directors from time to time may provide. The premiums on such bonds shall be paid by the district.

SEC. 6. Section 16.3 of said act is amended to read:

Sec. 16.3. The board of directors may advance general funds of the district to accomplish the purposes of an improvement district formed in accordance with Section 16, 16.2 or 16.5 and, if the improvement district is formed under Section 16, or 16.5, may repay the district from the proceeds of the sale of bonds authorized for such purposes, or if the improvement district is formed under Section 16.2 may, in the formation of such improvement district provide that the district shall be repaid with interest at not to exceed 5 percent per annum out of the special taxes levied exclusively upon the taxable property in said improvement district.

SEC. 7. Section 16.6 of said act is amended to read:

Sec. 16.6. Notwithstanding the provisions of Section 16.7, whenever the board of directors deems it necessary for any improvement district formed in accordance with Sections 16, 16.2 or 16.5 to be dissolved it shall by resolution so declare and state: (a) the reason why the improvement district should be dissolved; (b) if the improvement district was formed in accordance with Section 16 or 16.5, that no bonds have been issued therefor or are outstanding; (c) if the improvement district was formed in accordance with Section 16.2 that no indebtedness or liability was incurred therefor or is outstanding; (d) that a map showing the exterior boundaries

of said improvement district, with relation to the territory immediately contiguous thereto, is on file with the secretary of the district and is available for inspection by any person or persons interested; (e) the time and place for a hearing by the board on the question of the dissolution of said improvement district; and (f) that at said time and place any person interested, including all persons owning property in the district or in the improvement district will be heard. Notice of said hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper circulated in the municipal water district, if there is a newspaper circulated in the municipal water district. Said notice shall also be given by posting a copy of said resolution in three public places within the improvement district for at least two weeks before the time fixed for said hearing.

At the time and place so fixed, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing and at such hearing any person interested, including all persons owning property in the district, or in the improvement district, may appear and present any matters material to the proposed dissolution. At the conclusion of the hearing the board shall by ordinance determine whether it is necessary to dissolve said improvement district, and, if so, the ordinance shall state that the exterior boundaries of said improvement district are set forth on a map on file with the secretary of the district and declare said improvement district dissolved. The determinations made in said ordinance shall be final and conclusive.

When the ordinance declaring the improvement district dissolved becomes effective the dissolution of such improvement district shall be complete, but the taxable property within the boundaries of such dissolved improvement district shall continue to be taxed for any indebtedness of the municipal water district contracted for such dissolved improvement district until said indebtedness shall have been satisfied to the same extent that such property would be taxable for such purpose if such dissolution had not occurred.

Any action or proceeding wherein the validity of the dissolution of the improvement district or of any of the proceedings in relation thereto is contested; questioned or denied, shall be commenced within three months from the effective date of the ordinance dissolving such district otherwise the dissolution of the improvement district and all proceedings in relation thereto, shall be held to be valid and in every respect legal and *incontestable*.

SEC. 8. Section 16.7 is added to said code, to read:

Sec. 16.7. After a bond election has been held in an improvement district formed pursuant to Section 16 and less than two-thirds of the votes cast in such election were in favor of the measure the board may within one year of the date of such election call and hold another election as provided in

Section 16 for the purpose of resubmitting said measure to the electors of said improvement district. If said measure is not so resubmitted said improvement district, on the anniversary date of the election, is dissolved without further action by the board. If said measure is resubmitted and fails to receive more than two-thirds of the votes cast in such election in favor of said measure said improvement district is dissolved following the canvass of the election returns.

SEC. 9. Section 71254 of the Water Code, as proposed by Senate Bill No. 15, is amended to read:

71254. Any vacancy in the office of director shall be filled by a majority of the remaining directors. The person selected shall be a resident of, and otherwise qualified to be a director from, the division in which the vacancy occurred and shall hold office for the remainder of the unexpired term. If within 60 days after a vacancy on the board of directors occurs the remaining directors have failed to fill such vacancy, a special election shall be called by the board of directors and held in the division affected, for the purpose of filling such vacancy. Such special election shall be conducted in the manner provided for in Section 71505. In the event there are more than two candidates at such special election, only a plurality will be required for election. The candidate elected at such special election shall fill the unexpired term of the vacating director.

SEC. 10. Section 71274 of the Water Code, as proposed by Senate Bill No. 15, is amended to read:

71274. A majority of the board shall constitute a quorum for the transaction of business; however, no ordinance, motion or resolution shall be passed to become effective without the affirmative vote of a majority of the members of the board.

SEC. 11. Section 71278 of the Water Code, as proposed by Senate Bill No. 15, is amended to read:

71278. Resolutions and motions may be adopted by voice vote, but on demand of any member of the board the roll shall be called.

SEC. 12. Section 71279 of the Water Code, as proposed by Senate Bill No. 15, is amended to read:

71279. Votes of the members of the board shall not be cast or exercised by proxy.

SEC. 13. Section 71312.5 is added to the Water Code, to read:

71312.5. A district may issue bonds, borrow money, and incur indebtedness as authorized by law or this division.

SEC. 14. Section 71313 is added to the Water Code, to read:

71313. A district may refund such bonds, loans, or indebtedness (by the issuance of the same obligations following the same procedure) or retire any indebtedness or lien that may exist against the district or its property.

SEC. 15. Section 71362 of the Water Code, as proposed by Senate Bill No. 15, is amended to read:

71362. Subject to the approval of the Board of Directors, the general manager shall have full charge and control of the maintenance, operation, and construction of the waterworks or waterworks system of the district, with full power and authority to employ and discharge all employees and assistants, other than those referred to in Section 71340, at pleasure, prescribe their duties, and fix their compensation.

SEC. 16. Section 71363 of the Water Code, as proposed by Senate Bill No. 15, is amended to read:

71363. The general manager shall perform such duties as may be imposed on him by the board. He shall report to the board in accordance with such rules and regulations as it may adopt.

SEC. 17. Section 71752 of the Water Code, as proposed by Senate Bill No. 15, is amended to read:

71752. An action to determine the validity of any contract authorized by Article 1 (commencing with Section 71720) of Chapter 5 of this part and any bonds, notes or other evidences of indebtedness may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

SEC. 18. Section 71680 of the Water Code, as proposed by Senate Bill No. 15, is amended to read:

71680. A district may acquire, construct, and operate facilities for providing fire protection to the district and its inhabitants, including buildings, engines, hose, hose carts, or carriages, and other appliances and supplies for the full equipment of a fire company or department; establish and maintain a fire department, and establish and enforce rules and regulations for the administration, operation, and maintenance thereof; and adopt and enforce reasonable ordinances for the prevention and suppression of fires and conflagrations and for the protection and preservation of life and property against the hazards of fire and conflagration not in conflict with any ordinance on the subject previously adopted by the board of supervisors of any county in which a part of the district is located. The officers of the fire department of the district shall have the powers of peace officers while engaged in the performance of their duties with respect to the prevention and suppression of fires and conflagrations and the protection and preservation of life and property against the hazards of fire and conflagration. The terms "county fire protection district" and "fire protection district" as used in Chapter 1 (commencing with Section 13100) of Part 2 of Division 12 of the Health and Safety Code and in Section 25643 of the Government Code, shall include a municipal water district which has established a fire department pursuant to this subdivision.

If the district includes any part of a city, fire district, or other local agency which provides fire protection service to any territory in the district, the district shall have no authority pursuant to this subdivision regarding the prevention or suppression of fires, in such territory unless and until it has

obtained the consent of such city, fire district, or other local agency.

Every person who violates any of the provisions of a district ordinance adopted pursuant to this section or who fails or refuses to correct or eliminate a fire or life hazard after written order of the district board or its authorized representative is guilty of a misdemeanor.

SEC. 19. Section 71850 of the Water Code, as proposed by Senate Bill No. 15, is repealed.

SEC. 20. Section 71851 of the Water Code, as proposed by Senate Bill No. 15, is repealed.

SEC. 21. Article 3 (commencing with Section 71936) is added to Chapter 4 of Part 7 of Division 20 of the Water Code as proposed by Senate Bill No. 15, to read:

Article 3. Advance of Funds

71936. The board may advance general funds of the district to accomplish the purposes of an improvement district formed pursuant to this chapter.

71937. The board may repay the district for any advance of funds from the proceeds of the sale of bonds authorized for the purposes of the improvement district.

SEC. 22. Section 72730 of the Water Code, as proposed by Senate Bill No. 15, is amended to read:

72730. Notwithstanding the provisions of Section 72738, whenever the board deems it necessary for any improvement district formed pursuant to this division to be dissolved, it shall by resolution declare its intention to dissolve the improvement district.

As used in this chapter, "improvement district" includes an uninhabited improvement district formed pursuant to Chapter 4 (commencing with Section 71920) of Part 7 of this division.

SEC. 23. Section 72738 is added to the Water Code, to read:

72738. After a bond election has been held in an improvement district formed pursuant to Chapter 3 (commencing with Section 71870) of Part 7 of this division and less than two-thirds of the votes cast in such election were in favor of the measure the board may within one year of the date of such election call and hold another election as provided in Part 7 of this division for the purpose of resubmitting said measure to the electors of said improvement district. If said measure is not so resubmitted said improvement district, on the anniversary date of the election, is dissolved without further action by the board. If said measure is resubmitted and fails to receive more than two-thirds of the votes cast in such election in favor of said measure said improvement district is dissolved following the canvass of the election returns.

SEC. 24. Sections 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23 of this act shall become operative only if

Senate Bill No. 15 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as Senate Bill No. 15 takes effect; at which time Sections 8, 9, 12, 12.3, 14, 16.3, 16.6 and 16.7 of the Municipal Water District Law of 1911 (Chapter 671, Statutes of 1911), as amended or added by Sections 1, 2, 3, 4, 5, 6, 7, and 8 of this act are repealed.

SEC. 25. Section 16 of Chapter 426 of the Statutes of 1963 is amended to read:

Sec. 16. Section 72094 of the Water Code as proposed by Senate Bill No. 15 is amended to read:

72094. On or before the third Monday in August, the board shall certify to the board of supervisors the tax rate or rates fixed for the district and shall furnish to the board of supervisors a statement in writing containing the following:

(a) An estimate of the minimum amount of money required to be raised by taxation during the fiscal year for the payment of the principal of and interest on any bonded debt of the district, or of an improvement district therein, that will become due before the proceeds of a tax levied at the next general tax levy will be available.

(b) An estimate of the minimum amount of money required to be raised by taxation during the fiscal year for all other purposes of the district.

SEC. 26. Section 17 of Chapter 426 of the Statutes of 1963 is amended to read:

Sec. 17. Section 16 of this act shall become operative only if Section 72094 of the Water Code as proposed to be added by Senate Bill No. 15 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as said Section 72094 of the Water Code takes effect Section 15 of this act shall become inoperative.

CHAPTER 1152

An act to add Sections 349.3 and 349.4 to the Code of Civil Procedure, relating to the time of commencing actions, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 349.3 is added to the Code of Civil Procedure, to read:

349.3. The validity of any acts or proceedings taken under color of law for the formation, organization, incorporation or consolidation of, or for any change in the territorial boundaries of, any city, county, city and county, special district, public corporation or other public entity, or improvement district or zone within any of the foregoing, shall not be contested in

any action unless such action shall have been brought within six months from the delinquency date of the first taxes or ad valorem assessments (or the first installment thereof, if payable in installments) levied subsequent to the date of completion of said acts or proceedings and levied by or for any such city, county, city and county, special district, public corporation or other public entity, or for any such improvement district or zone. Unless an action is commenced within said period all said acts or proceedings shall be held valid and in every respect legal and incontestable.

This section shall not supersede any existing statute prescribing a shorter or longer period of limitation than that specified herein.

SEC. 2. With respect to any acts or proceedings mentioned in Section 1 of this act which are taken prior to the effective date of such act, an action contesting the validity of any such acts or proceedings (which action is not already barred by laches or an existing statute of limitations) must be commenced within the period specified in this act or within six months from the effective date of this act, whichever may be later.

SEC. 3 Section 349.4 is added to the Code of Civil Procedure, to read:

349.4. All acts and proceedings heretofore taken under color of law for the formation, organization or incorporation of, or for any change in the territorial boundaries of, any city, county, city and county, special district, public corporation or other public entity, or improvement district, annexed area or zone within any of the foregoing, and for the authorization, issuance, sale, or exchange of bonds of the entity or the territory thereof may be confirmed, validated, and declared legally effective in the manner provided in this section.

The legislative body of the entity may instruct its clerk or secretary to mail a notice to all owners of property within the entity, within the improvement district or zone, or within the annexed area, as the case may be, as their names and addresses appear on the last equalized county assessment roll, or as known to the clerk or secretary. Such notice shall include the name of the entity, the date the entity or the zone or improvement district therein was ordered formed or its territory changed by annexation or otherwise, as the case may be, the amount of bonds authorized, if any, and a statement that commencing with the date of mailing of said notice there shall be a 60-calendar-day period during which period any property owner may file an action contesting the validity of the formation of the entity, or of such improvement district or zone, or of such change of boundaries by annexation or otherwise, as the case may be, or the validity of the bond authorization, if any. The clerk or secretary shall make and file with the legislative body of the entity a certificate of mailing of the notices. The legislative body of the entity may order the clerk or secretary to include in such notice such other additional information that it deems pertinent.

If no action is filed during such 60-day period, the formation of the entity or of such improvement district or zone, or the change of boundaries by annexation or otherwise, as the case may be, and the bond authorization, if any, are valid and uncontestable.

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Article IV of the Constitution and shall, therefore, go into immediate effect. A statement of the facts constituting such necessity is as follows:

To assist in the issuance of bonds for water, sewer and other public health and safety facilities it is desirable that the validity of the particular public agency involved in the issuance of such bonds be established beyond any doubt. This act will establish reasonable periods after which the formation of such public agencies and special taxing districts therein cannot be contested. It will, thus, expedite the solution of public health and safety problems in the State.

CHAPTER 1153

An act to add Sections 35479, 35480, 35481 and 35505 to the Water Code, relating to California water districts.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 35505 is added to the Water Code, to read:

35505. If 75 percent or more of the territory of one or more county sanitation districts is located within the boundaries of a California water district situated in one county, the board of supervisors of the county, or the governing body of the county sanitation district or districts, may, if the board of directors of the California water district gives its consent in writing, delegate the powers and functions of the governing bodies of the county sanitation districts to the board of directors of the California water district, which shall thereafter perform such powers and functions.

SEC. 2. Section 35479 is added to said code, to read:

35479. The district may elect, if it is using the alternative provisions for levy, collection and enforcement of district assessments by the county as provided in Part 7.5 hereof, to have the county levy and collect standby charges. If the district so elects, it shall certify to the county auditor of each county in which the district is located and the county assessor in each county in which the district is located on or before July 1st of each year in which a standby charge is to be levied

and collected for the fiscal year commencing on that July 1, the following information for purposes of such levy, assessment and collection:

(a) The amount of the acreage standby charge levied by the district, both by acre and total amount estimated to be collected for the entire district;

(b) The assessee parcels and assessee names for each parcel of land in the district against whom a standby charge is being levied and the acreage assessed to such person according to the district records, and the total amount of the charge to be paid by each assessee parcel.

SEC. 3. Section 35480 is added to said code, to read:

35480. The county assessor and county auditor shall thereafter add to the tax bills for each assessee and assessee parcel as so certified, in addition to the other charges, the standby charges of the district.

SEC. 4. Section 35481 is added to said code, to read:

35481. The county tax collector and treasurer shall thereupon collect, receive and disburse to the district the standby charges as collected with the regular tax payments to the county.

CHAPTER 1154

An act to amend Section 70047.5 of the Government Code, relating to compensation of official reporter.

[Approved by Governor July 5, 1963 Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 70047.5 of the Government Code is amended to read:

70047.5. In a county with a population of 147,000 and not over 152,000, as determined by the 1960 federal census, each regular official reporter shall be paid an annual salary of ten thousand five hundred dollars ($10,500), which salary shall include payment for his services in reporting proceedings by the grand jury, the coroner and the district attorney.

Reporters pro tempore shall be paid at the rate of thirty dollars ($30) a day for the days they are actually on duty under order of the court, and shall receive from the county their necessary traveling and other expenses when necessarily called from other counties.

Regular official reporters shall be entitled to the same privileges with respect to retirement, vacation, sick leave and other benefits allowed to employees of the county.

In such a county the fee required by Section 70053 shall be eight dollars ($8).

CHAPTER 1155

An act to amend Section 9765 of the Government Code, relating to marginal notes for the statutes.

[Approved by Governor July 5, 1963 Filed with Secretary of State July 8, 1963]

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

SECTION 1. Section 9765 of the Government Code is amended to read:

9765. Preparation of the statutes shall include the making of an index and statutory record, and the delivery thereof to the State Printing Office as soon as practicable after final adjournment of the Legislature. The date of approval or adoption of each act and its effective date shall be prefixed to its text. The cost of preparation shall be paid from the same source as the cost of printing and publishing the statutes is paid.

CHAPTER 1156

An act to add Article 3.5 (commencing with Section 7975) to Chapter 3 of Division 7 of the Education Code, relating to conservation and training programs.

[Approved by Governor July 5, 1963 Filed with Secretary of State July 8, 1963]

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

SECTION 1. Article 3.5 is added to Chapter 3 of Division 7 of the Education Code, to read:

Article 3.5. Conservation and Training Programs

7975. The county superintendent of schools, with the approval of the county board of education, or the county superintendents of two or more counties, jointly may contract with the United States, the State of California, any city, county, city and county or any combination thereof for the joint operation and maintenance of programs in youth conservation and training or for assistance in their operation and maintenance.

7976. Whenever the county superintendent of schools enters into a contract authorized by Section 7975 he may employ youth who reside in the county to help in carrying out the terms of the contract. The county superintendent of schools may seek the advice of the governing boards of districts maintaining high schools in the county to select youth to be employed.

7977. The county superintendent of schools may with the approval of the county board of education provide the co-ordination services authorized by Section 8503 in connection with meeting the requirements of a contract.

7978. The county superintendent is authorized to perform any function necessary in meeting the requirements of a contract and shall pay for the performance of such functions from funds paid by the agency with whom he contracts, or from funds contributed under law by other individuals or agencies.

7979. Funds received by a county superintendent of schools under a contract entered into pursuant to Section 7975 or contributed to the purposes of this article shall be deposited in the county school service fund of the county. The payment for performance of necessary functions under such a contract shall be paid from the county school service fund of the county.

CHAPTER 1157

An act to add Section 8961.6 to the Health and Safety Code, relating to public cemetery districts.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 8961.6 is added to the Health and Safety Code, to read:

8961.6. Notwithstanding the provisions of Sections 8961 to 8961.4, inclusive, a district may contract with the county in which the district is located to bury any nonresident indigents for the county if the trustees determine that there is more space available in the cemetery of the district than is necessary to meet the foreseeable needs of the district.

The contract shall require the county with which it is made to pay all costs incident to the burial of any such indigent in the cemetery of the district and to pay a minimum deposit in the endowment care fund, if one exists, in the amount set forth in Section 8738 of this code or any amendments thereto or to pay any future costs incurred by the district in maintaining the grave of the indigent.

CHAPTER 1158

An act to add Part 11.1 (commencing with Section 8760) to Division 10 of the Streets and Highways Code, relating to the Improvement Bond Act of 1915.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Part 11.1 (commencing with Section 8760) is added to Division 10 of the Streets and Highways Code, to read:

PART 11.1. ALTERNATIVE PROCEDURE FOR COLLECTING ASSESSMENTS AND ADVANCE RETIREMENT OF BONDS

8760. The procedures of this part are alternative to Parts 8 and 11 relating to collecting assessments and advance retirement of bonds. Excepting as herein otherwise provided, the provisions of Parts 8 and 11 shall apply. When it is proposed to proceed under this part, it shall be so stated in the resolution of intention.

8761. A copy of the order of the council determining the assessments remaining unpaid and providing for the issuance of bonds shall be filed in the office of the auditor, who shall annually make a record in his office showing the several installments of principal and interest on said assessments which are to be collected for the forthcoming year during the term of the bonds.

8762. An annual installment of the unpaid assessments shall be payable and be collected in each year corresponding in amount to the amount of bonds unpaid and to accrue that year, and which shall be sufficient to pay the bonds when due.

8763. An annual installment of interest on the unpaid assessments shall be payable and be collected in each year corresponding in amount to the amount of interest which will accrue on the bonds outstanding for said year, and which shall be sufficient to pay the interest coupons thereof which shall become due in the next succeeding January and July.

8764. When the first interest coupon is for interest for a longer period than six months, the auditor shall enter the amount thereof in the column on his assessment roll provided for the first installment, and the balance in the column provided for the second installment, of said assessment.

8765. When any owner shall elect to pay off his assessment, the auditor and the treasurer shall ascertain what bonds may be called by reason thereof, and the amount which the owner shall pay by reason thereof as provided in Section 8766.

8766. The amount to be paid by the owner shall be the total of the following sums:

(a) The amount of any delinquent installments of principal and interest, together with penalties, interest and costs due thereon.

(b) Any installment of principal and interest which has been posted to the tax roll for said fiscal year.

(c) The unpaid balance of principal thereof, plus 5 percent of said balance.

(d) An amount to be fixed by the treasurer for publishing notice calling bonds, if notice is to be published.

(e) Interest to the date of call on the amount of principal to be used for call, less the amount of interest in (b) above. If the amount of principal is in excess of the amount for which bonds may be called, additional interest shall be collected on the excess for an additional six months.

8767. The treasurer shall advance the maturity of bonds selected, in the manner provided in Part 11.

8768. In selecting a bond for retirement, the lowest numbered bond of annual series midway to the end of the bond term shall be chosen. Successive bonds shall be chosen from the lowest number of each annual series, before and after the series from which the first bond is selected, so that bonds called shall be a pro rata part of each annual series. It is intended that the relationship of unpaid assessments to bonds outstanding be disturbed as little as possible by the call of bonds.

CHAPTER 1159

An act to add Section 28023 to the Education Code, relating to union high school public library districts.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 28023 is added to the Education Code, to read:

28023. If there are formed substantially within the territory of a union high school library district two or more unified school districts, the library district shall become a unified school district library district which shall be governed by the governing board of the unified school district whose territory includes the largest portion of the territory of the library district.

CHAPTER 1160

An act to amend Section 829.6 of, and to repeal Section 829.7 of, the Agricultural Code, relating to containers.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 829.6 of the Agricultural Code is amended to read:

829.6. Fresh fruits, nuts, or vegetables prepared, packed, shipped, or sold in unbroken consumer-type containers which have a volume not greater than 85 percent of the smallest size standard container provided in this chapter for the specific commodity are exempt from the standard container provisions in this chapter, provided such exempt containers shall not be of a size that will hold more than 15 pounds net when full.

This section shall not apply to containers filled entirely with dates or berries.

Nothing in this section shall be construed to modify any provision of this chapter relating to deception or mislabeling, nor to any provision in a specific commodity section in this chapter which has requirements pertaining to consumer-type packages.

In addition, marking requirements provided in this chapter need not be placed on containers (1) which are exempted from the standard container requirements by the provisions of this section, nor (2) holding commodities for which no standard containers are provided in this chapter if the net contents when full does not exceed 15 pounds.

SEC. 2. Section 829.7 of said code is repealed.

CHAPTER 1161

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

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

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

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

Agencies, boards, commissions or entities constituted or provided for under or pursuant to Chapter 5 (commencing with Section 6500), Division 7, Title 1 of the Government Code.
Air pollution control districts
Airport districts
Assessment districts
Bridge and highway districts
California water districts
Cemetery districts
Citrous pest control districts
City maintenance districts
Community service districts
Conservancy districts
County boards of education
County fire protection districts
County maintenance districts
County power pumping districts
County sanitation districts
County sewerage and water districts
County water agencies
County water authorities
County water districts
County waterworks districts
Drainage districts
Fire protection districts
Flood control and water conservation districts
Flood control districts
Garbage and refuse disposal districts
Garbage disposal districts
Harbor districts
Harbor improvement districts
Highway districts
Highway lighting districts
Horticultural protection districts
Horticultural development districts
Housing authorities
Improvement districts of municipal improvement districts
Irrigation district distribution districts
Irrigation district improvement districts
Irrigation districts
Joint harbor improvement districts
Joint highway districts
Joint municipal sewage disposal districts
Junior college districts
Levee districts
Library districts
Local health districts
Local hospital districts
Metropolitan water districts
Mosquito abatement districts
Municipal improvement districts

Municipal improvement assessment districts
Municipal port districts
Municipal sewer districts
Municipal utility districts
Municipal water district improvement districts
Municipal water districts of any kind
Parking authorities
Parking districts
Park, recreation and parkway districts
Permanent road divisions
Pest abatement districts
Port districts
Public cemetery districts
Public utility districts
Rapid transit districts
Reclamation districts
Recreational harbor districts
Recreation and park districts
Recreation, park and parkway districts
Redevelopment agencies
Regional park districts
River port districts
Resort improvement districts
Road districts
Sanitary districts
Sanitary districts annexed areas
School districts of any kind or class
Separation of grade districts
Sewer maintenance districts
Soil conservation districts
Special transit service districts
Storm water districts
Transit districts
Urban renewal agencies
Unified air pollution control districts
Unified port districts
Vehicle parking districts
Veterans' memorial districts
Water agencies
Water authorities
Water conservation districts
Water districts
Water replenishments districts
Water storage districts
Weed abatement districts
Zones of flood control districts
Zones of flood control and water conservation districts
Zones of county water agencies
Zones of county water authorities

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

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

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

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

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

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

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

ered in accordance with such authorization, shall be the legal, valid and binding obligations of the public body.

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

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

(c) The foregoing provisions of this act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined or which may be pending and undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

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

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

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

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

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

CHAPTER 1162

An act to amend Section 4357 of the Agricultural Code, relating to milk.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 4357 of the Agricultural Code is amended to read:

4357. The director shall take into consideration the reasonably necessary cost of handling fluid milk or fluid cream, or both, incurred by distributors in hauling, processing, selling and delivering to restaurants, confectioneries or other places for consumption on the premises wherein it is required by law that service to customers be made from the original container or from milk-dispensing devices which have been approved for such use by the director in accordance with Section 461. In fixing the minimum wholesale price to be paid distributors by such persons, the director shall take into consideration such legal requirements and other reasonably necessary factors and distribution costs peculiarly affecting service to such persons, and if the director reasonably determines that such reasonably necessary factors and costs require that the minimum wholesale prices to be paid distributors by such persons vary from the minimum prices established for other wholesale customers, the prices established to be paid by such persons may vary accordingly. The prices established to be paid by such persons for milk sold in containers designed for use in milk-dispensing devices approved for such use by the director under Section 461 may vary from any of the minimum wholesale prices referred to in this section if the director reasonably determines that the necessary factors and costs involved in such sales require that these prices vary from any of the minimum wholesale prices referred to in this section. Minimum wholesale price schedules for fluid milk, fluid cream, or both, established by the director, may provide for quantity discounts, such discounts to be no more than those which give full effect to cost differences in respect to single deliveries of varying quantities of fluid milk, fluid cream, or both, to wholesale customers. Minimum retail price schedules for fluid milk, fluid cream, or both, established by the director for home delivery, may provide for either quantity discounts or delivery service charges, such discounts or service charges to be no more than those which give full effect to cost differences in respect to the home delivery of single orders of varying quantities of fluid milk, fluid cream, or both, to retail consumers. Minimum retail price schedules for fluid milk, fluid cream, or both, established by the director for retail stores may provide for quantity discounts, such discounts to

be no more than those which give effect to store handling cost differences in the sale of single orders of varying quantities of fluid milk, fluid cream, or both, to retail consumers.

CHAPTER 1163

An act to add Section 16061.5 to the Education Code, relating to procedures for the sale and lease of school district property.

[Approved by Governor July 5, 1963 Filed with Secretary of State July 8, 1963]

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

SECTION 1. Section 16061.5 is added to the Education Code, to read:

16061.5. The governing board by majority vote may adopt a rule delegating to an officer or employee of the district the authority to perform the duties required to be performed by the governing board under Sections 16060 and 16061. If such rule is adopted, the resolution required in Section 16056 shall specify, in lieu of the public meeting of the governing board to be held at its regular place of meeting, the place at which the designated officer or employee will receive and open sealed proposals to purchase or lease and will call for oral bids.

All other provisions of this article not in conflict with the delegation of this authority are applicable. However, the final acceptance of a bid, or rejection of all bids, shall be made by the governing board at a public meeting.

This section shall apply only when the average daily attendance of any school district, or of two or more school districts governed by governing boards of identical personnel, is 400,000 or more, as shown by the annual report of the county superintendent of schools for the preceding year.

CHAPTER 1164

An act to amend Section 16201 of the Education Code, relating to transfers of school property.

[Approved by Governor July 5, 1963 Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 16201 of the Education Code is amended to read:

16201. The governing boards of any school district may sell, exchange, grant or quitclaim all or any of its interest in, or may lease for a term not exceeding 99 years, to the federal gov-

ernment or its agencies, to the State, or to any county, city and county, city or special district, or to any other school district except in cases included within Article 4 (commencing at Section 16151) of this chapter, any real property belonging to the school district, and which is not or will not at the time of delivery of title or possession be needed for school classroom buildings by the district owning it, as provided in this article (commencing at Section 16201).

CHAPTER 1165

An act to amend Sections 16451 and 16453 of the Education Code, relating to the sale or lease of school property.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 16451 of the Education Code is amended to read:

16451. The governing board of any school district may sell any personal property or school supplies belonging to the district to the federal government or its agencies, to the State, to any county, city and county, city or special district, or to any other school district and the governing board of another school district may purchase the property, for an amount equal to the cost thereof plus the estimated cost of purchasing, storing, and handling the property, without advertisement for or receipt of bids or compliance with any other provisions of this code. The governing board of any school district may purchase any personal property or school supplies for the purpose of selling them, pursuant to this section.

This section does not authorize the purchase, for the purpose of resale, of standard school supplies and equipment by any elementary school district governed by school trustees.

SEC. 2. Section 16453 of the said code is amended to read:

16453. The governing board of any school district may sell or lease used personal property belonging to the district to the federal government or its agencies, to the State, to any county, city and county, city or special district, or to any other school district, and the governing board of another school district may purchase or lease the property. The selling price and the terms of sale, or the lease price and the terms of lease shall be fixed by the governing boards of the school districts effecting the sale or lease, and approved by the county superintendent of schools. The sale or lease may be made without advertisement for or receipt of bids, or compliance with any other provisions of this code.

CHAPTER 1166

An act to add Article 4.5 (commencing with Section 16175) to Chapter 2 of Division 12 of the Education Code, relating to exchanges of real property by a school district.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Article 4.5 (commencing with Section 16175) is added to Chapter 2 of Division 12 of the Education Code, to read:

Article 4.5. Exchange of a School District's Real Property for the Real Property of Another

16175. The governing board of a school district may exchange any of its real property for real property of another person. Any exchange shall be upon such terms and conditions as the parties thereto may agree and may be entered into without complying with any provisions in this code except as provided in this article.

This article shall apply only when the average daily attendance of a school district or of two or more school districts governed by governing boards of identical personnel is 400,000 or more as shown by the annual report of the county superintendent of schools for the preceding year.

16176. Before ordering any exchange of real property the board shall adopt, by a two-thirds vote of its members, a resolution declaring its intention to exchange the property. The resolution shall describe the properties to be exchanged in such manner as to identify them, and the terms and conditions, not including the price, upon which they will be exchanged.

16177. The board and the other party to the exchange each shall appoint one member of a board of appraisers, and the third member shall be selected by the county superintendent of schools. The governing board and the other party to the exchange shall agree on the compensation of the board of appraisers. The amount for the board's appraiser and one-half of the amount for the appraiser appointed by the county superintendent of schools shall be a legal charge against the funds of the district exchanging the property.

The board of appraisers shall make a report to the parties to the exchange and the county superintendent of schools of its determination of the cash values of the properties proposed to be exchanged. The report may provide for payment by one of the parties to compensate for any difference in appraised values of the properties.

16178. If the county superintendent of schools approves the report of the appraisers and the terms and conditions set

forth in the resolution, the governing board shall publish at least once a week for two weeks in a newspaper of general circulation, circulated in the county, the resolution and a notice stating the time and place within the district at which a public meeting of the board will be held to consider the report of the appraisers and the exchange of the real properties described in the resolution.

16179. At the time and place fixed in the published notice, the board shall meet and consider the report of the appraisers. It then may order the exchange pursuant to the terms and conditions set forth in the resolution and the report of the appraisers.

CHAPTER 1167

An act to add Section 16070 to the Education Code, relating to leasing of property by school districts.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 16070 is added to the Education Code, to read:

16070. In addition to any other authority to lease real property, the governing board of a school district, by a two-thirds vote of its members, may lease, for a term not exceeding three months, school district property having a residence thereon, which cannot be developed for district purposes because of the unavailability of funds. The lease shall be upon such terms and conditions as the parties thereto may agree and may be entered into without complying with any provisions in this code except as provided in this section.

CHAPTER 1168

An act to amend Section 1300.16 of the Agricultural Code, relating to marketing orders.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 1300.16 of the Agricultural Code is amended to read:

1300.16. (a) (1) No marketing order or major amendment thereto, directly affecting handlers, issued pursuant to this chapter, shall become effective unless and until the director finds that such marketing order or amendment thereto has

been assented to in writing by the handlers engaged in the marketing activity or activities regulated by such marketing order who handle not less than sixty-five percent (65%) of the volume of the agricultural commodity regulated thereby which is processed or distributed within the area defined in such marketing order or amendment thereto, or that such marketing order or amendment thereto has been assented to in writing by not less than sixty-five percent (65%) of the number of handlers engaged in the marketing activity or activities regulated by such marketing order; provided, however, that any marketing order or major amendment thereto directly affecting processors engaged in the operation of canning of fresh fruits or vegetables or canning or packing of dried fruits shall not be made effective by the director unless and until the director finds that such marketing order or amendment thereto has been assented to in writing by such processors engaged in the marketing activity or activities regulated by such marketing order or amendment thereto who processed not less than sixty-five percent (65%) of the volume of such agricultural commodity which is processed within the area defined in such marketing order or amendment thereto and by sixty-five percent (65%) of the number of such processors engaged in the marketing activity or activities regulated by such marketing order or amendment thereto.

(2) No marketing order or major amendment thereto, directly affecting producers or producer marketing, issued pursuant to this chapter, shall be made effective by the director unless and until the director finds one or more of the following: (A) that such marketing order or amendment thereto has been assented to in writing by not less than sixty-five percent (65%) of the producers who are engaged, within the area specified in such marketing order or amendment thereto, in the production for market or engaged in such producer marketing, of not less than fifty-one percent (51%) of the agricultural commodity specified therein in commercial quantities, or (B) that such marketing order or amendment thereto has been assented to in writing by producers who produce not less than sixty-five percent (65%) of the volume of such agricultural commodity and by fifty-one percent (51%) of the total number of producers so engaged, or (C) that such marketing order or amendment thereto has been approved by producers in a referendum among producers directly affected. The director may make the finding: (i) if the valid votes cast in such referendum represent not less than forty percent (40%) of the total number of producers of said commodity of record with the department, and (ii) if the producers who cast ballots in the referendum in favor of the marketing order or amendment represent not less than sixty-five percent (65%) of the total number of producers who cast ballots in the referendum and marketed not less than fifty-one percent (51%) of the total quantity of said commodity marketed in the next preceding marketing season by all of the producers who cast ballots in the referendum or

if the producers who cast ballots in the referendum in favor of the marketing order or amendment represent not less than fifty-one percent (51%) of the total number of producers who cast ballots in the referendum and marketed not less than sixty-five percent (65%) of the total quantity of said commodity marketed in the next preceding marketing season by all of the producers who cast ballots in the referendum.

Whenever any marketing order or any major amendment to any marketing order is issued by the director for the approval of producers, he shall determine whether the approval of producers shall be by written assents or by referendum. If the director determines that a referendum shall be had, he shall establish a referendum period not to exceed thirty (30) days. If the director determines that the referendum period so established does not provide sufficient time for the balloting he may extend the referendum period not more than fifteen (15) additional days. At the close of the referendum period, the director shall count and tabulate the ballots filed during the referendum period. If from the tabulation the director finds that the number of producers voting in the referendum and that the number of producers voting in favor of the marketing order or amendment thereto are sufficient for him to make the finding that producers directly affected have approved the marketing order or amendment, the director may make the marketing order or amendment thereto effective. If he finds from the tabulation of such referendum that the number of producers who have voted in the referendum or the number of producers who have voted in favor of such marketing order or amendment thereto is not sufficient for him to make the finding that producers directly affected have approved the marketing order or amendment thereto he shall not make the marketing order or amendment effective. The director is authorized to prescribe such additional procedures as may be necessary to conduct the referendum.

(3) In finding whether such marketing order or major amendment thereto is assented to in writing or approved or favored by producers pursuant to the provisions of this chapter, the director shall consider the approval of any nonprofit agricultural co-operative marketing association, which is authorized by its members so to assent, as being the assent, approval or favor of the producers who are members of, or stockholders in, such nonprofit agricultural co-operative marketing association.

(4) At each public hearing upon a marketing order or a major amendment thereto, the director shall receive testimony or evidence relative to the period of time which may be necessarily required for the filing, checking, and tabulating of written assents prescribed in this section. At the conclusion of each such hearing the director shall make a finding, based upon the evidence and testimony so received, with respect to the period of time which may be reasonably and necessarily required for such filing, checking and tabulating. On the basis

of such finding the director shall fix and limit the period during which such assents may be received by the director and such period shall be announced by the director at the time of mailing of assent forms to producers and handlers affected; provided, however, that if the director finds that an extension of such period is reasonably warranted he may extend such period for receiving assents.

At a public hearing held to consider a proposed marketing order or major amendments to an existing marketing order which directly affects producers or producer marketing, the director shall also receive testimony or evidence from which he can determine whether the assent, approval or favor of such producers shall be determined by written assents or by referendum as hereinabove prescribed. Upon the conclusion of any hearing which involves a marketing order or a major amendment thereto directly affecting producers or producer marketing, the director shall make a finding, based upon testimony and evidence received, whether producer assent, approval or favor shall be determined by written assents or by referendum. If the director finds that a referendum shall be had, he shall direct that a referendum be held in accordance with the provisions of subdivision (a) (2) of this section. If a referendum is conducted, the director shall not be required, with respect to the assent, approval or favor of producers, to make a finding concerning or fix and limit the period during which assents may be received by the director.

(b) Subject to the provisions, restrictions and limitations imposed herein, the director may issue marketing orders regulating producer marketing, the processing, distributing or handling in any manner of agricultural commodities by any and all persons engaged in such producer marketing, processing, distributing or handling of such agricultural commodities within this State.

(c) The director shall suspend or terminate any marketing order, whenever he finds, after a public hearing duly noticed and held in accordance with the provisions of Section 1300.13 of this chapter, that such marketing order is contrary to or does not tend to effectuate the declared purposes or provisions of this chapter within the standards and subject to the limitations and restrictions herein imposed. The director shall terminate such marketing order if he finds that the termination of any marketing order is requested in writing, within a 90-day period, by at least 51 percent of the producers directly affected who produce at least 51 percent of the volume of the product, or by at least 51 percent of the handlers directly affected who handle at least 51 percent of the volume of the product. If at least 25 percent of the producers producing at least 25 percent of the product and at least 25 percent of the handlers handling at least 25 percent of the product request, within a 90-day period, that such marketing order be submitted for reapproval, the director shall hold a hearing on the question of the reapproval of such marketing order, and after determining whether

such reapproval shall be by assent or referendum, shall resubmit the marketing order for reapproval of those producers and handlers directly affected as provided in this section within 120 days of the receipt of the original request. If the director finds that such marketing order is not reapproved, he shall declare such order terminated. An order shall be considered reapproved if it has been assented to or favored at a referendum in the same manner as is required for a new marketing order. In addition, at any time the director finds that a substantial number of persons directly affected by an order are in opposition to it, he shall hold a hearing on the question of the termination, suspension, amendment, or reapproval of such order, and shall, not more than 60 days after such hearing, terminate, suspend or submit for amendment or reapproval such order, or make a finding that there is not sufficient opposition to the order to warrant any action. No marketing order shall be submitted for reapproval until one year after the original enactment, or within one year of any prior approval. No suspension or termination shall become effective until the expiration of the marketing season then current.

(d) Upon the recommendation of not less than seventy-five percent (75%) of the producer members or handler members of the advisory board, or not less than seventy-five percent (75%) of each group if both are represented upon the advisory board, the director may make effective minor amendments to a marketing order. The director may require a public hearing upon minor amendments if in his opinion the substance of such minor amendments so warrant; the director shall, however, not be required to submit minor amendments for written assents or referendum approval.

In making effective major amendments to a marketing order the director shall follow the same procedures prescribed in this chapter for the institution of a marketing order. For the purposes of this chapter a major amendment to a marketing order shall include but not be limited to any amendment which adds to or deletes from any such marketing order any of the following types of regulations or authorizations:

(1) Authority for determining the existence and extent of the surplus of any agricultural commodity or of any grade, size or quality thereof and providing for the control and disposition of such surplus and for equalizing the burden of such surplus elimination and shall also include the establishment of a stabilization fund for equalizing surplus obligations.

(2) Authority for limiting the total quantity of any agricultural commodity or of any grade, size or quality thereof which may be prepared for market or marketed within the State of California.

(3) Authority for allotting the quantity of any agricultural commodity or of any grade, size or quality thereof which any handler may purchase or acquire from or handle on behalf

of any and all producers thereof within the State of California.

(4) Authority for allotting the quantity of any agricultural commodity or of any grade, size or quality thereof which any handler may process, distribute or handle within the State of California.

(5) Authority for regulating the period or periods during which any agricultural commodity or any grade, size or quality of such commodity may be processed, distributed or otherwise marketed within the State of California.

(6) Authority for the establishment of surplus, stabilization, or byproduct pools for any agricultural commodity or of any grade, size, quality or condition thereof.

(7) Authority for the establishment of uniform grading and inspection of any agricultural commodity and the establishment of grading standards of quality, condition, size or pack of such commodity.

(8) Authority for the establishment of plans for advertising and sales promotion of any agricultural commodity.

(9) Authority to prohibit unfair trade practices.

(10) Authority for the establishment of production adjustment requirements and benefit payments relating thereto.

(11) Authority for carrying out research studies in the production, processing or distribution of any agricultural commodity.

(12) Authority to increase an assessment rate beyond the maximum rate authorized by the marketing order in effect.

(13) Authority to extend the application of the provisions of any marketing order to portions or uses of an agricultural commodity not previously subject to such provisions or to restrict or extend the application of such provisions upon the producers or handlers of such portions or uses of any such commodity.

Modification of any provisions of any marketing order in effect for the purpose of clarifying the meaning or application of such provisions or modifying administrative procedures for carrying out such provisions are hereby declared not to be a major amendment of such marketing order.

(e) Upon issuance of any order making effective a marketing order, or any suspension, amendment or termination thereof, a notice thereof shall be posted on a public bulletin board to be maintained by the director in his office and a copy of such notice shall be published pursuant to Section 6061 of the Government Code in the capital of the State and in such other localities as the director may prescribe. No marketing order or any suspension, amendment or termination thereof shall become effective until the termination of a period of five (5) days from the date of such posting and publication. It shall also be the duty of the director to mail a copy of the notice of said issuance to all persons, directly affected by the terms of such marketing order, suspension, amendment or termination, whose names and addresses may be on file in the

office of the director and to every person who files in the office of the director a written request for such notice.

(f) The director shall have power, consistent with this chapter and in accordance with the provisions of marketing orders and agreements made effective hereunder, to establish such general rules and regulations for uniform application to all marketing orders and marketing agreements issued hereunder as may be necessary to facilitate the administration and enforcement of such marketing orders and agreements. The provisions of paragraph (e) of this section relative to posting, publication, and time of taking effect shall be applicable to any such general rule or regulation established pursuant to this paragraph and applicable to marketing orders generally. Such notice shall be mailed to the advisory board for each marketing order or marketing agreement in active operation.

(g) Upon recommendation of the advisory board concerned, the director shall have power, consistent with this chapter, to establish administrative rules and regulations for each marketing order or marketing agreement issued and made effective as may be necessary to facilitate the administration and enforcement of each such order or agreement. The provisions of paragraph (e) of this section relative to posting, publication, mailing of notice and time of taking effect shall be applicable to any such administrative rules and regulations.

(h) Upon recommendation of the advisory board concerned, the director may, without prior notice to and public hearing for the producers or handlers of the commodity directly affected, issue and make effective seasonal marketing regulations or modifications thereof; provided, that the marketing order, or agreement concerned, made effective after due notice, public hearing and written assent as required by this act, (1) provides for the issuance or modification of such seasonal marketing regulations without requiring such prior notice and public hearing and (2) sets forth the limits within which such seasonal marketing regulations may be made effective or subsequently modified by the director; and provided further, that the director finds that such seasonal marketing regulations or modifications thereof are reasonable and proper and a practical means of carrying out the marketing provisions authorized in such marketing order or agreement and will effectuate the declared purposes and policies of the act with respect to such agricultural commodity. Notice of the issuance and the effective date of any such seasonal marketing regulations or modifications thereof shall be given by the director to all producers and handlers directly affected by any such regulations in the manner and within the time specified in the applicable marketing order or agreement or as specified in the administrative rules and regulations made effective for such marketing order or agreement pursuant to paragraph (g) hereof.

It is recognized that with respect to some agricultural commodities, marketing, weather and other conditions may change so rapidly as to require changes in seasonal marketing regulations from week to week or oftener.

It is intended that the provisions of this subsection be interpreted liberally so that the director may be enabled to carry out the marketing regulations and procedures authorized herein in a practical and effective manner.

CHAPTER 1169

An act to amend Section 15958 of the Education Code, relating to purchase and lease of school property and equipment.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963]

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

SECTION 1. Section 15958 of the Education Code is amended to read:

15958. The governing board of any school district may purchase supplementary textbooks, library books, and educational films, audiovisual materials, test materials, and workbooks, in any amount needed for the operation of the schools of the district without taking estimates or advertising for bids. Test materials, educational films, and audiovisual materials may be leased for a period not exceeding 10 years.

CHAPTER 1170

An act to amend Section 12510 of the Business and Professions Code, relating to weights and measures.

[Approved by Governor July 5, 1963 Filed with Secretary of State July 8, 1963]

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

SECTION 1. Section 12510 of the Business and Professions Code is amended to read:

12510. Any person, who by himself, or through or for another, does any of the following is guilty of a misdemeanor:

(a) Uses, in the buying or selling of any commodity, or retains in his possession a false weight or measure or weighing or measuring instrument.

(b) Sells any weight or measure or weighing or measuring instrument which has not been sealed within one year, except weighing or measuring instruments required to be assembled prior to use.

(c) Uses any condemned weight or measure or weighing or measuring instrument contrary to law.

(d) Uses in the buying or selling of any commodity, or for determining the charge for a service, any weight or measure or weighing or measuring instrument which is not kept at a fixed location, which does not bear a current or previous year's seal and which, upon test by the sealer is found to be incorrect, unless a written request for an inspection of the weighing or measuring instrument has been made to the county sealer; provided, however, the use of any weight or measure or weighing or measuring instrument in connection with any business activity subject to the jurisdiction of the California Public Utilities Commission shall be exempt from the requirements herein.

(e) Sells or uses any device or instrument to be used or calculated to falsify any weight or measure.

(f) So locates or positions a weighing or measuring device used in retail trade, except as used exclusively in preparation of packages put up in advance of sale, that its indications cannot be accurately read or the weighing or measuring operation cannot be observed by the purchaser under ordinary circumstances.

Possession of a false weight or measure or weighing or measuring instruments or records thereof is prima facie evidence of intention to violate the law.

CHAPTER 1171

An act to add Section 14211.5 to the Elections Code, relating to polling places.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 14211.5 is added to the Elections Code, to read:

14211.5. No person, in or within 100 feet of a polling place, shall place a sign relating to voters' qualifications or speak to a voter on the subject of his qualifications except as provided in Section 14240.

CHAPTER 1172

An act to amend Section 26154 of the Government Code, relating to county assistance to elementary school districts.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963]

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

SECTION 1. Section 26154 of the Government Code is amended to read:

26154. The board of supervisors may provide financial assistance to elementary school districts which have within the boundaries of such school districts a redevelopment agency and a housing authority organized under state law. Any funds received pursuant hereto by an elementary school district may be deposited by the governing board of the school district in any fund but the general fund of the district. The provisions hereof are applicable only to elementary school districts which have an average daily attendance of less than 1,500. The provisions of this section shall remain in effect until the 91st day after final adjournment of the 1965 Regular Session of the Legislature. While this section is in effect, it supersedes any existing provisions of law which are in conflict with it, but such provisions will not be repealed by this section and after this section is no longer effective they shall have the same force as though this section had not been enacted.

CHAPTER 1173

An act to amend Section 4022 of the Penal Code, relating to jails.

[Approved by Governor July 5, 1963 Filed with Secretary of State July 8, 1963]

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

SECTION 1. Section 4022 of the Penal Code is amended to read:

4022. Whenever by the terms of this code, or of any other law of the State, it is provided that a prisoner shall be confined in any county jail, such provision shall be construed to authorize any prisoner convicted in a municipal or justice court to be confined, with the consent of the city, in any city jail in the judicial district in which the offense was committed, and as to such prisoner so confined in such city jail, the designations, county jail and city jail shall be interchangeable, and in such case the obligations to which the county is liable in case of confinement in a county jail, shall become liabilities of the city where such prisoner is confined in a city jail.

CHAPTER 1174

An act to add Section 859b to, and to amend Sections 860 and 864 of, the Penal Code, relating to preliminary examinations in criminal cases.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 859b is added to the Penal Code, to read:

859b. If the public offense is a felony to which the defendant has not pleaded guilty in accordance with Section 859a, the magistrate, immediately upon the appearance of counsel, or if none appears, after waiting a reasonable time therefor as provided in Section 859, must set a time for the examination of the case and must allow not less than two days, excluding Sundays and holidays, for the district attorney and the defendant to prepare for the examination. He must also issue subpoenas, subscribed by him, for witnesses within the State, required either by the prosecution or the defense.

SEC. 2. Section 860 of said code is amended to read:

860. At the time set for the examination of the case, if the public offense is

1. Not a felony, but within the jurisdiction of the superior court, or is

2. A felony punishable with death, or is

3. A felony to which the defendant has not pleaded guilty in accordance with Section 859a of this code, then, if the defendant requires the aid of counsel, the magistrate must allow the defendant a reasonable time to send for counsel, and may postpone the examination for not less than two nor more than five days for that purpose. The magistrate must, immediately after the appearance of counsel, or if, after waiting a reasonable time therefor, none appears, proceed to examine the case; provided, however, that a defendant represented by counsel may when brought before the magistrate as provided in Section 858 or at any time subsequent thereto, waive his right to an examination before such magistrate, and thereupon it shall be the duty of the magistrate to make an order holding the defendant to answer, and it shall be the duty of the district attorney within 15 days thereafter, to file in the superior court of the county in which the offense is triable the information; provided, further, however, that nothing contained herein shall prevent the district attorney nor the magistrate from requiring that an examination be held as provided in this chapter. Nothing contained in this section shall affect the jurisdiction or procedure of the superior court sitting as a juvenile court.

SEC. 3. Section 864 of said code is amended to read:

864. At the examination, the magistrate must first read to the defendant the depositions of the witnesses examined on taking the information.

CHAPTER 1175

An act to add Section 71140.2 to the Government Code, relating to judges of municipal courts.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 71140.2 is added to the Government Code, to read:

71140.2. Notwithstanding any provisions of Section 71140 to the contrary, in the County of Fresno a person is eligible to be elected or appointed to the office of judge of a municipal court of a judicial district if he is a resident eligible to vote in the county in which the judicial district is situated for a period of at least 54 days prior to the date of his election or appointment.

CHAPTER 1176

An act to amend Section 1192.1 of the Code of Civil Procedure, relating to mechanics' liens.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 1192.1 of the Code of Civil Procedure is amended to read:

1192.1. (a) Any materialman or person furnishing materials, provisions, provender, or other supplies used in, upon, for, or about the performance of work contracted to be executed or performed to which Chapter 3 of Division 5, Title 1 of the Government Code applies, except the prime contractor, or any person, excluding the prime contractor, renting or hiring teams or implements or machinery for or contributing to the work to be done, or any person, except the prime contractor, who performed work or labor upon the same or any person, except the prime contractor, who supplies both work and materials, and whose claim has not been paid by the contractor or person to whom the contract has been awarded, or by the subcontractors of the contractor or person, may at any time, after he has furnished material or ceased to perform labor, or both, and before the expiration of the periods within

which claims of lien must be filed for record as prescribed by this section or by Section 1193.1, file with the public agency, body or officer by whom the contract was awarded, or with the controller, auditor, or other public disbursing officer whose duty it is to make payments under the provisions of such contract, a verified statement of such claims, together with a statement that the same have not been paid.

(b) Except as to contracts awarded under the State Contract Act, Chapter 3, Part 5, Division 3, Title 2 of the Government Code, a cessation of labor on any work of improvement at any time after the commencement thereof, for a continuous period of 30 days or more, shall be deemed a completion of the contract, structure, or work of improvement. Within 10 days after the acceptance of completion by resolution, minute order or other official act of the awarding authority of any contract, structure, or work of improvement to which Chapter 3 of Division 5, Title 1 of the Government Code applies, the State, or any public board, commission, or officer thereof, or any political subdivision thereof, may file for record in the office of the county recorder of the county or counties where the property is situated a notice setting forth the date when the project was accepted or on which cessation from labor occurred, together with the name of the State or such public board, commission, or officer thereof, or such political subdivision thereof, and a description of the property or public work or structure sufficient for identification, and the name of the contractor or contractors, and the names of the sureties, if any. The notice shall be verified by some officer of the State or some member of such board, commission, or officer thereof, or of such political subdivision thereof. If the notice is not so filed, the failure to do so has the same effect as is provided in Section 1193.1 with reference to the "owner." In the case of any contract awarded under the provisions of the State Contract Act, such notice of completion, if filed, shall be filed within 10 days after acceptance of the project, and as to such contracts, verified statements of claims may be filed at any time after the claimant has furnished materials or ceased to perform labor, or both, and before the expiration of 30 days from the filing for record of such notice, or if such notice is not so filed, before the expiration of 90 days after the acceptance of the project.

(c) Actions against the State, public board, commission, or officer thereof, or the political subdivision of the State, or the disbursing officer whose duty it is to make payments under the provisions of the contract for the public improvement in question, brought by any claimant who has filed claim under this section, or his assign, shall be governed by the provisions of Sections 1190.1 and 1197.1 and the verified notice provided for in those sections is equivalent for all purposes to the verified claim provided for herein.

(d) No assignment by the contractor of the whole or any part of the money due him or to be due him under the contract, or for "extras" in connection therewith, whether made before a verified claim is filed as provided for herein or after the claim is filed, takes priority over claims filed under this section and such assignment has no binding force insofar as the rights of the claimants who file claims hereunder, or their assigns, are concerned.

(e) This section does not prohibit the payment of any money to the contractor or his assigns, so long as no verified claim is on file before the disbursing officer has actually surrendered possession of the warrant, checks, bonds, or money or the payment to the contractor or his assigns of any money due him or his assigns over and above the total amount of the claims filed at that time plus such interest and court costs as might be reasonably anticipated in connection with the claims.

(f) If the contractor, subcontractor, or other person against whom any claim is filed as provided in this section disputes the correctness or validity of any claim so filed, the controller, auditor, or other public disbursing officer whose duty it is to make payments under the provisions of such contract or the commissioner, managers, trustees, officers, board of supervisors, board of trustees, common council, or other body by whom the contract for the improvement was awarded, in its or his discretion, may permit the contractor to whom the contract was awarded to deliver to such board, commission, or officer a bond executed by some corporation authorized to issue surety bonds in the State of California, in a penal sum equal to one and one-fourth times the amount of the claim, which bond shall guarantee the payment of any sum which the claimant may recover on the claim together with his costs of suit in the action, if he recovers therein. Upon the filing of the bond by and with the consent of such board, commission or officer, then such board, commission or officer shall not withhold any moneys from the contractor on account of the claim. The sureties upon the bond are jointly and severally liable to the claimant with the sureties upon the contractor's bond given in accordance with Chapter 3 of Division 5, Title 1 of the Government Code.

SEC. 2. It is the purpose of this act to clarify and declare the prior legislative intent as to the meaning of the section which this act amends, and not to make any substantive changes therein.

CHAPTER 1177

An act to amend Sections 72757 of the Government Code, relating to commissioners of the municipal court.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 72757 of the Government Code is amended to read:

72757. In each municipal court district having not more than 10 judges authorized by law, a jury and traffic commissioner may be appointed by and hold office at the pleasure of the majority of the judges, or the senior judge in service in a municipal court district having two judges.

CHAPTER 1178

An act to add Section 7511 to the Education Code, relating to schools.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 7511 is added to the Education Code, to read:

7511. Credit shall be given for the purposes of complying with Section 7604, and the course of study requirements prescribed by school district governing boards or other authorities having jurisdiction for grades 9 through 14, inclusive, to courses in foreign languages in private schools on the basis of their being at least equivalent to those which would be required for the student in a foreign language class in the same grade level in the public schools. The State Board of Education shall adopt rules and regulations prescribing standards and conditions pursuant to which credit shall be given for those purposes to students in the public schools who have successfully completed foreign language studies in private schools.

CHAPTER 1179

An act to amend Sections 72640, 72645, 72646, 72647, 72649 and 72650 of the Government Code, relating to municipal courts.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 72640 of the Government Code is amended to read:

72640. There shall be one marshal for all municipal courts established in judicial districts in Los Angeles County, who shall be appointed pursuant to this article and who shall receive the monthly compensation specified in Schedule 71, set forth in Section 72649.

SEC. 2. Section 72645 of said code is amended to read:

72645. The marshal shall appoint:

(a) One assistant marshal who shall receive the monthly compensation specified in Schedule 67, set forth in Section 72649.

(b) One chief deputy inspector who shall receive the monthly compensation specified in Schedule 63, set forth in Section 72649. Upon the occurrence of a vacancy, this position shall cease to exist.

(c) One chief deputy marshal.

SEC. 3. Section 72646 of said code is amended to read:

72646. The marshal shall appoint:

(a) Three inspectors, each of whom shall receive monthly compensation as provided in Schedule 61, set forth in Section 72649. One of the positions shall be classified as inspector, technical research, and an incumbent inspector on the effective date of this act shall be assigned to the position without examination. The position of inspector, technical research, shall cease to exist upon the occurrence of a vacancy.

(b) Ten captains, each of whom shall receive monthly compensation as provided in Schedule 53, set forth in Section 72649.

(c) Twenty-one lieutenants, each of whom shall receive monthly compensation as provided in Schedule 45, set forth in Section 72649.

(d) Twenty-six sergeants, each of whom shall receive monthly compensation as provided in Schedule 41, set forth in Section 72649.

(e) Two hundred sixty deputies, each of whom shall receive monthly compensation as provided in Schedule 35, set forth in Section 72649. Appointments to such positions shall be at step B of said schedule.

SEC. 4. Section 72647 of said code is amended to read:

72647. The marshal shall appoint:

(a) One senior stenographic secretary, who shall receive monthly compensation as provided in Schedule 30, set forth in Section 72649.

(b) Two intermediate stenographic secretaries, each of whom shall receive monthly compensation as provided in Schedule 28, set forth in Section 72649.

(c) One stenographer-secretary who shall receive monthly compensation as provided in Schedule 24, set forth in Section 72649.

(d) One senior property clerk who shall receive monthly compensation as provided in Schedule 28, set forth in Section 72649.

(e) Fifty deputy clerks, grade III, each of whom shall receive monthly compensation as provided in Schedule 26, set forth in Section 72649.

(f) Seventy deputy clerks, grade II, each of whom shall receive monthly compensation as provided in Schedule 20, set forth in Section 72649.

(g) Twenty-five deputy clerks, grade I, each of whom shall receive monthly compensation as provided in Schedule 14, set forth in Section 72649. Appointments to said positions shall be at step D of said schedule.

(h) Four administrative clerks, each of whom shall receive monthly compensation as provided in Schedule 30, set forth in Section 72649.

(i) Such deputies who shall be keepers as may be reasonably required pursuant to law, at the fee allowed by law for keeping property.

(j) One business manager, who shall receive monthly compensation as provided in Schedule 44, set forth in Section 72649.

(k) One payroll clerk who shall receive monthly compensation as provided in Schedule 24, set forth in Section 72649.

(*l*) One principal clerk who shall receive monthly compensation as provided in Schedule 32, set forth in Section 72649.

(m) One administrative assistant who shall receive monthly compensation as provided in Schedule 33, as set forth in Section 72649.

One occupant of a position listed in this section may be assigned to additional duties as matron and during the period of such assignment shall receive compensation at the step rate of a higher numbered schedule which will increase her basic compensation by two steps.

SEC. 5. Section 72649 of said code is amended to read:

72649. Except where this article otherwise provides, the provisions of law succeeding the Municipal and Justice Court Act of 1949 or this code shall govern the appointment and assignment of officers, deputies, and attachés to the offices and positions enumerated in this article, and shall define the rights,

benefits, and privileges of the marshals, constables, deputies, and attachés of superseded courts, including the right of such persons to succeed to such offices and positions. All assistants, deputies, inspectors, and other employees of the Marshal of Municipal Courts, Los Angeles County, may be appointed, removed, suspended, or discharged for cause by the said marshal; subject in such appointment, removal, suspension, or discharge to all civil service provisions applicable to the personnel of the office of Sheriff, Los Angeles County.

(a) The following schedules of compensation shall apply to the office of the Marshal, Municipal Courts, Los Angeles County, and to any court service division created under this chapter:

Schedule number	Step A	Step B	Step C	Step D	Step E
11	$288	$303	$319	$337	$355
12	295	311	328	346	365
13	303	319	337	355	375
14	311	328	346	365	385
15	319	337	355	375	395
16	328	346	365	385	406
17	337	355	375	395	417
18	346	365	385	406	428
19	355	375	395	417	440
20	365	385	406	428	452
21	375	395	417	440	464
22	385	406	428	452	476
23	395	417	440	464	489
24	406	428	452	476	502
25	417	440	464	489	516
26	428	452	476	502	530
27	440	464	489	516	545
28	452	476	502	530	560
29	464	489	516	545	575
30	476	502	530	560	591
31	489	516	545	575	608
32	502	530	560	591	624
33	516	545	575	608	641
34	530	560	591	624	659
35	545	575	608	641	677
36	560	591	624	659	696
37	575	608	641	677	715
38	591	624	659	696	735
39	608	641	677	715	755
40	624	659	696	735	776
41	641	677	715	755	797
42	659	696	735	776	819
43	677	715	755	797	842
44	696	735	776	819	865
45	715	755	797	842	889
46	735	776	819	865	914

Schedule number	Step A	Step B	Step C	Step D	Step E
47	755	797	842	889	940
48	776	819	865	914	966
49	797	842	889	940	992
50	819	865	914	966	1,020
51	842	889	940	992	1,048
52	865	914	966	1,020	1,077
53	889	940	992	1,048	1,107
54	914	966	1,020	1,077	1,138
55	940	992	1,048	1,107	1,170
56	966	1,020	1,077	1,138	1,203
57	992	1,048	1,107	1,170	1,236
58	1,020	1,077	1,138	1,203	1,271
59	1,048	1,107	1,170	1,236	1,306
60	1,077	1,138	1,203	1,271	1,343
61	1,107	1,170	1,236	1,306	1,380
62	1,138	1,203	1,271	1,343	1,419
63	1,170	1,236	1,306	1,380	1,458
64	1,203	1,271	1,343	1,419	1,499
65	1,236	1,306	1,380	1,458	1,540
66	1,271	1,343	1,419	1,499	1,583
67	1,306	1,380	1,458	1,540	1,627
68	1,343	1,419	1,499	1,583	1,673
69	1,380	1,458	1,540	1,627	1,719
70	1,419	1,499	1,583	1,673	1,767
71	1,458	1,540	1,627	1,719	1,816
72	1,499	1,583	1,673	1,767	1,867
73	1,540	1,627	1,719	1,816	1,919
74	1,583	1,673	1,767	1,867	1,973
75	1,627	1,719	1,816	1,919	2,027
76	1,673	1,767	1,867	1,973	2,084

(b) Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to the salary schedule set forth in this article, shall, for the first six months of service, receive monthly the rate of compensation specified in the first step of the salary schedule for the position to which he is appointed. Upon the first day of the month following six months' continuous service in a class, the initial rate of compensation of such person shall be increased to the next higher step of the salary schedule for the position occupied. On and after the first day of the month following each ensuing 12 months of such service such compensation shall be increased to the rate specified in the next higher step of the salary schedule for the position occupied until such compensation equals the sum specified in step E of such schedule.

(c) When any person in the service of the court or of the marshal is appointed or promoted to another office or position in such service compensated at a higher numbered schedule, he shall receive step A of such schedule if step A is at

least one step higher than the salary received in the office or position relinquished; but if not, he shall receive initially that step of the schedule pertaining to such office or position which will provide a one-step increase in his compensation. Provided, whenever a person occupying a permanent superior position is supervising a subordinate and the subordinate is receiving compensation at a rate equal to or greater than that which the superior is receiving, the person occupying the superior position shall be entitled to be advanced in steps to the highest salary paid to the highest ranking subordinate which he supervises plus one dollar.

(d) When any person is demoted to another office or position he shall receive the fifth step rate of salary for the position to which he is demoted, except that if such demotion is due to disciplinary action, the appointing power may indicate any step rate of the lower position which provides compensation not higher than that last previously received by such person.

(e) Any person who leaves a position enumerated in Section 72640, 72645, 72646, or 72647, who immediately prior to such separation shall have occupied such position for one year or more, shall be allowed a leaving vacation consisting of number of days earned during the current year, or may be allowed an equivalent lump sum payment for such earned vacation in lieu of retaining such person on the payroll. Such person may not be re-employed in any position, the compensation for which is an obligation of the County of Los Angeles until the number of days for which he has been paid has elapsed.

SEC. 6. Section 72650 of said code is amended to read:

72650. Effective July 1, 1964, each respective salary schedule number attached to a position mentioned in Sections 72640 to 72647, inclusive, shall be increased by one number and the basic compensation of each such position shall become that specified for such higher schedule number in the salary schedule set forth in Section 72649.

SEC. 7. The provisions of this act shall become operative October 1, 1963.

CHAPTER 1180

An act to add Sections 146c and 146d to the Penal Code, relating to law enforcement.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 146c is added to the Penal Code, to read:

146c. Every person who designates any nongovernmental organization by any name, including, but not limited to any

name which incorporates the term "peace officer," "police," or "law enforcement," which would reasonably be understood to imply that the organization is composed of peace officers, when, in fact, less than 90 percent of the voting members of the organization are peace officers or firemen, active or retired, is guilty of a misdemeanor.

Every person who solicits another to become a member of any such organization so named, of which less than 90 percent of the voting members are peace officers or firemen, or to make a contribution thereto or subscribe to or advertise in a publication of such organization, or who sells or gives to another any badge, pin, membership card, or other article indicating membership in such organization, knowing that less than 90 percent of the voting members are peace officers or firemen, active or retired, is guilty of a misdemeanor.

As used in this section, "peace officer" includes those mentioned in Section 817, plus any other officers in any segment of law enforcement who are employed by the State or any of its political subdivisions.

SEC. 2. Section 146d is added to said code, to read:

146d. Every person who sells or gives to another a membership card, badge, or other device, where it can be reasonably inferred by the recipient that display of the device will have the result that the law will be enforced less rigorously as to such person than would otherwise be the case is guilty of a misdemeanor.

CHAPTER 1181

An act to amend Section 7080 of the Business and Professions Code, relating to contractors.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 7080 of the Business and Professions Code is amended to read:

7080. The registrar shall maintain at the office of the department in Sacramento, open to public inspection during office hours, a complete, indexed record of all applications, licenses issued, licenses renewed and all revocations, cancellations and suspensions of licenses.

He shall furnish a certified copy of any license issued, upon receipt of the sum of two dollars ($2).

The certified copy shall be received in all courts and elsewhere as evidence of the facts stated therein.

CHAPTER 1182

An act to add Article 5.1 (commencing with Section 16231) to Chapter 2 of Division 12 of the Education Code, relating to the public school system, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Article 5.1 (commencing with Section 16231) is added to Chapter 2 of Division 12 of the Education Code, to read:

Article 5.1. Lease or Rental of Junior College Facilities

16231. If by the first day of June preceding the date a newly formed junior college district which includes the territory of a unified school district or a high school district maintaining a junior college becomes effective for all purposes, the terms and conditions under which the newly formed junior college district will lease or rent junior college facilities have not been mutually agreed upon, the governing board of the junior college district and the governing board of the unified school district or high school district shall notify the Superintendent of Public Instruction of such fact.

16232. Upon receipt of such notifications, the Superintendent of Public Instruction shall as chairman of a review board appoint two other members to the review board. One member shall be a representative of the California School Boards Association and one member shall be a representative of the California Junior College Association, each nominated by the president of the respective organization. Neither member shall reside in the county in which the junior college is situated or in a contiguous county.

The members of the board of review shall receive their actual and necessary travel expenses. The governing boards of the two districts involved shall allow to each member an equally proportionate part of his expenses, which amount shall be paid out of the funds of the districts.

16234. The board of review shall upon a date set by the Superintendent of Public Instruction, but not later than 30 days after receipt of the notifications required by Section 16231, meet with the governing boards of the two districts involved to determine the terms and conditions under which junior college facilities shall be leased or rented. The Superintendent of Public Instruction shall notify the governing boards of the date, time, and place of the meeting.

16235. The meeting shall be conducted under such rules as may be prescribed by the board of review. The board of review may require any information, data, or evidence to be furnished by the governing board of either district. If the meeting is continued, the date, time, and place of the continued meeting shall be announced by the Superintendent of Public Instruction.

16236. After considering the information, data, and evidence presented, the board of review shall make its determination of the terms and conditions under which the junior college facilities are to be leased or rented. Such terms shall be binding on the governing board of each district. The agreement entered into between the two governing boards may include additional provisions that are not inconsistent with the determination of the board of review.

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

Certain school districts are in need of junior college facilities which are available for lease from other school districts included in the junior college district. In order to facilitate such leases in time for the start of the 1963-64 fiscal year, it is necessary that this act go into effect immediately.

CHAPTER 1183

An act to amend Section 727 of the Fish and Game Code, relating to the Marine Research Committee.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 727 of the Fish and Game Code is amended to read:

727. All members shall be appointed by the Governor. The terms of all members shall expire on October 1, 1963. Thereupon five members shall be appointed for a term of two years and four members for a term of four years. Thereafter all members shall be appointed for a term of four years.

CHAPTER 1184

An act to add Section 26907.2 to the Government Code, relating to county auditors.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 26907.2 is added to the Government Code, to read:

26907.2. Notwithstanding the provisions of Sections 26201, 26202, and 26205 of this code, the board may authorize the destruction or disposition of the copies of any county deposit permits or deposit receipts issued by the county auditor which are more than five years old.

CHAPTER 1185

An act to amend Section 29303 of the Government Code, relating to bonds of local agencies.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 29303 of the Government Code is amended to read:

29303. This section does not apply to the sale by counties of bonds purchased as investments. Whenever any bonds issued by any county or by any school, drainage, or other district in any county, whose accounts are required by law to be kept by the county auditor and treasurer, are sold at a premium or with accrued interest, or both, the amounts received for the premiums and accrued interest shall be deposited in the debt service fund of the county or district unless it is expressly provided by law that they be deposited in some other fund.

Interest earned by investment of proceeds of bonds which are authorized after the effective date of the amendment to this section adopted at the 1963 Regular Session of the Legislature shall be deposited in the debt service fund of the county or district unless it is expressly provided by law that such interest be deposited in some other fund or unless some other disposition of such interest is authorized by the resolution which authorized such bonds. This paragraph does not apply to the proceeds of bonds issued by any school district.

CHAPTER 1186

An act to amend Sections 12820, 12821, 12822 and 12824 of, and to add Section 12823.1 to, the Education Code, relating to the public school system.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 12820 of the Education Code is amended to read:

12820. As used in this chapter:

(a) "Achievement test" means any standardized test which measures or attempts to measure the level of performance which a pupil has attained in one or more courses of study.

(b) "Physical performance test" means any test which measures or attempts to measure the physical fitness of a pupil.

(c) "Intelligence test" means any standardized test which measures or attempts to measure the scholastic aptitude of a pupil.

(d) "Testing program" means the systematic achievement, physical fitness, and intelligence testing of any or all pupils in any or all grades, except 13 and 14, in any or all schools within a school district.

SEC. 2. Section 12821 of said code is amended to read:

12821. The State Board of Education shall require a testing program in all school districts and shall adopt rules and regulations governing the frequency and methods of administration of the testing programs.

The State Board of Education shall certify an approved list of achievement, physical performance, and intelligence tests, one or more of which tests shall be used in all testing programs except as provided in Section 12824. This list may be revised from time to time. This list shall include two or more alternative intelligence tests and also two or more physical performance tests and the governing board of a school district or the county board of education, as the case may be, shall select, from the intelligence tests and physical performance tests listed, the particular intelligence test or tests and the particular performance test or tests to be used in the district. Whenever the State Board of Education determines to include on the list an achievement test and a physical performance test relating to a particular course of study or a particular group of courses of study, the board shall also include one or more alternative achievement and physical performance tests for such course or group of courses and the governing board of a school district or the county board of education, as the case may be, shall select, from the achievement and physical performance tests listed, the particular test or tests to be used in the district.

SEC. 3. Section 12822 of said code is amended to read:

12822. The governing board of each district shall, in accordance with the rules and regulations of the State Board of Education, institute a testing program in the district and shall, except as otherwise provided in this section, select from the approved list the achievement, physical performance and intelligence tests to be used in the testing program. The county board of education shall select from the approved list of achievement, physical performance, and intelligence tests the tests to be used in the testing program of each elementary district which had less than 901 units of average daily attendance during the preceding fiscal year and each unified district which had less than 1501 units of average daily attendance during the preceding fiscal year, which district is under the jurisdiction of the county superintendent of schools of the county.

SEC. 4. Section 12823.1 is added to said code, to read:

12823.1. Section 12823 shall not apply to the results of physical performance tests.

SEC. 5. Section 12824 of said code is amended to read:

12824. In addition, the district may administer achievement, physical performance and intelligence tests which are not on the approved list as provided for in Section 12821.

CHAPTER 1187

An act to add Sections 13916.5 and 14164.5 to the Health and Safety Code, relating to fire protection districts.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 13916.5 is added to the Health and Safety Code, to read:

13916.5. Notwithstanding the provisions of Section 13916, the district board may, by resolution, provide for the establishment of a petty cash fund, in an amount not to exceed fifty dollars ($50), to be used to pay small bills directly. The resolution which provides for the establishment of the petty cash fund shall designate all of the following:

(a) The maximum amount of the fund.

(b) The purposes for which the fund may be expended.

(c) The officer who shall have authority to make disbursements from the fund and be responsible for keeping accounts of all disbursements.

(d) The officer who shall have authority to draw a warrant on the county treasurer to establish the fund and who shall have the authority to draw warrants on the county treasurer for the purpose of reimbursement of the fund. Each warrant

which is drawn on the county treasurer to reimburse the fund for disbursements which have been made shall contain an itemized account of such disbursements.

SEC. 2. Section 14164.5 is added to said code, to read:

14164.5. Notwithstanding the provisions of Section 14164, the district board may, by resolution, provide for the establishment of a petty cash fund, in an amount not to exceed fifty dollars ($50), to be used to pay small bills directly. The resolution which provides for the establishment of the petty cash fund shall designate all of the following:

(a) The maximum amount of the fund.

(b) The purposes for which the fund may be expended.

(c) The officer who shall have authority to make disbursements from the fund and be responsible for keeping accounts of all disbursements.

(d) The officer who shall have authority to draw a warrant on the county treasurer to establish the fund and who shall have the authority to draw warrants on the county treasurer for the purpose of reimbursement of the fund. Each warrant which is drawn on the county treasurer to reimburse the fund for disbursements which have been made shall contain an itemized account of such disbursements.

CHAPTER 1188

An act to amend Section 1300.15 of the Agricultural Code, relating to marketing of agricultural products.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963]

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

SECTION 1. Section 1300.15 of the Agricultural Code is amended to read:

1300.15. (a) (1) Any marketing order issued pursuant to this chapter shall provide for the establishment of an advisory board to assist the director in the administration of any marketing order. The members of the board shall be appointed by the director and may hold office at the pleasure of the director; provided that a marketing order may provide for the appointment of members from nominations made by the producers and handlers and may also provide for the method of selecting such nominees. If the marketing order affects directly only producers of a particular commodity the members of the board shall be producers. If the marketing order affects directly only handlers of a particular commodity the members of the board shall be handlers.

If the marketing order affects directly both producers and handlers of a particular commodity, such board shall be composed of both producers and handlers. The number of pro-

ducers or handlers upon any such board shall be of such number of producers or handlers as the director finds is necessary to assist properly in the administration of such order. Upon the recommendation of the board, the director may appoint one person who is neither a producer nor a handler to represent the Department of Agriculture or the public generally.

(2) No member of any such board shall receive a salary but each shall be entitled to his actual expenses incurred while engaged in performing his duties herein authorized. The director may authorize such board: to enter into contracts or agreements, to employ necessary personnel including attorneys engaged in the private practice of the law, fix their compensation and terms of employment; and to incur such expenses, to be paid by the director from moneys collected as herein provided, as the director may deem necessary and proper to enable such board properly to perform such of its duties as are authorized herein. The duties of any such board shall be administrative only and may include only the following:

a. Subject to the approval of the director to administer such marketing order.

b. To recommend to the director administrative rules and regulations relating to the marketing order.

c. To receive and report to the director complaints of violations of the marketing order.

d. To recommend to the director amendments to the marketing order.

e. To assist the director in the assessment of members of the industry and in the collection of funds to cover expenses incurred by the director in the administration of the marketing order.

f. To assist the director in the collection of such necessary information and data as the director may deem necessary to the proper administration of this chapter.

(3) In addition to the advisory board there may be established one or more special committees or subcommittees to assist the advisory board in carrying out its duties and functions. Upon approval of the director each advisory board may establish committees or subcommittees to carry out assigned duties and functions and designate the members or alternate members of the board to serve upon such committees. If the marketing order so authorizes or upon the recommendation of the board, the director may authorize the establishment of special committees or subcommittees of persons who are not members or alternate members of the board to perform specific duties and functions; provided, that the members and alternate members of any such special committee or subcommittee shall be appointed by the director.

The board may at any time invite any persons to their meetings to serve in an advisory capacity and the director may, when requested by the board, pay necessary expenses to such persons at rates not to exceed those granted to board members.

Any action of any committee, special committee or subcommittee of the board shall be subject to final approval by the board. Members and alternate members of any committee, special committee or subcommittee whether by appointment or approval of the director shall be entitled to reimbursement for actual expenses incurred while acting in their authorized capacities.

(b) Subject to the legislative restrictions and limitations set forth herein any marketing order issued by the director pursuant to this chapter may contain any or all of the following provisions for regulating or providing methods for regulating producer marketing or the handling or any of the operations of processing or distributing by handlers of any agricultural commodity within this State, but no others:

(1) Provisions for determining the existence and extent of the surplus of any agricultural commodity, or of any grade, size or quality thereof, and providing for the control and disposition of such surplus, and for equalizing the burden of such surplus elimination or control among the producers, processors, distributors or other handlers affected. Notwithstanding any other appropriate means of equalizing the burden of surplus control and the elimination thereof as provided in this chapter, provision may be made for the creation of a stabilization fund to be used for purchasing or otherwise acquiring any portion of the surplus of any agricultural commodity either in fresh or processed form, except when processed in hermetically sealed containers, and for the diversion of such surplus quantity of such commodity so acquired into noncompetitive or byproducts uses or for disposing of such surplus in noncommercial channels. Moneys for such stabilization fund shall be provided by means of the establishment of an assessment rate for such purpose levied upon producers or handlers or upon both producers and handlers Such assessment rate shall be based upon the units in which such agricultural commodity is handled or marketed or upon any other uniform basis which the director determines to be reasonable and equitable. For convenience of collection, the director may collect any producer assessments from handlers of such commodity. Handlers paying such assessments for and on behalf of any producers are authorized to deduct such producer assessments from any moneys owed by such handlers to such producers.

(2) Provisions for limiting the total quantity of any agricultural commodity, or of any grade, size or quality thereof, which may be marketed by producers or processed, distributed or otherwise handled within this State during any specified period or periods, by any and all persons engaged in such producer marketing, processing, distributing or handling; provided, that any such limitation shall be applied under a uniform rule applicable to all such persons so regulated. The total quantity of any such commodity so regulated and permitted

to be marketed by producers, processed, distributed or otherwise handled, shall not be less than the quantity which the director finds is reasonably necessary to supply the market demands of consumers of such commodity.

(3) Provisions for allotting the quantity of any agricultural commodity, or of any grade, size or quality thereof, which each handler may purchase or acquire from, or handle on behalf of, any and all producers thereof, within this State during any specified period or periods under a uniform rule, applicable to all handlers so regulated based upon the amounts produced or sold by such producers in a prior period which the director finds to be representative, or upon the current season's production or sales of such producers, or both, to the end that the total quantity of such commodity or of any grade, size or quality thereof, so purchased or handled within this State shall be apportioned equitably among the producers thereof.

(4) Provisions for allotting the quantity of any agricultural commodity, or of any grade, size or quality thereof, which each handler may process, distribute or handle within this State under a uniform rule, applicable to all handlers so regulated, based upon the quantities of such commodity or of any grade, size or quality thereof of the current season's crop which each such handler has available for such processing, distribution or handling, or upon the quantities of such commodity or of any grade, size or quality thereof so processed, distributed or handled by each such handler in a prior period which the director finds to be representative, or based upon both, to the end that the total quantity of such commodity or any grade, size or quality thereof, processed, distributed or handled within this State during any specified period or periods shall be equitably apportioned among all such handlers thereof.

(5) Provisions regulating the period, or periods, during which any agricultural commodity, or any grade, size or quality of such commodity, may be processed, distributed or otherwise marketed within this State by any and all persons engaged in such processing, distributing or marketing within this State; provided, that the total quantity of such commodity so regulated and permitted to be processed, distributed or otherwise marketed during such period or periods, shall not be less than the quantity which the director finds is necessary to reasonably supply the needs of consumers of such commodity.

(6) Provisions for the establishment of surplus, stabilization, or byproduct pools for any agricultural commodity or of any grade, size, quality or condition thereof, and providing for the sale of the commodity in any such pool and for the equitable distribution among the persons participating therein of the net returns derived from the sale of such commodity. Whenever the marketing order authorizes the establishment of any such pool or pools the advisory board shall have power to receive such commodity from each producer or handler and to handle the same according to the grade, size, quality or con-

dition thereof and to account to each producer or handler participating therein upon a pro rata basis for the net proceeds derived from the sale thereof.

The contents of any surplus pool shall not be marketed by the board in any form which would compete directly with that portion of the commodity which is marketed in regular channels of trade. However, any portion of any surplus pool may be transferred by the board upon any gratuitous basis to charitable organizations and other similar agencies under proper safeguards to insure that none of such commodity shall compete directly with the unrestricted portion of such commodity. The board may dispose of the contents of a stabilization pool in the regular marketing channels in such manner and at such times as the board deems advisable, consistent with the maintenance of stabilized marketing conditions for such commodity. The board may dispose of the contents of any byproduct pool only for byproducts or for other similar purposes under proper safeguards to prevent such portion of the commodity so disposed of from directly competing with that part of the commodity which is marketed in the usual form or in the regular channels of trade.

Whenever the marketing order authorizes the establishment of a surplus, stabilization, or byproduct pool, the board shall have authority to arrange for and operate any necessary facilities for the storing, financing, grading, packing, servicing, processing, preparing for market, selling, and disposing of the contents of any pools provided for in this section; provided, however, the board shall not have authority to engage in commercial warehousing.

The board shall have power to pledge all of the commodity in any such pools with banks or other lending agencies for the purpose of obtaining loans thereon. The board shall have title, for the purpose of financing and handling, to all of the commodity in any such pools.

Whenever the marketing order authorizes the establishment of any type of pool authorized in this section, the board shall have authority to create, by a uniform assessment upon producers, or upon some other uniform and equitable basis, maintain, and disburse an equalization fund to be used for the removal of any inequalities between producers or handlers participating in any pool resulting from errors in estimating production or surplus or for indemnifying producers whose production, in whole or in part, is diverted in green form or otherwise from normal marketing outlets or diverted to byproducts, relief, or other noncompetitive purposes pursuant to the provisions of the marketing order.

(7) Provisions establishing or providing for establishing with respect to any agricultural commodity either as delivered by producers to handlers or processors, or as handled, processed, or otherwise prepared for market, or as marketed by producers, handlers or processors: (A) grading standards of

quality, condition, size, maturity or pack, which standards may include minimum standards provided the standards so established shall not be established below any minimum standards prescribed by law for such commodity; and (B) uniform inspection and grading of such commodity in accordance with the standards so established.

(8) Provisions for the establishment of plans for advertising and sales promotion to maintain present markets or to create new or larger markets for agricultural commodities grown in the State of California, or for the prevention, modification or removal of trade barriers which obstruct the free flow of agricultural commodities to market. The director is hereby authorized to prepare, issue, administer and enforce plans for promoting the sale of any agricultural commodity.

Provided, that any such plan shall be directed toward increasing the sale of agricultural commodities without reference to any private brand or trade name used by any handler with respect to the agricultural commodity regulated by the marketing order except the use of wine when other than private brands or private trade names are unavailable.

Provided further, that no advertising or sales promotion program shall be issued by the director which shall make use of false or unwarranted claims in behalf of any such product, or disparage the quality, value, sale or use of any other agricultural commodity.

(9) Provisions relating to the prohibition of unfair trade practices. In addition to the unfair trade practices, now prohibited by law, applicable to the processing, distribution or handling of agricultural commodities within this State, the director is hereby authorized to include in any marketing order issued hereunder provisions designed to correct any trade practice affecting the processing, distributing or handling of any agricultural commodity within this State which the director finds, after a hearing thereupon in which all interested persons are given an opportunity to be heard, is unfair and detrimental to the effectuation of the declared purposes of this chapter.

(10) Provisions for the application for, review, certification and equitable payment of, production adjustment benefits to growers from funds collected for such purpose on a uniform basis from all commercial growers of any agricultural commodity in the State, for which production adjustment payments are made. Such funds may be supplemented by funds, if any, received from federal, state or other agencies for such purpose.

No program of production adjustment adopted hereunder shall authorize payments for the removal of acreages of trees or vines of the species, variety or varieties specified in the program which have, during the three years immediately preceding the date of application, produced an annual yield per acre in excess of the comparably computed average yield from

bearing trees or vines of the same species, variety or varieties for the State as a whole, such yields and averages to be determined by the director from statistical data compiled by state or federal agencies or such other data as the director deems to be representative and reliable.

(11) Provisions for carrying on research studies in the production, processing or distribution of any agricultural commodity and for the expenditure of moneys for such purposes. In any research in production or processing carried on hereunder, the Dean of the College of Agriculture of the University of California and the advisory board provided for in Section 1300.15 hereof shall co-operate in selecting the research project or projects to be carried on from time to time. Insofar as practicable such projects shall be carried out by said college of agriculture, but if the dean of said college and the advisory board determine that the college has no facilities for a particular project or that some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the dean and the advisory board.

(12) Provisions establishing or providing authority for establishing, for any agricultural commodity, either as such commodity is produced or is delivered by producers to handlers, or as handled or otherwise prepared for market, or as marketed by producers or handlers, an educational program designed to acquaint producers, handlers or other interested persons with quality improvement, including sanitation practices, procedures or methods as applied to such commodity.

(13) Provisions establishing or providing authority for establishing, and for regulating the permissive use of an official board brand, trade name, or label, or other distinctive designation of grade, quality or condition, other than grade or quality designations in effect pursuant to state or federal grade standards, for any agricultural commodity, other than wine, either as such commodity is produced or is delivered by producers to handlers, or as handled or otherwise prepared for market, or marketed by producers or handlers. As provided in subdivision (k) of Section 1300.19 of this chapter, the permissive use of any such official board brand, trade name, or label or other distinctive designation of quality shall be limited to producers and handlers of the commodity who are participating in the marketing agreement or order, and who are in compliance with the provisions thereof and with any rules or regulations promulgated thereunder. Any official brand or trade name established pursuant to this paragraph shall not be construed as a private brand or trade name with respect to paragraph (8) of subdivision (b) of this section.

(c) In addition to authority to issue marketing orders regulating the processing or preparation for marketing of any or all portions of any agricultural commodity processed within this State, and in addition to authority to issue marketing orders regulating the distribution of any or all portions

of any agricultural commodity within this State and subject to the legislative restrictions and limitations of Section 1300.14 of this chapter, the director may also issue marketing orders regulating the handling, processing, preparation for marketing or marketing of any or all portions of any agricultural commodity produced in this State for which marketing regulatory powers are not being exercised by the federal government under the provisions of the Marketing Agreement Act of 1937, as amended, being Public Law No. 137, 75th Congress, Chapter 296, First Session, 7 U.S.C.A. 674, 50 Statute 249.

CHAPTER 1189

An act to amend Section 26201 of the Government Code, relating to destruction of records.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 26201 of the Government Code is amended to read:

26201. The board may authorize at any time the destruction or disposition of any duplicate record, paper, or document, the original or a permanent photographic reproduction of which is in the files of any officer or department of the county.

The board may authorize at any time the destruction or disposition of any duplicate or copy of a notice to appear in court, or promise to appear in court, that is filed with any officer or department of the county, 12 months after the original of such notice or promise has been filed with the magistrate or a person authorized by the magistrate to receive a deposit of bail specified therein.

CHAPTER 1190

An act to amend Sections 18061, 18070, 18073, and 18162 of the Streets and Highways Code, relating to municipal street lighting districts.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 18061 of the Streets and Highways Code is amended to read:

18061. The resolution of intention:

(a) Shall briefly describe the proposed improvement.

(b) Shall describe, in writing or by reference to the diagram referred to in Section 18041 with any modifications required by the city council, the boundaries of the assessment district.

(c) May order that a certain portion or percentage of the costs and expenses of the improvement, the amount of which portion or percentage shall be specified in the resolution, shall be paid out of the city treasury from such fund as the city council may designate.

(d) Shall appoint a time and place for hearing protests, which time shall not be less than 20 days from the date of the passage of the resolution of intention.

SEC. 2. Section 18070 of said code is amended to read:

18070. After the adoption of the resolution of intention, the city council shall direct the clerk to give notice of the hearing in the manner provided in this part.

SEC. 3. Section 18073 of said code is amended to read:

18073. The assessment district need not be described in the notices but all such notices shall refer to the resolution of intention for such description.

SEC. 4. Section 18162 of said code is amended to read:

18162. In the event that the city council shall determine to follow the procedure provided in this chapter with respect to the organization of the district, the resolution ordering the proposed improvement as contemplated by Section 18075 shall:

(a) Describe, in writing or by reference to the map or plat referred to in Section 18161 with any modifications required by the city council, the boundaries of the district, and of any zone included therein, as they may be finally established, and designate the district and each zone therein by name, number or other distinctive method;

(b) State the period of time for which the proposed improvement shall continue and, in the event the maintenance and servicing is to be furnished by the city, the dates of commencement and ending of such period;

(c) Describe briefly the proposed improvement, stating its estimated cost for the first year, and order the proposed improvement to be made;

(d) Specify what portions of the estimated cost for the first year shall be borne by the city and the district respectively, if less than the entire cost is to be borne by the district, and designate the fund to be charged with such cost;

(e) Specify what proportion of the estimated cost for the first year to be borne by the district shall be borne by each zone therein;

(f) Order that portion of the estimated cost proposed to be borne by the district, and by each zone therein, to be paid by special assessment taxes levied upon all the lands, exclusive of improvements, within the district and any zone therein.

CHAPTER 1191

An act to add Section 584.2 to the Probate Code, relating to executors and administrators.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 584.2 is added to the Probate Code, to read:

584.2. If an asset of an estate consists of any option right which is nontransferable save only by testate or intestate succession from the decedent, the executor or administrator may exercise such option and may use any funds or property in the estate in the acquisition of the property covered by such option if it would be in the best interests of the estate and those interested therein and if such exercise would add value to the estate, upon obtaining an order of the court. The petition for such an order shall be filed with the clerk who shall set the same for hearing by the court and shall give notice thereof for the period and in the manner required by Section 1200 of this code, but the court may order the notice to be given for a shorter period, or dispensed with.

CHAPTER 1192

An act to add Section 54917 to the Government Code, relating to street lighting, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 54917 is added to the Government Code, to read:

54917. Notwithstanding Sections 54902 and 54903, any street lighting maintenance district formed under Chapter 26 (commencing with Section 5820), Part 3, Division 7 of the Streets and Highways Code during the fiscal year 1962-63 may file the statement and map or plat required by Section 54900 on or before May 15, 1963.

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

A question has arisen as to the validity of any tax that may be levied for the 1963-64 fiscal year by a street lighting mainte-

nance district to be formed by the early part of May, 1963. Those directly concerned have been reasonably unaware that a statement and map or plat of the district was required to be filed with the county assessor and the State Board of Equalization as a condition to levying taxes for district purposes for the fiscal year 1963-64.

Unless such failure to file the statement and map or plat is corrected in accordance with this act, the district will be without power to levy taxes or assessments in the area affected and services in said district will be seriously curtailed and the district will lose the opportunity of completing necessary public works.

CHAPTER 1193

An act to add Section 23010.3 to the Government Code, relating to sanitary sewers, storm sewers, and drainage.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 23010.3 is added to the Government Code, to read:

23010.3. Upon adoption of an authorizing resolution by the board of supervisors, in connection with the construction of any sanitary sewer, storm sewer, or drainage improvements a county may expend any of its available funds for the purpose of increasing the size of any conveyance works in excess of the size required for the current project, if the board of supervisors first finds and declares in the aforementioned resolution, (a) that there is an area outside the area to be served by the current project which may in the future utilize the conveyance works which are to be increased in size; (b) that the increased size in the conveyance works for the current project is necessary to serve the outside area in the future; and (c) that the board of supervisors will have the right in the future to use, or permit the use of, the conveyance works which are to be increased in size for the benefit of the outside area.

The provisions of this section shall be applicable in cases in which improvements are to be constructed by any of the following:

(a) A county pursuant to "The Improvement Act of 1911," Division 7 (commencing with Section 5000) of the Streets and Highways Code.

(b) A county pursuant to the "Municipal Improvement Act of 1913," Division 12 (commencing with Section 10000) of the Streets and Highways Code.

(c) A county in any other manner.

(d) Any district which is governed by the board of supervisors of the county in which the work is to be performed.

(e) Any district, not governed by the board of supervisors of the county in which the work is to be performed, with which the board of supervisors has contracted so as to assure the right of the county to use the conveyance works, which are to be increased in size, for the future benefit of the outside area.

(f) Any incorporated city with which the board of supervisors has contracted so as to assure the right of the county to use the conveyance works, which are to be increased in size, for the future benefit of the outside area.

(g) Any person if the works when completed are to be dedicated or conveyed to the county or to a district governed by the board of supervisors of the county in which the work is to be performed.

The board of supervisors may impose a connection fee upon any person or district in the outside area to be paid to the county as a condition to connecting to any conveyance works which have been increased in size pursuant to this section. The connection fee shall be a prorated share of the total cost of the construction of the increased capacity of the conveyance works based upon the ratio which the estimated discharge from the person or district in the outside area bears to the total increased capacity of the conveyance works. In computing the total cost of the increased capacity the board of supervisors may include an amount attributable to interest. Interest shall not exceed 4 percent per annum from the date of completion of the construction of conveyance works to the date of connection.

This section shall not decrease or limit any other power vested in counties and boards of supervisors.

CHAPTER 1194

An act to add Section 8951.1 to the Education Code, relating to the public school system, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 5, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 8951.1 is added to the Education Code, to read:

8951.1. For purposes of Section 8951 the average daily attendance of the elementary schools of the district shall be computed by excluding the average daily attendance of pupils attending the seventh and eighth grades of a junior high school maintained by a high school district.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV, Section 1 of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Eligibility of a school district for participation in special training schools or classes for mentally retarded minors established and maintained by the county superintendent of schools pursuant to Section 8951 of the Education Code should be determined under this act prior to adoption of school district budgets for the school year 1963-64, in order to give to the mentally retarded children of such district the educational opportunities which are extended to them by this act as soon as possible in the ensuing school year, rather than one year thereafter. It is therefore essential that this act go into immediate effect.

CHAPTER 1195

An act to amend Section 6815 of the Public Resources Code, relating to leasing for oil and gas.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 6815 of the Public Resources Code is amended to read:

6815. Whenever it appears to the commission that wells drilled upon private lands are draining or may drain oil or gas from lands owned by the State, or where the provisions of Section 6827 are deemed by the commission to be impracticable in the particular case by reason of the small size, or irregular configuration of the property, or its inaccessibility from surface drillsites reasonably available or obtainable, the commission, in lieu of following the provisions of Section 6827, may negotiate and enter into agreements with the owners or operators of such wells on private lands for the payment of compensation to the State for such drainage, or may negotiate and enter into leases for the development of the state lands through drilling from adjoining lands only. This section shall not apply to lands underlying the Pacific Ocean and its bays and harbors.

CHAPTER 1196

An act to amend Sections 7052 and 7061 of the Public Resources Code, relating to oil and gas and mineral leases by public agencies.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 7052 of the Public Resources Code is amended to read:

7052. Lands may be leased in tracts of such size and shape as the governing body may determine. Before executing a lease of any such property, the governing body shall in open meeting, by not less than a two-thirds vote of its members, adopt a resolution declaring its intention to lease the property. The resolution shall describe the property proposed to be leased in such manner as to identify it, specify the minimum rental and term for which it will be leased, the form of the lease or agreement, and one variable, biddable factor, on which bids will be received, and fix a time not less than three weeks thereafter and place for a public meeting of said governing body, at which meeting sealed proposals to lease will be received and considered. The resolution shall, before the date of such meeting, be published once a week for three successive weeks in one or more newspapers of general circulation in the county where the property is situated.

This section shall not apply to the renewal or extension for a fixed term not exceeding the original term of leases or operating agreements initially issued for a fixed term.

The State Lands Commission may in its discretion exempt particular leases or operating agreements from the procedure required by this section and Section 7053 where by reason of the small size of the property or drainage, actual or imminent, such procedure would in the judgment of the State Lands Commission in the particular case be impractical.

SEC. 2. Section 7061 of said code is amended to read:

7061. The provisions of Sections 7058.5 to 7059, inclusive, shall be applicable to all general-law cities and shall be applicable to general-law and chartered cities with respect to tide or submerged lands granted in trust to such cities by the State where mineral rights have not been reserved to the State. Section 7060 shall be applicable to both general-law and chartered cities only with respect to tide or submerged lands granted in trust to such cities by the State, where mineral rights have not been reserved to the State. The provisions of Sections 7058.5 to 7060, inclusive, shall not apply to activities regulated by Chapter 29 of the Statutes of the 1956 First Extraordinary Session.

The State Lands Commission may in its discretion exempt particular leases or operating agreements from the procedure

required by Sections 7058.5 and 7059 where by reason of the small size of the property or drainage, actual or imminent, such procedure would in the judgment of the State Lands Commission in the particular case be impractical.

CHAPTER 1197

An act to amend Sections 8102, 8103 and 8111 of the Education Code, relating to driver training and driver education courses in secondary schools.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 8102 of the Education Code is amended to read:

8102. The aims and purposes of automobile driver education shall be to develop a knowledge of those provisions of the Vehicle Code and other laws of this State relating to the operation of motor vehicles, a proper acceptance of personal responsibility in traffic and a true appreciation of the causes, seriousness and consequences of traffic accidents. No pupil shall be excused from a class in which he is enrolled to meet the course of study requirements of Section 7700, or from a physical education class maintained under the authority of Section 8160 which meets the criteria for physical education classes prescribed by the State Board of Education, or from a class in a foreign language, mathematics, or science in order to take instruction in automobile driver education. Pupils may be excused, for the purpose of taking instruction in automobile driver education, from any classes from which excusing for such purpose is not prohibited by this section.

SEC. 2. Section 8103 of said code is amended to read:

8103. The aims and purposes of automobile driver training shall be to develop the knowledge, attitudes, habits, and skills necessary for the safe operation of motor vehicles. The governing board of any district maintaining a secondary school which includes any of the grades 9 to 12, inclusive, may in its discretion establish and maintain automobile driver training for pupils enrolled in the day secondary schools in the district No pupil shall be excused from a class in which he is enrolled to meet the course of study requirements of Section 7700, or from a class in a foreign language, mathematics, or science in order to take instruction in automobile driver training.

SEC. 3. Section 8111 of said code is amended to read:

8111. The Superintendent of Public Instruction shall determine the amount of excess cost incurred by each school district during the preceding fiscal year for the establishment and maintenance of automobile driver training for pupils en-

rolled in the schools of the district in accordance with such regulations as he may prescribe. "Excess cost" as employed in this section includes the total current expenditures incurred for instructing pupils in automobile driver training in special classes, including, but not limited to, automobile replacement, insurance, upkeep and maintenance of automobiles used in such training. "Special classes" as employed herein includes classes providing automobile driver training for pupils who may be excused, for the purpose of taking instruction in automobile driver training, from any classes from which excusing for such purpose is not prohibited by Section 8103.

CHAPTER 1198

An act to amend Section 2700 of the Penal Code, relating to labor of prisoners.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 2700 of the Penal Code is amended to read:

2700. The Department of Corrections shall require of every able-bodied prisoner imprisoned in any state prison as many hours of faithful labor in each day and every day during his term of imprisonment as shall be prescribed by the rules and regulations of the Director of Corrections.

Each prisoner, who is engaged in productive work in any state prison or institution under the jurisdiction of the Department of Corrections as a part of the prison work program, may receive for his work such compensation as the Director of Corrections with the approval of the Department of Finance shall determine, to be paid out of any funds appropriated therefor. Such compensation, if any, shall be in accordance with a graduated schedule based on quantity and quality of work performed and skill required for its performance, but in no event shall such compensation exceed thirty-five cents ($0.35) per hour, or be less than two cents ($0.02) per hour. Said compensation shall be credited to the account of the prisoner.

Said compensation shall be paid from the Correctional Industries Revolving Fund. Whenever by any statute a price is required to be fixed for any article, material, supply or services to be produced, manufactured, supplied or performed in connection with the work program of the Department of Corrections, the compensation paid to prisoners shall be included as an item of cost in fixing the final statutory price.

Prisoners not engaged on work programs under the jurisdiction of the Correctional Industries Commission and financed

out of the Correctional Industries Revolving Fund, but who are engaged in productive labor outside of such programs may be compensated in like manner. The compensation of such prisoners shall be paid either out of funds appropriated by the Legislature for that purpose or out of such other funds available to the Department of Corrections for expenditure, as the Director of Finance may direct.

When any prisoner escapes, the director shall determine what portion of his earnings shall be forfeited and such forfeiture shall be deposited in the State Treasury in a fund known as the Inmate Welfare Fund of the Department of Corrections.

Nothing in this section or in Section 3323 of this code is intended to restore, in whole or in part, the civil rights of any prisoner. No prisoner compensated under this section or Section 3323 shall be considered as an employee or to be employed by the State or the Department of Corrections, nor shall any such prisoner come within any of the provisions of the Workmen's Compensation Insurance and Safety Act of 1917, now codified as Division 4 and Division 5 of the Labor Code, or be entitled to any benefits thereunder whether on behalf of himself or of any other person.

CHAPTER 1199

An act to amend Section 31645 of the Government Code, relating to County Employee's Retirement Law.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 31645 of the Government Code is amended to read:

31645. Except as provided in Sections 31641.5 or 31648 credit for prior service, whether interrupted or not, shall be granted to each person who has rendered such service as defined in or pursuant to this chapter, and who has become a member of the retirement system within one year after it becomes operative or at any time prior to October 1, 1953, whichever is the later, or within six months after discharge from military service.

One who performed service otherwise qualifying for credit under this section, who re-entered county employment subsequent to September 1, 1953 and prior to December 31, 1953, shall receive credit for such service, subject to Section 31648, provided such person is employed, as of the effective date of this section, in a position for which service credit is given under this article.

CHAPTER 1200

An act to add Section 2713 to, and to repeal Sections 2763 and 2784 of, the Penal Code, relating to deductions from compensation of prisoners.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 2713 is added to the Penal Code, to read:

2713. Whenever an inmate is paid for his labor, performed under the supervision of the Department of Corrections or any other public agency, and is discharged, all sums due him shall be paid upon release. If an inmate is released on parole all sums due him shall be paid to the inmate as prescribed by the director.

SEC. 2. Section 2763 of said code is repealed.

SEC. 3. Section 2784 of said code is repealed.

CHAPTER 1201

An act to amend Section 19556 of the Education Code, relating to school district building works.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 19556 of the Education Code is amended to read:

19556. The board by the adoption of rules shall give priority in allocating funds to districts to those districts where the children will benefit most from additional schoolhouse facilities. This priority shall be based on acuteness of overcrowding, on rapidity of growth in attendance, and on the time the district's application has been ready for allotment. The board may make exceptions when it determines that it will be for the benefit of the children affected.

The State Department of Education shall assist and cooperate with the board in determining priorities.

CHAPTER 1202

An act to add Section 12648.3 to the Water Code, relating to authorization of Hidden Reservoir and channel improvement project.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 12648.3 is added to the Water Code, to read:

12648.3. The project for Hidden Reservoir and channel improvement on the Fresno River is adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 37, 87th Congress, and adopted and authorized by the Act of Congress approved October 23, 1962, (Public Law 87-874) at an estimated state cost of two hundred twenty thousand dollars ($220,000).

CHAPTER 1203

An act to add Section 12648.4 to the Water Code, relating to authorization of Buchanan Reservoir and channel improvement project.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 12648.4 is added to the Water Code, to read:

12648.4. The project for Buchanan Reservoir and channel improvement on Chowchilla River is adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 98, 87th Congress, and adopted and authorized by the Act of Congress approved October 23, 1962, (Public Law 87-874) at an estimated state cost of one hundred fifty thousand dollars ($150,000).

CHAPTER 1204

An act to add Section 103.7 to the Streets and Highways Code, relating to the valuation of park property acquired for state highway purposes other than state parks.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 103.7 is added to the Streets and Highways Code, to read:

103.7. Publicly owned real property dedicated to park purposes, other than state parks, when acquired for state highway purposes by eminent domain, shall be compensated for by the department on the basis of the fair market value of the property taken, considering all uses for which it is available and adaptable regardless of its dedication to park purposes, plus the value of improvements constructed thereon. If the part taken is only a portion of a larger parcel of park property, the damages, if any, and the benefits, if any, to the remainder by reason of the taking and the construction of the highway improvements in the manner proposed shall be on the basis that the remaining property is devoted or dedicated to park purposes and offset in accordance with Section 1248 of the Code of Civil Procedure.

In lieu of such compensation, the department and the owner or agency in charge of such park property may provide by agreement where it is found economically feasible so to do that the department may provide substitute park facilities of substantially equal utility, or facilities of lesser utility with payments representing the difference in utility, or may pay the reasonable cost of acquiring such substitute facilities.

CHAPTER 1205

An act to add Section 598 to the Code of Civil Procedure, relating to the trial of cases.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 598 is added to the Code of Civil Procedure, to read:

598. In a trial by jury, the court may, when the convenience of witnesses or the ends of justice would be promoted thereby, on motion of a party, after notice and hearing, make an order, no later than the close of pretrial conference in cases

in which such pretrial conference is to be held, or, in other cases, no later than 10 days before the trial date, that the trial of the issue of liability shall precede the trial of any other issue in the case, except for special defenses which may be tried first pursuant to Section 597. In a nonjury trial, the court may on its own motion make such order at any time. If the decision of the court, or the verdict of the jury upon such issue so tried is in favor of any party on whom liability is sought to be imposed, judgment in favor of such party shall thereupon be entered and no trial of other issues in the action as against such party shall be had unless such judgment shall be reversed upon appeal or otherwise set aside or vacated.

If the decision of the court, or the verdict of the jury upon the issue of liability so tried shall be against any party on whom liability is sought to be imposed, the trial of the other issues shall thereafter be had at such time, and if a jury trial, before the same or another jury, as ordered by the court either upon its own motion or upon the motion of any party, and judgment shall be entered in the same manner and with the same effect as if all the issues in the case had been tried at one time.

CHAPTER 1206

An act to add Section 9602 to the Education Code, relating to state textbooks.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 9602 is added to the Education Code, to read:

9602. The president of any state college may order such state textbooks as may be used to advantage by the college in giving instruction in elementary subjects, or in giving instruction in the teaching of elementary subjects.

CHAPTER 1207

An act to amend Section 28107 of the Government Code, relating to compensation of local officers.

[Approved by Governor July 7, 1963 Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 28107 of the Government Code is amended to read:

28107. In a county of the seventh class the officers shall receive as compensation for the services required of them by

law or by virtue of their offices the salaries and fees fixed pursuant to the charter of the county, except that the following shall receive as compensation for such services the following sums:

(a) The chairman of the board of supervisors, ten thousand five hundred dollars ($10,500), and each other supervisor, ten thousand dollars ($10,000) a year, and his necessary expenses when attending to the business of the county, other than the meetings of the board, and ten cents ($0.10) a mile in traveling to and from his residence to the county seat. Not more than one mileage at any one regular or special meeting of the board shall be allowed. The compensation provided in this section to be paid to the chairman and to each member of the board is in full for all official services performed by him in any public capacity.

(b) For attending as a grand juror for each day's attendance, including each day's attendance at committee meetings and investigations upon the order of the grand jury, five dollars ($5); as a juror in the superior court, for each day's attendance, five dollars ($5). For each mile actually traveled in attending court as a juror, ten cents ($0.10); for attending meetings of the grand jury, committee meetings or investigations, necessary expenses and ten cents ($0.10) for each mile actually traveled. The grand jury may order members to act as committees thereof and to conduct investigations on its behalf.

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

CHAPTER 1208

An act to amend Sections 74263 and 74264 of the Government Code, relating to salaries of municipal court attachés.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 74263 of the Government Code is amended to read:

74263. There shall be one marshal who may appoint one chief deputy marshal, two deputy marshals, five deputy bailiffs, one deputy marshal clerk. Upon approval of the board of supervisor of the county, the marshal may appoint one marshal clerk-typist II.

SEC. 2. Section 74264 of said code is amended to read:

74264. The monthly salaries for the following positions shall be according to the schedule set forth below:

	A	B	C	D	E
Chief clerk	$677	$715	$755	$797	$842
Assistant clerk	516	545	575	608	641

	A	B	C	D	E
Court clerk	417	440	464	489	516
Supervising clerk	417	440	464	489	516
Court clerk assistant	375	395	417	440	464
Deputy municipal court stenographer	355	375	395	417	440
Deputy municipal court clerk	337	355	375	395	417
Municipal court clerk-typist II	288	303	319	337	355
Marshal	715	715	715	715	715
Chief deputy marshal	489	516	545	575	608
Deputy marshal	440	464	489	516	545
Deputy bailiff	395	417	440	464	489
Deputy marshal clerk	355	375	395	417	440
Marshal clerk-typist II	288	303	319	337	355

The hiring salary for each position shall be the salary in column "A." A service period of six months shall be required for a salary increase from column "A" to column "B" and one additional year's service for a salary increase from column "B" to column "C." A service period of 18 additional months shall be required for a salary increase from column "C" to column "D" and two additional years' service for a salary increase from column "D" to column "E."

Notwithstanding any other provision of law, the salaries of municipal court employees may, upon approval of the board of supervisors, be increased or decreased by an amount not to exceed eleven percent (11%) in order to provide compensation that is comparable to county employees of similar qualifications and experience holding equal or comparable positions in the San Bernardino County classified service, as the comparability is determined by the board.

CHAPTER 1209

An act to repeal Chapter 1 (commencing with Section 29000) of, and to add Chapter 1 (commencing with Section 29000) to, Division 3 of Title 3 of the Government Code, relating to county budgets and tax levies.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Chapter 1 (commencing with Section 29000) of Division 3 of Title 3 of the Government Code is repealed.

SEC. 2. Chapter 1 (commencing with Section 29000) is added to Division 3 of Title 3 of said code, to read:

CHAPTER 1. BUDGET AND TAX LEVY

Article 1. General

29000. Unless the context otherwise requires or provides, the general provisions set forth in this article, and the requirements concerning county budget matters prescribed by the State Controller under Section 30200 of this code, govern the construction of this chapter.

29001. "Appropriations" means authorizations by the board to make expenditures and to incur obligations for specific purposes.

29002. "Appropriation for contingencies" means a budgetary provision representing that portion of the appropriations set aside to meet unforeseen expenditure requirements.

29003. "Unencumbered balance of appropriation" means that portion of an appropriation not yet expended or encumbered.

29004. "Encumbrances" means obligations in the form of purchase orders, contracts and other commitments which are chargeable to an appropriation and for which a part of the appropriation is reserved.

29005. "Fund" means a sum of money or other resources segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions or limitations, and constituting an independent fiscal and accounting entity.

29006. "Fund balance" means the excess of assets over liabilities in each separate fund

29007. "Fund balance-available" means that portion of a fund balance which is free and unencumbered for financing the program of expenditures and other requirements of the budget year to which it is being applied.

29008. "Fund balance-unavailable" means that portion of a fund balance which is reserved for specific purposes and which is not available for financing the budget requirements.

29009. "Budget" means a comprehensive plan of financial operations embodying an estimate of proposed requirements for expenditure appropriations and provisions for reserves for a given period and the means of financing such requirements, as expressed in the official actions of the board.

29010. "Budget document" means the instrument used to present the plan of financial operations of the county and of the special districts whose affairs and finances are under the supervision and control of the board. It shall include the approved budget in the case of the proposed budget document, or the adopted budget in the case of the final budget document, exhibited in various prescribed summary and detailed state-

ments or schedules, prepared in the manner and in such form as prescribed pursuant to the provisions of this chapter. It may include such other statements, schedules, statistics, messages and other information as is deemed appropriate by the board for the purposes for which the document is compiled.

29011. "Budget unit" means that classification of the expenditure and reserve requirements of the financial operational plan into appropriately identified accounting or cost centers deemed necessary and desirable for purposes of control of the financial operations thereof. Except as otherwise provided by law, budget units may be devised at the discretion of the board as follows:

(a) An organizational unit such as, a department, a court, an office, a division of a department or an office, an institution, a board or commission, or any other administrative unit.

(b) A service activity or unit.

(c) A specific expenditure program.

(d) A specific type of expenditure.

With respect to the special districts to which this chapter applies the term "budget unit" may be synonymous with the district budget.

29012. "Estimated revenue" means the amount of revenue estimated to accrue or to be received (dependent on the basis of accounting) during a given period.

29013. "Fixed assets" means land, structures and improvements, and equipment. Expenditures which result in the construction or improvement of county roads or in the acquisition of rights-of-way therefor, including the land, are specifically excluded.

29014. "General reserve" means a fund, or a reserve within a fund, used to meet cash requirements before the proceeds from taxes are available and to meet emergency expenditures. A general reserve is not an appropriation.

29015. "Board" means the board of supervisors of the county, or the governing board of a special district whose affairs and finances are under the supervision and control of the county board of supervisors.

29016. "Administrative officer," as used in this chapter, means the chief administrative officer, county administrator, county executive, county manager or other officials employed in the several counties under various titles whose duties and responsibilities are generally comparable to the officials named herein.

29017. This chapter shall apply to counties and to special districts whose affairs and finances are under the supervision and control of the board.

29018. This chapter does not apply to any moneys subject to expenditure, allocation, or apportionment by the county superintendent of schools pursuant to the Education Code or other statute, and which is not derived from appropriations made by the board.

29019. This chapter does not remove or in any way affect any tax limit fixed by law.

29020. The State Controller shall promulgate such rules, regulations and classifications as are deemed necessary and commensurate with the accounting procedures for counties prescribed by the State Controller under Section 30200 of this code to secure minimum standards of uniformity among the various counties and to carry out the provisions of this chapter. Any such rules, regulations and classifications shall be adopted in accordance with the provisions of Section 30200 of this code.

The State Controller shall prescribe the forms required to be used in presenting the required information in the budget document after consultation with the Committee on County Accounting Procedures, which committee is provided in Section 30201 of this code. Any county may add to the information required, or show it in more detail, providing that the financial information and the classifications or items required to be included in the budget are clearly and completely set forth. Any change proposed by a county in the arrangement of the information required on the forms shall be subject to review and approval by the State Controller.

29021. Dependent on the stage of development of the budget, the various prescribed forms should provide for the showing of data and information to include, but not necessarily limited to, the following items:

(a) Fund balances, estimated or actual, as applicable.

(b) Fund balances-unavailable, estimated or actual, as applicable.

(c) Fund balances-available, estimated or actual, as applicable.

(d) Secured tax rate per fund.

(e) Equalized assessed valuation.

(f) The percentage of allowances for tax delinquency as fixed by the board, and as applicable, the allowances for disputed tax revenues.

(g) Revenues from sources other than current property taxes, which shall be classified to set forth the data by source in accordance with the accounting procedures for counties as prescribed by the State Controller under Section 30200 of this code.

For comparative purposes the amounts of revenues shall be shown as follows:

(1) On an actual basis for the second fiscal year preceding that to which the budget is to apply.

(2) On an estimated or actual basis for the first fiscal year preceding that to which the budget is to apply.

(3) On an estimated basis for the budget year, as submitted by those officials or persons responsible therefor, or as recommended by the auditor.

(4) On an estimated basis for the budget year, as approved, or as adopted, by the board.

(h) The amounts of property taxes proposed to be raised from the levies on the secured and unsecured rolls for the fiscal year to which the budget is to apply.

(i) Expenditures for each budget unit which shall be classified to set forth the data by the fund or funds from which financed, by the objects of expenditure in accordance with the accounting procedures for counties and by such further classifications or requirements pertaining to county budget matters as prescribed by the State Controller under Section 30200 of this code.

For comparative purposes the amounts of expenditures shall be shown as follows:

(1) On an actual basis for the second fiscal year preceding that to which the budget is to apply.

(2) On an estimated or actual basis for the first fiscal year preceding that to which the budget is to apply.

(3) On an estimated basis for the budget year, as submitted by those officials or persons responsible therefor, or as recommended by the administrative officer if designated by the board.

(4) On an estimated basis for the budget year, as approved, or as adopted, by the board.

(j) The amounts proposed to be provided as appropriations for contingencies.

(k) The amounts proposed to be provided as provisions for reserves.

29021.1. Within the object of salaries and employee benefits, the expenditures for salaries and wages of permanent positions and of nonpermanent positions, respectively, may be given in totals within each budget unit, provided that the estimates for salaries and wages of permanent positions for the budget year shall be supported by a schedule setting forth, for each budget unit, the following data for each position classification:

(a) Salary rate or range, as applicable.

(b) Number of positions currently approved.

(c) Number of positions requested and/or recommended by the administrative officer if designated by the board.

(d) Number of positions approved by the board.

The supporting data shall be shown or provided in accordance with at least one of the following methods:

(a) With each budget unit.

(b) On a complete schedule, containing all budget units, included as a separate statement in the budget document.

(c) On a separate statement or salary ordinance, a copy of which shall be made available upon request.

29021.2. Within the object of fixed assets, the estimates for:

(a) Land may be given in lump sum amounts, except when included as a component of a project.

(b) Structures and improvements shall be listed separately as to each project, except that minor improvement projects may be given in totals.

(c) Equipment shall be itemized in each budget unit setting forth the general class and respective quantity. The itemization need not be shown within the budget unit provided that the same respective data is reflected on either (1) an equipment acquisition statement included elsewhere in the budget document, or (2) a separate equipment acquisition statement, a copy of which shall be made available upon request.

Article 2. Filing of Estimates

29040. On or before June 10th of each year, as the board directs, each official or person in charge of any budget unit shall file with the auditor an itemized estimate of anticipated revenues and proposed expenditures. If the board directs, the estimates shall also be filed with the administrative officer.

29041. The estimate shall show:

(a) The probable revenues from sources other than property taxation that will become available during the fiscal year to which the budget is intended to apply.

(b) The proposed expenditure and reserve requirements for the period.

(c) Any matter required by the board.

29042. The estimates shall be submitted on worksheet forms prescribed by the auditor, or the administrative officer if designated by the board. The officer prescribing the worksheet forms shall supply such forms.

29043. The auditor shall provide the estimates for bonded debt service requirements. He shall also provide or furnish to the responsible authority, as applicable, the estimates for bonded debt service requirements of:

(a) School districts.

(b) Any special district, the records for which are maintained in his office as required by law.

In addition to providing the estimates for debt service requirements, the auditor shall, if required pursuant to the policies of the board, also include a percentage of up to one-fourth of 1 percent of the amount to be raised by taxation for such debt service requirements applicable to any bond or bonds of any special district or zone or improvement district thereof, but excluding a school district.

29044. The auditor shall furnish to the responsible official any financial statements or data, the preparation of which properly falls within the duties of his office.

29045. In the absence or disability, or failure of any official or person required to submit estimates pursuant to this article, they shall be submitted by the official or person in charge of the budget unit during the absence or disability of the prin-

cipal, or shall be prepared by the auditor or the administrative officer as designated by the board.

Article 3. Proposed Budget

29060. From the estimates the auditor, or the administrative officer if designated by the board, shall prepare a tabulation on forms prescribed by the State Controller in the manner as prescribed by the provisions of this chapter.

29061. The board may designate the administrative officer to review, hold hearings on, and recommend changes in the estimates before the tabulation is submitted to the board. Any differences between his recommendations and the estimates as submitted with which the official or person who submitted the estimates does not concur, shall be clearly indicated in the recommendations and comments of the administrative officer.

29062. The tabulation shall be submittd to the board by the auditor, or by the administrative officer if designated by the board, on or before June 30th of each year, as the board directs.

29063. Upon receipt of the tabulation the board shall consider it and, on or before July 20th of each year, at such time as it directs, shall make any revisions, reductions or additions therein that it deems advisable. Any official or person whose estimates have been so revised, reduced or increased by the board shall be given the opportunity to be heard thereon before the board during or prior to the hearings required by Section 29080 of this chapter.

29064. On or before July 20th of each year the board, by formal action, shall approve the tabulation with the revisions, additions and changes in conformity with its judgment and conclusions as to a proper financial program for the budget period, whereupon it shall constitute the proposed budget for the period to which it is to apply.

29065. On or before August 10th of each year, as the board directs, the proposed budget document, and the required statements if separate, shall be reproduced so that each taxpayer who desires may obtain one. A copy of each shall immediately be forwarded to the State Controller.

29066. On or before August 10th of each year, the board shall publish a notice once in a newspaper of general circulation throughout the county, stating that:

(a) The proposed budget documents are available to taxpayers requesting them.

(b) On a date stated in the notice, not less than 10 days after the budget documents are available, and at a time and place also stated in the notice, the board will meet for the purpose of conducting a public hearing on the proposed budget preparatory to making a final determination thereon, and,

(c) Any taxpayer may appear thereat and be heard regarding the increase, decrease or omission of any item of the budget or for the inclusion of additional items.

Article 4. Final Budget

29080. On or before August 20th of each year, as the board directs, it shall meet at the time and place designated in the published notice, at which meeting any taxpayer may appear and be heard regarding the increase, decrease or omission of any item in the proposed budget or for the inclusion of additional items. All proposals for the increase or the inclusion of additional items shall be submitted in writing to the clerk of the board before the close of the public hearing.

29081. The hearing may be continued from day to day until concluded, but not to exceed a total of 10 calendar days, and shall be concluded before the expiration of 10 calendar days if there are no requests or applications on file with the board for further hearings.

29082. At the time the estimates for a budget unit are under consideration, the board may call in the official or person who submitted such estimates for examination concerning them. Upon the request of any taxpayer for questioning upon the estimates, the official or person shall be called by the board.

29082.5. If such hearing is requested on or before the first day of the budget hearings, the board shall set aside at least one day during the hearing period at which any authorized officer of any city within the county may appear and be heard on matters pertaining to the financing of streets, roads, and highways both within and without the incorporated areas of the county.

29083. The auditor, or a deputy designated by him, shall attend the public hearing on the proposed budget, and shall furnish the board with any additional data or information it requires.

It shall be the responsibility of the auditor to revise the proposed budget to reflect the actions of the board pertaining thereto.

29084. The budget may contain an appropriation or appropriations for contingencies which the board may establish by either or a combination of the following methods:

(a) Setting aside an amount within a fund not to exceed 10 percent of the total appropriations from the respective fund exclusive of the amount of the appropriation for contingencies.

(b) Setting aside an amount not to exceed 10 percent of the total appropriations contained in the budget, exclusive of all appropriations for bonded debt service and all appropriations for contingencies. The total appropriations on which the 10 percent limitation is based shall exclude the total appropriations on each fund for which an appropriation for contingencies is established pursuant to (a).

29085. The budget may contain a general reserve or general reserves in such amount or amounts as the board deems sufficient.

29086. Relative to the established general reserve or general reserves, the board, at the end of each fiscal year, shall provide for:

(a) The continuation of the balance or balances therein as reserves in each annual budget, and may add thereto, or

(b) The cancellation of the balance or balances therein, in whole or in part, and transfer the amount canceled to the available balance of the fund from which derived or to the available balance of any other fund to which the amount canceled may properly be transferred.

(c) Any combination of (a) and (b).

29087. The budget may contain a reserve in such amount as determined by the board within an Accumulative Capital Outlay Fund established by the board in accordance with the provisions of Article 4 (commencing with Section 53730), of Chapter 4, of Part 1, of Division 2, of Title 5 of this code.

29088. After the conclusion of the hearing, and not later than August 30th of each year, and after making any revisions of, deductions from, or increases or additions to, the proposed budget it deems advisable during or after the public hearing, the board shall by resolution adopt the budget as finally determined. Increases or additions shall not be made after the public hearing, unless the items were proposed in writing and filed with the board before the close of the public hearing.

29089. The resolution of adoption of the budget of the county and of each special district shall specify:

(a) Appropriations, for each budget unit, which shall be constituted by the respective totals of each of the objects and subobjects of expenditures listed in this section, as follows:

(1) Salaries and employee benefits.

(2) Services and supplies.

(3) Other charges.

(4) Fixed assets:

(A) Land

(B) Structures and improvements; provided that each project shall be set forth separately with the estimated cost thereof, except that minor improvements projects may be given in totals.

(C) Equipment.

(5) Expenditure transfers and reimbursements.

(b) Appropriations for contingencies, by fund.

(c) Provisions for reserves, by fund and purpose.

(d) The means of financing the budget requirements.

29090. The board may set forth appropriations in greater detail than required in Section 29089 and may authorize such additional controls for the administration of the budget as it deems necessary; the board may designate a county official to exercise such administrative controls.

29091. The adoption of the budget may be accomplished by a resolution in which the adoption is effectuated by refer-

ence to the objects and subobjects in the budget as finally determined, provided that the minimum requirements set forth in Section 29089 are met. If adopted by reference, the budget shall have the same effect and be subject to the same provisions of law as if the resolution of adoption had been accomplished by specific designation.

29092. The several amounts of proposed expenditures specified in the resolution as finally adopted are thereby appropriated for the various budget units of the county and for the special districts for the period to which the budget is intended to apply.

29093. A copy of the completed budget as finally determined and adopted shall be filed in the office of the clerk of the board not later than November 1st of each year.

Article 5. Tax Levy

29100. On or before September 1st of each year the board shall fix the rates of taxes on the secured roll, designating the number of cents or fraction thereof, in the rate for each fund on each one hundred dollars ($100) of taxable value of property. The rate shall be such as will produce, after due allowance for delinquency, and as applicable, after due allowance for disputed tax revenues anticipated to be impounded pursuant to Section 26906.1 of this code, the amount determined as necessary to be raised by taxation on the secured roll.

The allowance for delinquency shall be as fixed by law or by the board. The allowance for disputed tax revenues shall be as fixed by the board. The final determination for either or both allowances may be made at the same time as tax rates are fixed.

The amount to be raised by taxation on the secured roll is found by deducting from the total appropriations and reserve requirements of a fund, the respective total of:

(a) The amount of estimated revenue from other sources, including taxes anticipated on the unsecured roll, and

(b) The fund balance-available.

The amount of revenue from other sources and of the fund balance-available may be re-estimated at the time of fixing the tax rates and may be increased or decreased by the board and the amounts so determined by the board are conclusive and final.

29101. After fixing the rates and as an integral part of the procedures pertaining thereto, the board shall levy the taxes upon the taxable property of the county in specific sums in terms of the rates so fixed. Each rate is upon each one hundred dollars ($100) of assessed valuation of property and only upon property which is legally subject to such tax. The tax shall not exceed the amount specified in the budget, as finally determined by the board, as necessary to be raised on the secured roll after due allowance for delinquency and for disputed tax revenues.

29102. Unless otherwise provided by law, the authority and duties of the county board of supervisors with respect to the fixing of tax rates and the levying of taxes prescribed in this article shall have application to school districts and to special districts, or zones or improvement districts thereof, whose affairs and finances are not under the supervision and control of the county board of supervisors but for which a tax levy is carried on the regular county assessment roll.

29103. It shall be the responsibility of the auditor to calculate the several tax rates for the board's action thereon in accordance with the board's final determination of the various applicable factors as provided in this chapter.

29104. If in the calculation of any tax rate a fraction of a cent occurs, the board may adopt a rate ending in the next higher cent for a fund, or for a group of funds having the same tax base so that the total rate to be entered on the roll, for the computation of the total of taxes for this group, will end in a full cent. If the aggregate rate for the group of funds is fixed at the next higher full cent, then the fractional rates for each fund within this group shall be adjusted to equal the full cent aggregate rate for the group. Any excess of the amount of actual taxes levied as computed and entered on the secured roll, arising from the use of a full cent rate, over the amount as finally determined by the board as necessary to be raised on the secured roll for each fund or group of funds, after due allowances for delinquency and for disputed tax revenues anticipated to be impounded pursuant to Section 26906.1 of this code, is not a violation of this article.

Any cash collections resulting from such excess or from an excess resulting from any other cause shall not invalidate the levies.

29105. If the appropriations and reserves as adopted for any fund require a tax rate levy greater than the legal limit as determined by the equalized valuations as shown on the assessment roll, the appropriations or reserves, or both, shall be decreased by the board so as to come within the legal requirements, and the revised amounts constitute the appropriations and reserves for the period.

29106. The resolution fixing tax rates shall specify the title or name of each entity or fund with its corresponding rate as finally determined by the board, to be levied on the secured roll. The entity or fund may be designated in any manner sufficient to identify it.

29107. The tax rates for property not sufficiently secured as provided in Article XIII, Section 9a of the Constitution are levied in the amounts therein provided and need not be formally levied by the board.

29108. The auditor shall forward a copy of the final budget document to the State Controller not later than November 1st of each year.

29109. Within three days after the rates of county taxation have been fixed, the auditor shall forward to the State Controller, in such form as the Controller directs, a statement of the rates of taxation and the amounts of taxes to be levied for county purposes.

On or before October 16th of each year, the auditor shall forward to the State Controller, in such form as the Controller directs, a statement of the rates of taxation, the assessed valuation as shown on the current equalized assessment roll and the amount of taxes to be levied for (1) each school district or portion thereof within the county, and (2) each special district, or subdistrict or zone thereof, or portion thereof within the county, for which a tax levy is carried on the regular county assessment roll.

If the auditor, after receipt of written notice from the State Controller fails to transmit either of the statements within 10 days, he shall forfeit to the State, one thousand dollars ($1,000) to be recovered in an action brought by the Attorney General, in the name of the Controller.

Article 6. Appropriations and Transfers

29120. Except as otherwise provided by law, the board and every other county or special district official and person shall be limited in the making of expenditures or the incurring of liabilities to the amount of the appropriations allowed by the budget or as thereafter revised by addition, cancellation or transfer.

29121. Except as otherwise provided by law, warrants issued, expenditures made, or liabilities incurred in excess of any of the budget appropriations are not a liability of the county or special district, but the official making or incurring the expenditure in an amount known by him to be in excess of the unencumbered balance of the appropriation against which it is drawn is liable therefor personally and upon his official bond.

29122. The board shall approve no claim and the auditor shall issue no warrant for any expenditure in excess of the budget appropriation therefor, except upon an order of a court of competent jurisdiction, for an emergency, or as otherwise provided by law. Provided, further, with respect to a newly created special district, whenever it is desired to commence operations prior to the time for adoption of a budget for said district, any money advanced or transferred to such district under authority of law is hereby appropriated for the payment of expenses of the district until such time as a budget is formally adopted and becomes effective for such district.

29123. Relative to an expenditure program to be financed from a bond issue, no expenditure shall be made or obligations incurred therefor, except such preliminary expenditures as are provided by law, until the bonds have been duly authorized and sold.

29124. If at the beginning of any fiscal year, the appropriations applicable to that year have not been finally determined and adopted, the auditor shall approve payments for the support of the various budget units in accordance with the following authorizations which shall have progressive application:

(a) The several amounts set forth in the proposed budget for the objects and purposes therein specified, except for expenditures for fixed assets and for new permanent employee positions, are deemed appropriated until the adoption of the final budget.

(b) If the proposed budget has not been approved by the board, the amounts deemed appropriated shall be based on the budget of the preceding year, excluding fixed assets.

29125. Transfers and revisions may be made with respect to the appropriations as specified in the resolution of adoption of the budget, except with respect to transfers from the appropriations for contingencies, by an action formally adopted by the board at a regular or special meeting and entered in its minutes. The board may designate a county official to approve transfers and revisions within an appropriation.

29126. At any regular or special meeting the board may cancel any appropriation in whole or in part that is not needed and transfer the amount canceled to the appropriation for contingencies of the fund from which the appropriation was originally made if there is one, or to any appropriation for contingencies account, or fund, to which the amount canceled may be properly transferred. If there is no appropriation for contingencies in the respective fund, the board may establish one.

29127. After adopting a resolution stating the facts constituting the emergency by a four-fifths vote of the board at any regular or special meeting, of the time and place of which all members have had reasonable notice, the board may appropriate and make the expenditure necessary to meet an emergency in any of the following cases:

(a) Upon the happening of an emergency caused by war, fire, failure or the imminent failure of a water system or supply, flood, explosion, storm, earthquake, epidemic, riot or insurrection.

(b) For the immediate preservation of order or of public health.

(c) For the restoration to a condition of usefulness of any public property, the usefulness of which has been destroyed by accident.

(d) For the relief of a stricken community overtaken by calamity.

(e) For the settlement of approved claims for personal injuries or property damages, exclusive of claims arising from the operation of any public utilities owned by the county.

(f) To meet mandatory expenditures required by law.

29128. All emergency expenditures shall be paid by warrant from any money in the county treasury in any fund from which the expenditure may properly be paid.

29129. If, at any time, there is insufficient money in the treasury to pay any such warrants, they shall be registered, bear interest and be called in the same manner as other county or special district warrants.

29130. Balances in appropriations for contingencies, including accretions from cancellation of specific appropriations and, amounts received from subventions, grants, gifts or donations which are either in excess of anticipated or are not specifically set forth in the budget and, revenues derived from services provided under contract or agreement which are not specifically set forth in the budget, may be made available for specific appropriation by a four-fifths vote of the board at any regular or special meeting of which all members have had reasonable notice.

29131. The auditor shall submit to the board and such other officials as the board may designate a statement showing such information with respect to the condition of each separate budget appropriation and to the condition of the estimated revenues, as the board requires.

Article 7. Miscellaneous

29140. The budget document in which the proposed and the final budget, respectively, of the county are presented shall include a special statement showing the status of the expenditures from bond funds. The statement shall set forth the total estimated cost, and the total actual expenditures to date of each project, appropriately identified, and the fund from which financed.

29141. The budget document in which the proposed and final budget, respectively, of the county are presented shall include, for informational purposes only, a special statement showing the managerial budget of each service activity financed by a working capital fund established pursuant to the provisions of Section 25260 of this code. The statement shall set forth the expected operations of the activity in such detail for revenues and expenditures as will adequately display the nature and the approximate size of its operations. Comparative data as prescribed in Section 29021 of this chapter shall be provided.

29142. Notwithstanding the provisions of any other statute or code providing to the contrary, when taxes or assessments are collected by the county for any special district, or zone or improvement district thereof, but excluding a school district, the board of supervisors may provide for a collection fee for such services which when collected shall belong to the county and shall be deposited to the credit of the general fund, and shall cover the expense and compensation of such officials

of the county in the collection of such taxes and of the interest or penalties thereon, subject to the following:

(a) For taxes covering debt service requirements on any bond or bonds authorized and issued by any such district, the tax rate fixed to raise such amounts may be fixed by the board of supervisors to include also a percentage of such amounts up to one-fourth of 1 percent thereof.

(b) For taxes covering all purposes of such districts, other than debt service requirements on bonds, the amount of the collection fees, if any, to be charged by the county shall be fixed by agreement between the board of supervisors and the governing board of such district and shall not exceed one-fourth of 1 percent of all money collected. The tax rate fixed to raise such amounts whether fixed by the board of supervisors or by the governing board of the special district, shall be fixed to include also the percentages of such amounts pursuant to the agreement.

29143. Any unencumbered balance remaining to the credit of any appropriation shall lapse at the end of the fiscal year and shall revert to the available balance of the fund from which appropriated.

CHAPTER 1210

An act to add Division 4.5 (commencing with Section 3100) and Sections 2804.2, 10311.5 and 10402.5 to, and to amend Sections 4289, 5372, 10401, 10402 and 10428 of, the Streets and Highways Code, relating to special assessments.

[Approved by Governor July 7, 1963 Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 2804.2 is added to the Streets and Highways Code, to read:

2804.2. If the proceedings are for the financing and improvement of streets and easements initiated under a contract entered into or proposed to be entered into between a city, city and county, or county pursuant to Section 11611 of the Business and Professions Code and lands which will be subject to assessment for said proposed improvement are encumbered or subject to any existing mortgage or deed of trust, for the purpose of clause (3) of Section 2804 "owners" shall include not only the persons specified in said Section 2804 but also any mortgagee or beneficiary under any such existing mortgage or deed of trust. Upon the filing of a petition for any such improvement the owners, as specified in Section 2804, shall furnish the clerk or secretary of the legislative body with their affidavit, and any additional evidence which the clerk or secretary may require, concerning the existence of all such

mortgages or deeds of trust and the names of any mortgagees or beneficiaries thereunder.

SEC. 2. Division 4.5 (commencing with Section 3100) is added to the Streets and Highways Code, to read:

DIVISION 4.5. NOTICE OF SPECIAL ASSESSMENT AND FORECLOSURE PROCEEDINGS

PART 1. GENERAL PROVISIONS

3100. Unless the particular provision or the context otherwise requires, the definitions and general provisions contained in this part shall govern the construction of this division:

"Assessment" means the original assessment and any reassessment or supplemental assessment upon lands within the assessment district.

"Assessment district" means the territory containing the lands to be specially assessed.

"Assessment lienholder" means any person or city who as a result of proceedings taken under the principal act and any bond act used in conjunction therewith, owns or is entitled to enforce a lien against a specifically described lot, parcel or piece of land within the assessment district.

"Bond act" means any statute, charter or procedural ordinance under which bonds are issued to represent unpaid special assessments imposed in proceedings taken pursuant to the principal act.

"City" means any city, county, city and county, special district or public corporation.

"Legislative body" means the legislative body or governing board of a city.

"Map of the assessment district" means a plat or map indicating by a boundary line the extent of the territory included in the assessment district.

"Principal act" means the statute, charter or procedural ordinance under which the proceedings are being conducted.

"Proceedings" means proceedings taken pursuant to the principal act for the construction of any public improvement or the acquisition of any property for public use, or both, where any part of the cost thereof is to be paid by special assessments levied upon lots, parcels or pieces of land within an assessment district in proportion to the benefits to be received by each such lot, parcel or piece of land from said improvement or acquisition.

"Sale or foreclosure" means any action or proceeding by any city officer or in any court for the enforcement of payment of principal or interest due upon any special assessment or bond constituting a lien against real property by the sale or foreclosure of all or any part of such real property or said lien.

3101. All curative provisions of the principal act and any bond act used in conjunction therewith, including rules of

construction, limitations of actions, and provisions relating to reassessments, waiver and estoppel, the conclusive effect of any act or instrument, and the effect of errors, informalities and defects, shall apply to this division.

PART 2. FILING OF MAPS OF ASSESSMENT DISTRICTS AND RECORDATION OF NOTICES OF ASSESSMENTS

3110. The proposed boundaries of the assessment district to be assessed in proceedings shall be described by resolution or ordinance adopted by the legislative body prior to the hearing on the formation or extent of such district. The description of the proposed boundaries shall be by reference to a map of the assessment district which shall indicate by a boundary line the extent of the territory included in the proposed assessment district and such map shall govern for all details as to the extent of such district. Such map shall also contain the name of the city and a distinctive designation, in words or by number, of the district shown thereon.

3111. On the original and on at least one copy of the map of the assessment district, the clerk of the legislative body shall endorse his certificate evidencing the date and adoption of the resolution or ordinance describing the proposed boundaries of such district. The clerk shall file the original of such map in his office and, within 15 days after the adoption of the resolution or ordinance fixing the time and place of the hearing on the formation or extent of such district and in no event later than 15 days prior to such hearing, shall file a copy thereof with the county clerk of each county in which all or any part of such proposed assessment district is located.

3112. The county clerk shall endorse on the copy of the map of the assessment district the time and date of the filing and shall fasten the same securely in a book of maps of assessment districts which he shall keep in his office. The county clerk shall index such maps by name of the city conducting the proceedings and by the distinctive designation of the district as shown on each such map.

3113. The legislative body shall not order a modification in the boundaries of an assessment district shown on a previously filed map of the assessment district unless it shall describe such proposed modification by reference to a revised map of the assessment district and the clerk of the legislative body shall have filed such revised map with the county clerk at least 10 days prior to the adoption of any such order.

3114. After the confirmation by the legislative body of any assessment, the street superintendent, or other officer of the city in whose office such assessment shall have been filed or recorded, shall execute and record a notice of assessment in the office of the county recorder of each county in which all or any

Notice of Assessment

part of the assessment district is located. Such notice of assessment shall be in substantially the following form:

Pursuant to the requirements of Section 3114 of the Streets and Highways Code, the undersigned, _____ of the City of _____, State of California, hereby gives notice that a diagram and assessment were filed in the office of the _____ of said city as provided for in said section, and relating to the following described real property:

(The real property in the assessment district may be described by: (a) stating its exterior boundaries; or (b) giving a description thereof according to any official or recorded map; or (c) referring to a plat or map filed with the notice, which shall indicate by a boundary line the extent of the territory included in the assessment district and shall govern for all details as to the extent of the assessment district.)

Notice is further given that upon the recording of this notice in the office of the county recorder, the several assessments assessed as shown in said filed diagram and assessment shall become a lien upon the lots or portions of lots assessed, respectively.

Reference is made to the diagram and assessment on file in the office of the _____ of the said city.

Dated: _____

If the assessment district is located in two or more counties, the notice above set forth, in lieu of the paragraph following the description of the property, shall state:

Notice is further given that the above-described real property is located in the counties of _____ and _____ and upon the recording of this notice in the office of the county recorder of all such counties, effective upon the date of the last such recording, the several assessments as shown in said filed diagram and assessment shall become a lien upon the lots or portions of lots assessed, respectively.

3115. From the date of such recording in the office of the county recorder, or if the assessment district is located in two or more counties then from the date of such recording in the office of the county recorder wherein a notice is last recorded, all persons shall be deemed to have notice of the contents of such assessment. Immediately upon such recording in the office of the county recorder, or if the assessment district is located in two or more counties, then upon the recording of such notice in the offices of the county recorders of all such counties, effective upon the date of the last of such recordings each of such assessments shall thereupon be a lien upon the property against which it is made, and unless sooner discharged such lien shall so continue for the period of four years from the

date of said recordation, or in the event bonds are issued to represent said assessment, then such lien shall continue until the expiration of four years after the due date of the last installment upon said bonds or of the last principal coupon attached thereto.

3116. The fees of the county recorder for recording and indexing any document provided for in this division, shall be in the amounts specified in Section 27361, Government Code.

3117. If any proceedings are abandoned by the legislative body, the clerk of the legislative body, forthwith upon such abandonment, shall file a certified copy of the resolution of abandonment with the county clerk of each county in which all or any part of the assessment district is located. The certificate of the clerk of the legislative body attached to such resolution shall include a reference to the date of the resolution of abandonment, the date of the original resolution of intention, and the date the map of the assessment district pertaining thereto was filed with the county clerk. The county clerk shall index such resolution in the book containing the index of the maps of assessment districts.

PART 3. RECORDATION OF NOTICE OF PENDENCY OF SALE OR FORECLOSURE

3120. Where there is a delinquency in payment of principal and interest due upon a special assessment or bond and a sale or foreclosure is commenced, notice of the pendency of such sale or foreclosure shall be filed as provided in this part.

3121. Not later than 10 days after (1) making demand upon or application to the treasurer or other officer of the city to sell property for such delinquency or (2) commencing an action or proceeding in any court to foreclose the lien of such special assessment or bond, the assessment lienholder shall file with the county recorder a notice of pendency of such sale or foreclosure.

3122. The notice of pendency shall contain the name of the assessment lienholder, shall state that a sale or foreclosure, as the case may be, has been commenced, shall refer to and identify such sale or foreclosure and shall describe the property affected thereby.

3123. Such notice of pendency shall be in addition to any notice required to be given by the principal act or bond act pursuant to which such sale or foreclosure is being taken.

3124. This part shall not apply where the principal act or bond act provides that payments of principal and interest due upon a special assessment or bond shall be collected and enforced for delinquency in the same manner and at the same times as general taxes of the city on real property.

SEC. 3. Section 4289 of said code is amended to read:

4289. The clerk shall thereupon deliver to the street superintendent the assessment and diagram as confirmed by the

legislative body, with his certificate of such confirmation and of the date thereof. The street superintendent shall thereupon record such assessment and diagram in his office, in a suitable book to be kept for that purpose, and append thereto his certificate of the date of such recording.

Immediately thereafter the street superintendent shall record a notice of assessment as provided for in Section 3114, whereupon the assessment shall attach as a lien upon the property assessed as provided in Section 3115.

SEC. 4. Section 5372 of said code is amended to read:

5372. The warrant, diagram and assessment shall be recorded in the office of the superintendent of streets and may be recorded at any hour of the calendar day. Immediately thereafter the superintendent of streets shall record a notice of assessment, as provided for in Section 3114, whereupon said assessment shall attach as a lien upon the property assessed, as provided in Section 3115.

SEC. 5. Section 10311.5 is added to said code, to read:

10311.5. If the proposed improvement includes the acquisition of any improvements constructed pursuant to the provisions of the Subdivision Map Act (commencing at Section 11500, Business and Professions Code) and such improvements were financed, in whole or in part, from the proceeds of any loan secured by a mortgage or deed of trust upon any lands within the proposed assessment district, upon submission of evidence, satisfactory to the legislative body, of the foregoing, the mortgagee or beneficiary under any such mortgage or deed of trust may protest in the same manner and to the same extent as the owner of such lands.

Any contract by a city for the acquisition of any such improvements shall provide that, in the absence of contrary written instructions by any such mortgagee or beneficiary, the purchase price for said improvements shall be paid to the owner and to the mortgagee or beneficiary, as their interests may appear.

SEC. 6. Section 10401 of said code is amended to read:

10401. Upon the passage of the resolution provided for in Section 10312, the clerk of the legislative body shall, if bonds are to be issued, transmit to the superintendent of streets, or if no bonds are to be issued, to the city tax collector the diagram and assessment provided for in subdivisions (d) and (e) of Section 10204, and any modifications or corrections made by said legislative body. If other than a municipal corporation is conducting the proceeding, the diagram and assessment shall be transmitted to and recorded by the corresponding officer of the entity conducting the proceeding, which officer shall be the county surveyor if a county is conducting the proceeding, and such officer shall perform the duties provided in this division for the tax collector. If neither a mu-

nicipal corporation nor a county is conducting the proceeding, a certified copy of the diagram and assessment shall be recorded with the county surveyor if all or any part of the improvement district is in unincorporated territory, and with the superintendent of streets or tax collector of the city if all or any part of the improvement district is in an incorporated territory.

SEC. 7. Section 10402 of said code is amended to read:

10402. The tax collector shall record the diagram and assessment received pursuant to Section 10401 in a substantial book to be kept for that purpose in his office. Upon the date of recordation with the tax collector or, if a certified copy is recorded with the county surveyor or the superintendent of streets of the city or both as provided in Section 10401, then upon the date of such recordation, the assessment becomes due and payable.

SEC. 8. Section 10402.5 is added to said code, to read:

10402.5. Upon the passage of the resolution provided for in Section 10312, the superintendent of streets or the city tax collector, as the case may be, shall record a notice of assessment, as provided for in Section 3114, whereupon the said assessment shall attach as a lien upon the property assessed, as provided in Section 3115.

SEC. 9. Section 10428 of said code is amended to read:

10428. From the date of the recordation pursuant to Sections 3114 and 3115, each special assessment levied under this division is a lien upon the land upon which it is levied. This lien is paramount to all other liens, except prior assessments and taxation, and, unless sooner discharged, such lien shall continue for a period of four years from the date of said recordation, or in the event bonds are issued to represent said assessment, then such lien shall continue until the expiration of four years after the due date of the last installment upon said bonds or of the last principal coupon attached thereto. All persons shall have constructive notice of this lien from such date of the recordation.

SEC. 10. This act shall apply only to proceedings where the resolution or ordinance of intention shall have been adopted on or after the effective date of this act.

SEC. 11. The Legislature declares that the addition of Division 4.5 and Sections 28042, 10311.5 and 10402.5 to, and the amendments to Sections 4289, 5372, 10401, 10402 and 10428 of, the Streets and Highways Code effected by this act are to implement the recommendations contained in Volume 6, Number 20, of the Final Report of Assembly Interim Committee on Municipal and County Government, dated December 18, 1962.

CHAPTER 1211

An act to amend Section 18060 of the Education Code, relating to special education.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 18060 of the Education Code is amended to read:

18060. (a) In addition to all other amounts allowed to a school district under this article (commencing at Section 18051), the Superintendent of Public Instruction shall allow to each school district an amount equal to the current expense of the district during the preceding fiscal year of transporting blind, deaf, aphasic, cerebral palsied, orthopedically handicapped and other physically impaired minor pupils handicapped in mobility and including mentally retarded minors who come within the provisions of Section 6903, to and from special day classes but not in excess of four hundred seventy-five dollars ($475) for each unit of average daily attendance of such pupils during the next preceding fiscal year resulting from the attendance of such pupils on the special day classes to and from which they were transported by the district.

(b) The Superintendent of Public Instruction shall allow to the county school service fund of each county an amount equal to the current expense of the county superintendent of schools during the preceding fiscal year of transporting blind, deaf, aphasic, cerebral palsied, orthopedically handicapped and other physically impaired minor pupils handicapped in mobility and including mentally retarded minors who come within the provisions of Section 6903, to and from special day classes but not in excess of four hundred seventy-five dollars ($475) for each unit of average daily attendance during the next preceding year resulting from the attendance of such pupils on the special day classes to and from which they were transported by the county superintendent of schools.

(c) As used in this section, "physically impaired minor pupils handicapped in mobility" means those children who are deemed eligible for special class placement as defined by the State Board of Education.

CHAPTER 1212

An act to amend Section 3271 of the Unemployment Insurance Code, relating to unemployment compensation disability insurance.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 3271 of the Unemployment Insurance Code is amended to read:

3271. Until January 1, 1966, the director shall approve any amendment to a voluntary plan adjusting the provisions thereof as to periods after the effective date of the amendment as to which he finds that the plan as amended will conform to the standards set forth in Section 3254 and that either of the following exist:

(a) A majority of the employees covered by the plan have consented in writing to the amendment.

(b) All of the employees covered by the plan who are adversely affected by the amendment have consented in writing to the amendment.

(c) The insurer of such plan, if any, has certified to the director that notice of the amendment either separately or as a part of a new certificate or statement of coverage, has, at least 10 days prior to the effective date of the proposed amendment, been delivered to the employer for distribution to his employees within 10 days thereafter and has further certified that such notice specifically included notification to the employees covered by the plan of their right to withdraw from the plan.

Nothing contained in this section is intended to deny or limit the right of the director to make regulations supplementary thereto, nor on the general subject of requirements for amendments of voluntary plans subsequent to January 1, 1966.

CHAPTER 1213

An act to add Section 14 to Chapter 63 of the Statutes of 1880, relating to protection districts.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 14 is added to Chapter 63 of the Statutes of 1880, to read:

14. The trustees of any district organized under this act or the owners in fee of one or more parcels within a district organ-

ized under this act, if such parcels are outside the protection of the levees of the district, may jointly or severally file with the board of supervisors praying that such parcels be excluded from the district.

The petition shall state the name of the district, the grounds upon which it is claimed that the lands be excluded from the district and shall describe the boundaries of the land of petitioners which it is desired to exclude. The petition shall be acknowledged in the manner required for the recordation of a conveyance of land, and the acknowledgment shall have the same effect as evidence as the acknowledgment of a conveyance of land.

The clerk of the board of supervisors shall publish a notice of the filing of the petition and hearing thereof once a week for at least two weeks in a newspaper of general circulation published in the county. Such notice shall contain the names of the petitioners, a general description of the lands mentioned in the petition and a brief description of the prayer of the petition. If any portion of the land to be excluded is located in two or more counties, such notice shall be published in a newspaper published within each of the counties wherein such land is located. If no newspaper is published in a county wherein publication is required, the notice shall be posted for two weeks in at least three public places in the district, one of the notices being posted on the lands proposed to be excluded.

In addition to the notice by publication or posting, the clerk of the board of supervisors shall, at least 10 days before the day set for hearing, mail a notice, postage prepaid, to the address of each known person owning property within the district and to all other persons deemed by the board of supervisors to have a distinct pecuniary interest in the matter. Such notice shall state that a petition has been filed, the names of the petitioners, shall contain a full description of the lands mentioned in the petition, shall describe the nature of the prayer of the petitioners, and shall state the date, time and location of the hearing of the petition.

The hearing shall be held at a regular meeting of the board of supervisors. At the hearing the board of supervisors shall hear the petition and all evidence, proofs or objections for or against granting of the petition. If the board of supervisors determines that the evidence sustains the petition and that it is for the best interests of the district that the lands, or some portion thereof, be excluded therefrom, the board of supervisors shall forthwith make an order that such lands be excluded from the district. If the exclusion of land from the district results in a change of boundaries of the district, the board of supervisors shall order an entry describing the new boundaries to be made in its books. A copy of the entry in the minutes of the board of supervisors excluding land shall be certified by the clerk of the board of supervisors and shall be

filed in the recorder's office in each county within which are situated any of the lands of the district.

The holders of bonds of the district at the time of the filing of the petition may consent in writing to the exclusion of lands mentioned in the petition. Such consent shall be acknowledged in the manner required for a conveyance of land, and the acknowledgement shall be filed with the clerk of the board of supervisors and recorded in the minutes thereof. A copy of such minutes, certified by the clerk, shall be recorded in the office of the county recorder of each of the counties wherein the lands to be excluded are situated, and shall be admissible in evidence with the same effect as the bondholders' consent. When the bondholders' consent has been filed as provided herein and the lands, or any portion thereof, are thereafter excluded from the district, the lands so excluded shall be released from the lien of the outstanding bonds.

Except when the bondholders have consented as provided herein, any land excluded from a district shall be held subject to liens and shall be charged with the payment of all outstanding obligations at the time of the filing of the petition for exclusion. But land excluded pursuant to these provisions shall not be charged with any obligation incurred after the filing of the exclusion petition with the board of supervisors.

Neither a change of boundaries of the district nor an exclusion of land therefrom shall impair or affect its organization, its rights or privileges in any way, nor shall such change affect any contract, obligation, lien, or charge which is, or may become, adverse to, or in favor of, the district.

The expenses of giving the notice and of the proceedings required by this section shall be paid by the persons filing the petition except that the district shall pay such expenses in those instances where the petition is filed by its board of trustees.

CHAPTER 1214

An act to amend Section 70045.1 of the Government Code, relating to compensation of court reporters.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 70045.1 of the Government Code is amended to read:

70045.1. Notwithstanding the provisions of Section 70045 of this code, in any county having a population of 9,000 and not over 9,800, as determined by the 1960 federal census, each regular official court reporter shall receive an annual salary

of five thousand two hundred eighty dollars ($5,280) payable in monthly installments out of the salary fund of the county, for the reporting and taking notes in criminal cases and juvenile court cases in the superior court, and in preliminary examinations of those accused of crime before magistrates, and of proceedings before the grand jury and at coroner's inquests when requested by the coroner, and for other services such reporters shall receive the fees provided for in Article 9 (commencing at Section 69941), Chapter 5, Title 8 of this code, such fees in civil cases to be paid by the litigants as provided by law.

Reporters pro tempore shall be paid a per diem of twenty-five dollars ($25) as provided in Section 69948 of this code and other fees set forth in Article 9 (commencing at Section 69941), Chapter 5, Title 8 of this code, and shall receive from the county their necessary traveling and other expenses when necessarily called from other counties, but a reporter pro tempore shall be paid a per diem or expenses by the county only when the regular official court reporters are occupied in the superior court, or at preliminary examinations, grand jury hearings or coroner's inquests.

The board of supervisors of such a county may provide the court reporters with equipment for the performance of their duties.

CHAPTER 1215

An act to amend Section 2235 of the Civil Code, relating to presumptions against trustees.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 2235 of the Civil Code is amended to read:

2235. All transactions between a trustee and his beneficiary during the existence of the trust, or while the influence acquired by the trustee remains, by which he obtains any advantage from his beneficiary, are presumed to be entered into by the latter without sufficient consideration, and under undue influence. The presumptions established by this section do not apply to the provisions of an agreement between a trustee and his beneficiary relating to the hiring or compensation of the trustee.

CHAPTER 1216

An act to amend Sections 4311 and 4319 of the Agricultural Code, relating to milk sales stimulation consumer educational programs.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 4311 of the Agricultural Code is amended to read:

4311. Before any stabilization and marketing plan may provide for a sales stimulation and consumer educational program, not less than sixty-five (65) percent of the total number of producers, including members of producers' co-operative marketing associations, whose major interest in fluid milk is in the production of fluid milk for the marketing area and who produced not less than sixty-five (65) percent of the total volume of fluid milk produced by such producers for and sold in the area in a representative period to be determined by the director shall petition the director in writing for the inclusion of such a program as part of the stabilization and marketing plan for such marketing area. For the purpose of determining the number of producers other than members of a co-operative marketing association as required by this section the director shall consider those producers for whom contracts required by subdivision (e) of Section 4280 have been filed with the director and with respect to producers who are members of a co-operative marketing association the director shall consider all of such producers whose major interest is in the production of fluid milk for marketing through such co-operative marketing association in such marketing area; provided, that if the production of any producer is shipped, handled, or distributed in such manner that the marketing area in which such producer has his major interest, as hereinabove provided, cannot be ascertained by the director with reasonable certainty, then such marketing area shall be conclusively deemed by the director to be that marketing area in which is located the milk plant where such production is first received by any distributor or by any co-operative marketing association. In determining whether such petition has been signed by the required number of producers in accordance with this section, the director shall consider the approval of any nonprofit agricultural co-operative marketing association which is authorized by its members so to petition, as being the petition of the producers who are members of, or stockholders in, such nonprofit agricultural co-operative marketing association. If such

a program is requested by distributors it shall be necessary that not less than sixty-five (65) percent of the total number of distributors and who distribute not less than sixty-five (65) percent of the total volume of fluid milk for consumption in the marketing area shall petition the director in writing for the inclusion of such a program as part of the stabilization and marketing plan.

SEC. 2. Section 4319 of said code is amended to read:

4319. The persons named in the order to administer the program shall be selected by the director in the following manner and in the following number:

(a) If the program was instituted by producers the director shall name not less than five representative producers nor more than nine representative producers from nominations made at the public hearing by the petitioners.

(b) If the program was instituted by distributors the director shall name not less than five representative distributors nor more than nine representative distributors from nominations made at the public hearing by the petitioners.

(c) If the program was instituted by both producers and distributors the director shall name not less than three representative producers nor more than five representative producers from nominations made at the public hearing by the petitioning producers and not less than three representative distributors nor more than five representative distributors from nominations made at the public hearing by petitioning distributors; provided, however, that an equal number of producers and distributors shall be named by the director to administer the program.

(d) Distributors who are also producers shall be eligible to nomination for service on, and may be named by the director to serve on the committee to administer any program for which they will be required to pay assessments, and at least one of the persons named by the director to serve on any committee to administer any program for which distributors who are also producers will be required to pay assessments shall be a distributor who is also a producer.

(e) Persons selected by the director to administer the program who resign or become ineligible to serve shall be succeeded by persons selected by the director from nominations made at the public hearing or from persons nominated at a nomination meeting called by the director to receive nominations for persons eligible to serve. If such a nomination meeting is held notice of such meeting shall be mailed to each person eligible to petition for the program as provided for in Section 4311.

CHAPTER 1217

An act to amend Section 6902 of the Government Code, relating to vending machines for the blind.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 6902 of the Government Code is amended to read:

6902. The Director of Finance may construct and install or permit the construction and installation of vending stands, snack bars and cafeterias in any building owned or occupied by the State for the Bureau of Vocational Rehabilitation for the use of blind persons licensed by the bureau. The amount of space allotted for this purpose shall be kept to the minimum space consistent with the number of persons to be served. The governing board of any county may also construct and install or permit the construction and installation of vending stands for operation by blind persons in any building owned or occupied by the county. The governing board of any city may construct and install or permit the construction and installation of such vending stands for operation by such blind persons in any building owned or occupied by the city.

Any vending machine, which dispenses food and dairy products, placed on or after October 1, 1963, in a building owned or occupied by the State or by a county or city, may be assigned to a licensed blind operator in the building. If there is no licensed blind operator in the building, the profits from the vending machine may be assigned to the Bureau of Vocational Rehabilitation which shall cause such profits to be distributed among those operators who operate in marginal locations.

CHAPTER 1218

An act to amend Section 23397 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 23397 of the Business and Professions Code is amended to read:

23397. Alcoholic beverages may be served on trains, boats, and airplanes under onsale licenses issued for trains, boats, and airplanes, only to passengers or employees not on duty.

Beer may be served on boats under an onsale beer license for fishing party boats except during the time such boats are at a dock.

CHAPTER 1219

An act to amend Section 28134 of the Government Code, relating to salaries of board of supervisors.

[Approved by Governor July 7, 1963 Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 28134 of the Government Code is amended to read:

28134. In a county of the 34th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

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

(b) The district attorney, eleven thousand dollars ($11,000) a year. The district attorney shall devote his entire time during office hours to the work of the county and State and is prohibited from engaging in private work within such office hours; however, this shall not be construed to preclude the district attorney from continuing or concluding any matter in which he has appeared of record prior to October 1, 1949.

(c) Each supervisor, six thousand dollars ($6,000) a year in full for all services performed by him as supervisor, member of the board of equalization, and in any other capacity, and all actual and necessary traveling expenses when traveling on county business. The traveling expenses, exclusive of meals and hotel accommodations, shall not exceed eight cents ($0.08) per mile.

(d) Trial jurors in the superior court, for each day's attendance, six dollars ($6). In justice courts, the jurors sworn to try the case shall receive for each day's attendance three dollars ($3). Each trial juror shall receive mileage at the rate of seven cents ($0.07) each way for each mile actually traveled in attending court, except that in justice courts mileage shall be allowed only to those jurors sworn to try the case.

(e) Grand jurors, for each day's attendance at regular sessions of the grand jury or of any regularly constituted committee or subcommittee thereof, or when appointed in writing by the foreman of the grand jury to make individual investigations, six dollars ($6). A juror excused at his own request is not entitled to a per diem fee. Each juror driving his own automobile upon jury business, or in attendance upon meetings of the jury or committees thereof, shall receive mileage at the rate of seven cents ($0.07) each way for every mile actually and necessarily traveled. Said claims for per diem, for mileage and any incidental expenses incurred by jurors pursuant to the exercise of their official duties (excluding meal expense) shall be paid out of the general fund of the county

by the county treasurer upon warrants drawn by the county auditor upon the written order of the judge of the superior court.

CHAPTER 1220

An act authorizing a suit or suits against the State of California to quiet title to, and for certain other relief relating to, certain real property in the County of Santa Cruz, State of California.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Any person or persons owning or claiming any interest in or to that certain real property situated in the County of Santa Cruz, State of California, and described in this act may bring and maintain, and prosecute to final judgment, a suit or suits against the State of California in accordance with law, in any court of competent jurisdiction, to quiet title to such interest, to remove a cloud on title, to determine a boundary, and to obtain declaratory relief, with reference to such interest.

SEC. 2. The real property as to which suit is authorized to be brought and maintained and prosecuted to judgment pursuant to Section 1 consists of two parcels described as follows:

(a) 1.3 acre parcel between sixteenth-section lines north and south through the north half of the northwest quarter of Section 12, T. 9S., R. 4W., M.D.M., as surveyed by Elwin Rogers and Division of Beaches and Parks.

Situate in Section 12, T. 9S., R. 4W., M.D.M. and bounded and described as follows, to wit:

Beginning at the sixteenth-section corner on the North line of the Northwest quarter of said Section 12, as said section was surveyed and subdivided in 1906 and 1914 by Elwin Rogers, L. S. 478, from which a 12 inch tan oak tree bears S 25-½° E 29 feet distant and a 5 foot redwood tree bears N 59-½° E 27.8 feet distant; thence S 0° 36′ E along the sixteenth-section line through said Northwest quarter-section 1267 feet to the sixteenth-section corner in the center thereof from which a 30 inch redwood tree bears N 4° E 19 feet distant and a 20 inch redwood tree bears N 73° E 19 feet distant; thence N 88° 04-½′ W along the sixteenth-section line through said Northwest quarter-section 95 feet more or less to the sixteenth-section line running North and South through said Northwest quarter-section as the same is shown on the Record of Survey Map filed in Volume 34 of maps, Page 22, Santa Cruz County

Records; thence Northerly along the last mentioned line and the Northerly production thereof 1270 feet more or less to the North line of said Northwest quarter-section as the same was surveyed by Elwin Rogers; thence S 88° 47′ E 3 feet more or less to the point of beginning.

Containing 1.3 acres more or less.

Compiled May 1962 from maps and field notes of Elwin Rogers, L. S. 478 and data given upon the above mentioned Record of Survey map, by Bowman and Williams, Registered Civil Engineers, Job No. 13866.

(b) 22 acre parcel between quarter-sections lines north and south through Section 12, T. 9S., R. 4W., M.D.M., as surveyed by Elwin Rogers and Division of Beaches and Parks.

Situate in Section 12, T. 9S., R. 4W., M.D.M. and bounded and described as follows, to wit:

Beginning at the sixteenth-section corner on the North half of the quarter-section line North and South through said Section 12 as said section was surveyed and subdivided in 1906 and 1914 by Elwin Rogers, L. S. 478, from which a redwood tree bears N. 77° 40′ E 31.7 feet distant; thence S 0° 15′ W along said quarter-section line 1282 feet to the quarter-section corner in the center of said Section from which a 20 inch redwood tree bears N 1-½° W 83.5 feet distant; thence continuing S 0° 15′ W along said quarter-section line 1306 feet to the sixteenth-section corner on the East line of the Southwest quarter of said Section, from which a 4 foot redwood tree bears S 41-½° W 17 feet distant; thence N 86° 57-½′ W along the sixteenth-section line through said Southwest quarter-section 550 feet more or less to the quarter-section line running North and South through said Section as the same is shown on the Record of Survey map filed in Volume 34 of maps, Page 22, Santa Cruz County Records; thence Northerly along the last mentioned line and the Northerly production thereof 2600 feet more or less to the sixteenth-section line running East and West through the Northwest quarter of said Section as established by Elwin Rogers; thence S 88° 04-½′ E along the last mentioned line 190 feet more or less to the point of beginning.

Containing 22 acres, more or less.

Compiled May 1962 from maps and field notes of Elwin Rogers, L. S. 478 and data given upon the above mentioned Record of Survey Map, by Bowman and Williams, Registered Civil Engineers, Job No. 13866.

SEC. 3. Any action brought under the provisions of this act shall be commenced within one year from the effective date of this act.

SEC. 4. Service of process in any such suit shall be made upon the Director of Finance, the Director of Parks and Recreation, and the Attorney General, and it shall be the duty of the Attorney General to represent the State in such suit.

CHAPTER 1221

An act to amend Section 28122 of the Government Code, relating to compensation of county officers.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 28122 of the Government Code is amended to read:

28122. In a county of the 22d class the following shall receive as compensation for their services required of them by law or by virtue of their offices the following sums:

(a) The auditor, seven thousand eight hundred dollars ($7,800) a year.

(b) The district attorney, thirteen thousand five hundred dollars ($13,500).

(c) Each supervisor, seven thousand five hundred dollars ($7,500) a year for all services rendered including mileage. If required to go on business to any point outside of the county, he shall be allowed actual expenses.

(d) Trial jurors in the superior court five dollars ($5) for each day's attendance. In addition, mileage fees shall be allowed trial jurors for attendance in court at the rate of fourteen cents ($0.14) for each mile traveled one way each day.

(e) Grand jurors, five dollars ($5) for each day's attendance upon the duly called sessions of the grand jury. In addition, mileage fees shall be allowed grand jurors for attendance at grand jury sessions at the rate of fourteen cents ($0.14) for each mile traveled one way each day.

CHAPTER 1222

An act to amend Section 69900 of the Government Code, relating to superior courts.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 69900 of the Government Code is amended to read:

69900. In each county or city and county with a population of over 730,000 and under 850,000, a majority of the judges of the superior court may appoint the following employees:

(a) One senior assistant jury commissioner at an annual salary of ten thousand eight hundred dollars ($10,800).

(b) Seven senior legal stenographers, ~~each~~ at an annual salary of seven thousand one hundred forty dollars ($7,140).

(c) Two senior clerk-typists, each at an annual salary of seven thousand twenty dollars ($7,020).

(d) Two information deputies, each at an annual salary of six thousand dollars ($6,000).

(e) Two probate court commissioners each at an annual salary of eighteen thousand dollars ($18,000).

(f) One chief calendar clerk at an annual salary of ten thousand eight hundred dollars ($10,800).

(g) One domestic relations court commissioner at an annual salary of thirteen thousand two hundred dollars ($13,200).

(h) Three domestic relations deputy commissioners, each at an annual salary of nine thousand nine hundred dollars ($9,900).

(i) One assistant court commissioner and law clerk at an annual salary of nine thousand six hundred dollars ($9,600).

(j) One court commissioner at an annual salary of eighteen thousand dollars ($18,000).

(k) Four referees, juvenile court, each at an annual salary of sixteen thousand two hundred dollars ($16,200).

The salaries of such employees shall be paid by the county or city and county in which they serve.

CHAPTER 1223

An act to amend Sections 8503, 8571, 8573, 8653 and 8654 of, and to add Section 8682.2 to, the Streets and Highways Code, relating to the Improvement Bond Act of 1915.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 8503 of the Streets and Highways Code is amended to read:

8503. "City" includes counties, cities and counties and public corporations, districts and agencies.

SEC. 2. Section 8571 of said code is amended to read:

8571. If the legislative body determines that serial bonds shall be issued as provided in this division to represent the expense of any proposed work or improvement, it shall in the resolution of intention to do the work:

(a) Declare that serial bonds shall be issued pursuant to Division 10 of this code to represent the expenses of the proposed work or improvement; and

(b) Specify the rate or maximum rate of interest which the bonds shall bear.

SEC. 3. Section 8573 of said code is amended to read:

8573. The bond declaration in the resolution of intention, assessment, and notice of recording the assessment may be substantially in the following form:

"Notice is hereby given that serial bonds to represent unpaid assessments, and bear interest at the rate of not to exceed _____ percent per annum, will be issued hereunder in the manner provided by Division 10 of the Streets and Highways Code, the Improvement Bond Act of 1915, and the last installment of such bonds shall mature _____ years from the second day of July next succeeding 10 months from their date."

SEC. 4. Section 8653 of said code is amended to read:

8653. The bonds shall be signed by the treasurer and the clerk. The coupons affixed to the bonds shall be signed by the treasurer. However, the legislative body may by order authorize the use upon the bonds and coupons of an engraved, printed or lithographed signature of the treasurer in place of a signature by hand. It may also authorize the seal to be placed in like manner on the bonds. Semiannual coupons shall be attached to the bonds, the first of which shall be payable upon the second day of January next before the maturity of the first series of bonds coming due, and shall be for the interest accrued at that time.

SEC. 5. Section 8654 of said code is amended to read:

8654. The bonds shall be payable to bearer, and shall bear interest at the rate specified or determined in the proceedings. The bonds maturing in any year shall constitute the annual series of that year and the aggregate principal of the bonds in such series shall equal the even annual proportion of the aggregate principal sum of the entire bond issue hereinbefore referred to.

SEC. 6. Section 8682.2 is added to said code, to read:

8682.2. When the first interest coupon is for interest for a longer period than six months, the auditor shall enter the amount thereof in the column on his assessment roll provided for the first installment, and the balance in the column provided for the second installment, of said assessment.

CHAPTER 1224

An act to amend Sections 10109, 10110, 10111, and 10603 of the Streets and Highways Code, relating to the Municipal Improvement Act of 1913.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 10109 of the Streets and Highways Code is amended to read:

10109. Whenever the improvement or acquisition includes the acquiring or the installation of works, appliances or im-

provements authorized by this division, and the works, appliances, or improvements are, or may be, under the ownership, management, or control of any public agency other than the city making the acquisition or ordering the work done, or of a regulated public utility, the works, appliances, or improvements may be acquired or installed under the proceedings specified in this division.

SEC. 2. Section 10110 of said code is amended to read:

10110. Before the ordering of the work, acquisitions or improvements which are to be owned, managed or controlled by any other public agency, or regulated public utility, the legislative body shall enter into an agreement with the public agency or utility which has, or may have, charge of the works, appliances, or improvements. Among other things such agreement may provide for any or all of the following:

(a) For the supplying by the public agency or utility of plans and specifications in accordance with the provisions of Chapter 5 (commencing at Section 5170) of Part 3 of Division 7 of this code.

(b) For the performance of work or service by the public agency or utility, and the payment to the public agency or utility out of the improvement fund for such work, service, or charges. Any agreement providing for the performance of work by a public utility shall provide for the posting of labor, material and performance bonds in accordance with Chapter 6 (commencing with Section 10500) of this division.

(c) For the acquisition by the legislative body of works or appliances already installed and for the conveyance of said works to the public agency or utility. The owner of such works or appliances may be a party to the agreement.

(d) That the agreement shall become effective after proceedings have been taken pursuant to this division and the funds are available to carry out all the terms thereof. Whenever it is proposed to annex to the public agency the territory in which the installation or acquisition is contemplated, proceedings may be taken up to and including the confirmation of the assessment as provided for in Section 10312 prior to the commencement of the annexation proceedings. If the annexation is successful, the assessment shall be recorded and such other proceedings taken as may enable the parties to comply with the terms of the agreement. If the annexation proceedings fail, further proceedings under the resolution of intention are barred.

SEC. 3. Section 10111 of said code is amended to read:

10111. After the work, acquisitions or improvements have been completed and accepted, or conveyed to the public agency or utility, title to the works, appliances or improvements so installed, acquired or conveyed shall vest in the public agency or utility and constitute a part of its system, and shall at all times thereafter be used, operated, maintained, and managed by it as a part of such system.

SEC. 4. Section 10603 of said code is amended to read:

10603. When the resolution of intention provides for the issuance of bonds, the superintendent of streets of a city, surveyor of a county, or district engineer of a public corporation, conducting the proceedings shall give the notice of recording the assessment, and collect and receive the assessments. The legislative body of the public entity conducting the proceedings may, by resolution, designate the treasurer, tax collector, or other officer of the entity to collect and receive the money. If the entity is a public corporation it may designate the treasurer or tax collector of the county in which it is situated to collect and receive the money. The person so designated shall execute any certificates relating to the amount of assessments paid or remaining unpaid which are required to be executed by the superintendent of streets by the law pursuant to which bonds are to be issued, including, but not limited to, Sections 6420 and 8620.

CHAPTER 1225

An act to add Section 24305 to the Government Code, relating to consolidation of offices.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 24305 is added to the Government Code, to read:

24305. When the duties of officers are consolidated pursuant to this chapter, the board of supervisors, by ordinance, may elect to consolidate the budgets of the offices the duties of which are consolidated.

CHAPTER 1226

An act to amend Section 6442 of the Streets and Highways Code, relating to the Improvement Act of 1911.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 6442 of the Streets and Highways Code is amended to read:

6442. If any installment of the principal of the unpaid assessment or of interest thereon is not paid to the treasurer on or before the due date, to wit, the June 1st or December 1st, as the case may be, next preceding the date upon which the coupons representing it are payable to the bondholder, the

treasurer shall after the close of business on said due date add to the principal or interest so delinquent a penalty of 1 percent of the total amount of such delinquency, ~~and at the beginning~~ of the business on the first day of each succeeding month until such delinquent payment and all penalties thereon are fully paid, he shall add an additional penalty of 1 percent of the amount of such delinquency. The treasurer shall collect such penalties with and as a part of the delinquent payment. The first 1 percent shall be retained by the treasurer as a cost of servicing the delinquency, and shall not be included in the penalties herein otherwise provided to be paid to the bondholder.

CHAPTER 1227

An act to add Chapter 19 (commencing with Section 40500) to Part 2, Division 3, Title 4 of the Government Code, relating to surplus United States property.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Chapter 19 (commencing with Section 40500) is added to Part 2, Division 3, Title 4 of the Government Code, to read:

CHAPTER 19. SURPLUS UNITED STATES PROPERTY

Article 1. Title and Policy

40500. This chapter shall be known as the Municipal Federal Surplus Property Authority Law.

40501. It is hereby declared to be the policy of the State that to promote the public interest, economy, health, safety, education and general welfare of the cities, cities and counties, and counties in the State and of the residents and property owners therein, the people be empowered to acquire, own, maintain, operate, improve and dispose of surplus real properties of the United States which are within or contiguous to said cities, cities and counties, and counties. Because of the unique problem presented in so doing and of the facts and circumstances relative thereto, the creation of an authority within and separate and distinct from said cities, cities and counties, and counties is necessary.

40502. Such authority, when created, shall constitute a public corporation.

Article 2. Definitions

40506. Unless the provision or the context otherwise requires, the definitions set forth in this section govern the construction of this chapter.

40507. "Authority" means a surplus property authority created pursuant to this chapter.

40508. "Local agency" means city, city and county, or county which creates the authority.

40509. "Clerk" means the clerk of the authority.

40510. "Contract" means a contract entered into by the authority for the purchase or other acquisition of surplus real property under the Federal Property and Administration Services Act of 1949 or other federal law.

40511. "Commission" means the legislative body of the authority.

40512. "Commissioner" means a member of the commission.

40513. "Legislative body" means the city council or other legislative body of the local agency.

40515. "Person" includes any individual, firm, copartnership, association, corporation, trust, business trust or receiver or trustee or conservator for any thereof.

40516. "President" means the presiding officer of the commission.

40517. "Property" means any real property acquired pursuant to the Federal Property and Administration Services Act of 1949, or other federal law.

40518. "Treasurer" means the fiscal officer of the authority.

Article 3. Surplus Property Authority

40520. There is, in each city, city and county, or county of the State, a public corporation known as the "surplus property authority" of the city, city and county, or county.

40521. The authority shall not transact any business or exercise any powers unless and until the legislative body shall by ordinance declare that there is need for the authority to function in the city, city and county, or county.

40522 The determination that there is need for an authority to function may be initiated by the legislative body on its own motion or upon the filing of a petition signed by 100 residents of the city, city and county, or county asserting that there is need for an authority to function in the local agency and requesting that the legislative body so declare.

40523. In any suit, action, or proceeding by or against or in any manner relating to an authority, the authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers upon proof of the adoption of the ordinance by the legislative body declaring the need for the authority to function.

40524. At the time the authority becomes authorized to transact business and exercise its powers, and from time to time thereafter, the legislative body, subject to the law govern-

ing the conduct of its fiscal affairs, may make an estimate of the amount of money required for administrative purposes of the authority, and by a two-thirds vote, appropriate such amounts to the authority as it deems necessary, subject to such conditions as it prescribes.

40525. Quarterly, semiannually, or annually, as the legislative body prescribes, the authority shall file with the legislative body a detailed report of all its transactions, including a statement of all revenues and expenditures.

40526. At least once annually the authority shall publish a statement of all its financial affairs, audited by independent certified public accountants. The statement shall be published in a newspaper of general circulation, published in the city, city and county, or county or if none is so published then in such newspaper of general circulation as the authority may deem most likely to give notice to the residents of the local agency.

40527. If within four years after the adoption of an ordinance declaring the need for an authority to function in a local agency, the authority has not acquired or entered into possession of any property, or entered into any contract for the acquisition of any property, the legislative body by ordinance may declare that there is no need for the authority to function. Upon the adoption of such ordinance, the offices of the commission become vacant and the capacity of the authority to transact business or exercise any power is suspended until the legislative body again adopts an ordinance declaring the need for the authority to function.

40528. After adoption of an ordinance declaring there is no need for an authority to function, and while it is in effect, the legislative body may wind up the affairs of the authority and has title to all property of the authority for such purpose and for the benefit of the local agency.

40529. At any time after the activation of an authority, the legislative body by a two-thirds vote may adopt an ordinance transferring the property of the authority to the local agency, and the local agency may through such department, board, officer, or agency, as it determines, exercise its powers in regard to such property by virtue of the Constitution, its charter, this chapter or any general law. The legislative body shall thereupon adopt an ordinance dissolving the authority. No such transfer or dissolution shall be made in contravention of any covenant or agreement made that is issued and outstanding.

Article 4. Surplus Property Commission and Officers

40530. The legislative body shall be ex officio the governing body of the authority, and shall be known as the Surplus Property Commission.

40531. The members of the legislative body shall be the members of the commission, and shall be known as Surplus Property Commissioners.

40532. The presiding officer of the legislative body, or other member appointed by the commission, shall be the president of the Surplus Property Commission.

40533. The commission shall appoint as clerk of the authority, the clerk of the legislative body or other competent person.

40534. The commission shall appoint as treasurer of the authority, the treasurer of the local agency or other officer of the local agency that performs the duties of treasurer. This section shall not apply to the apointment of members of the commission or its president.

40535. The commission may appoint as manager of the authority, the manager or administrative officer of the local agency or other competent person.

40536. The commission may appoint as its attorney, engineer or other officer, the attorney, engineer, or other officer of the local agency, or other competent person.

40537. Before entering upon the duties of his office each officer shall take and subscribe the official oath and file it with the clerk. The oath of office may be taken before the clerk, any member of the commission, or any officer authorized by law to administer oaths

40538. The bond of the treasurer of the local agency shall cover his duties as ex officio treasurer of the authority.

40539. If allowed by the commission a commissioner shall receive traveling and other expenses incurred by him in his employment.

40540. The commission shall fix the amount of compensation and provide for the payment of expenses of its other officers and employees.

40541. Within 30 days after the effective date of the ordinance provided in Section 40521, the commissioners shall meet and organize as a board of commissioners.

40542. The commission shall·

(a) Designate the presiding officer of the legislative body or one of its members president.

(b) Designate the clerk of the legislative body or other competent person as its clerk.

(c) Appoint such other officers as it deems advisable.

(d) Provide for the time and place of holding its regular and special meetings.

40543. At its organization meeting the commission may transact any business of the authority.

40544. The commission is the governing body of the authority.

40545. The powers of the authority enumerated in this chapter shall, except as therein otherwise provided, be exercised by the commission.

40546. The commission shall act in the manner and subject to the laws provided for the legislative body.

40547. A majority of the commission shall constitute a quorum for the transaction of business.

40548. No ordinance, resolution or motion shall be passed or become effective without the affirmative votes of at least a majority of the members of the commission.

40549. Except where action is taken by the unanimous vote of all members present and voting, the ayes and noes shall be taken upon the passage of all ordinances, resolutions, or motions and entered upon the minutes of the commission.

40550. The enacting clause of all ordinances passed by the commission shall be: "Be it ordained by the board of commissioners of (local agency) Surplus Property Authority as follows:"

40551. All ordinances shall be signed by the president and attested by the clerk.

40552. All legislative sessions of the commission shall be subject to the provisions of Chapter 9 (commencing with Section 54950) of Part 1, Division 2, Title 5 of the Government Code.

40553. The commission shall establish rules for its proceedings.

40554. Each member of the commission, or the clerk, may administer oaths and affirmations in connection with the taking of testimony at any hearing, investigation, or other matter pending before the commission.

40555. The president shall:

(a) Sign all contracts on behalf of the authority.

(b) Perform other duties imposed by the commission.

40556. The clerk shall:

(a) Countersign all contracts on behalf of the authority.

(b) Perform other duties imposed by the commission.

40557. The manager, subject to the approval of the commission, shall:

(a) Have full charge and control of the acquisition, maintenance, operation, improvement and disposal of the property of the authority.

(b) Have full power and authority to employ and discharge all employees and assistants.

(c) Prescribe the duties of employees and assistants.

(d) Fix and alter the compensation of employees and assistants.

(e) Perform other duties imposed by the commission.

(f) Report to the commission in accordance with the rules and regulations that it adopts.

40557.1. Where the local agency has established or establishes by ordinance a personnel system, merit system or civil service system, the authority and the commission shall incorporate by reference for their own officers and employees the identical system utilized by the local agency.

40558. The treasurer shall install and maintain a system of auditing and accounting that shall completely and at all times show the financial condition of the authority.

Article 5. Powers.

40560. An authority shall be managed under the provisions of this chapter and may exercise the powers therein expressly granted or necessarily implied therefrom.

40561. Each authority has the power generally to perform all acts necessary to carry out fully the provisions of this chapter.

40562. An authority has perpetual succession.

40563. An authority may adopt a seal and alter it at pleasure.

40564. An authority may make contracts to carry out the purposes of the authority.

40565. An authority may have construction or other work performed by contract or may otherwise do the work in the manner provided for the local agency.

40566. The authority may:

(a) Sue and be sued, have a seal, and make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

(b) Make, and from time to time amend and repeal, regulations not inconsistent with this chapter to carry into effect the powers and purposes hereof.

(c) Select and appoint or remove such permanent and temporary officers, agents, counsel, and employees, as it requires, and may determine their qualifications, duties and compensation.

40567. The authority may:

(a) Purchase, lease, obtain option upon, acquire by contract or grant, any real property as defined in Section 40517 or personal property within or contiguous to the local agency, or any interest in, or improvements on, such property.

(b) Sell, lease, exchange, transfer, assign, subdivide, pledge by mortgage, deed of trust, or otherwise dispose of any real or personal property or any interest in such property.

(c) Maintain and operate any property acquired by it, for any public purpose.

(d) Lay out, open, extend, widen, straighten, establish, or change the grade, and improve, in whole or in part, of rights-of-way necessary or convenient for such property.

(e) Clear buildings, structures or other improvements from the property.

(f) Develop the property or any part thereof as a building site, including but not limited to grading, shaping, cutting and filling, locating and relocating public streets and places therein, and the installation of street improvements therein or therefor.

(g) Rent, maintain, manage, operate, improve and repair property.

(h) Insure, or provide for the insurance of, any real or personal property or the operation thereof against risks and hazards, and against the liabilities of the authority, its officers, agents and employees.

(i) Borrow money and hypothecate property and revenues as security therefor.

40568. The authority shall not be bound by any contract made by the local agency with respect to acquisition or disposition of property which was concluded by the local agency prior to the date on which the authority is authorized to transact business and exercise its powers.

Article 6. Co-operation.

40570. The authority may enter into a contract and otherwise co-operate with any federal agency or other federal officer, pursuant to the Federal Property and Administration Services Act of 1949 or other act of the Congress of the United States, by the terms of which the authority may agree to purchase or receive property.

40571. The authority may enter into a contract for the purchase of said property over a period of years, not to exceed 40.

40572. The authority may obligate itself to pay the purchase price or installments thereof, in the manner and to the extent required under federal law.

40573. All revenues and income received from the sale or operation of said property, after providing for administration, maintenance and operation costs, shall be used and may be pledged to pay the principal of the purchase price and the interest to accrue thereon, or any bonds issued by it therefor.

40574. The authority may enter into leases or contracts of sale of said properties or any part thereof for such periods of time as it deems will beneficially serve any requirements of the contract of purchase, not to exceed 99 years.

40575. The commission may, and, if required by any federal law, shall, cause the validity of its existence, or the right of any of its officers to perform their duties, or the validity of any contract, or of any bonds issued by it therefor, or of any other of its acts or proceedings, to be adjudicated by a court of competent jurisdiction.

40576. The action provided in Section 40575 shall be brought against all persons, pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

40577. No contest of any thing or matter provided in this article shall be made other than in the time and manner herein specified.

40578. In any such action all findings of fact or conclusions of the commission upon all matters shall be conclusive unless

the action was instituted within six months after the finding or conclusion was made.

Article 7. Bonds

40581. Pursuant to this chapter an authority may create a revenue bond indebtedness for the acquisition and construction of any improvements or property or facilities contained within its powers.

40582. Proceedings for the issuance of said bonds shall be had, the commission shall have such powers and duties, and the bondholders shall have such rights and remedies, all in substantial accordance with and with like legal effect as provided in Chapter 6 (commencing with Section 54300), Part 1, Division 2, Title 5 of the Government Code. As used therein the word "resolution" shall mean ordinance, the word "local agency" shall mean authority and the words "legislative body" shall mean commission.

40583. The clerk shall publish the revenue bond ordinance once in a newspaper of general circulation published in the city, city and county, or county and if there is none, then in such newspaper of general circulation as the authority may deem most likely to give notice to the residents of the city, city and county, or county.

40584. The revenue bond ordinance shall specify the total amount, denomination, method of maturity, and the rate or maximum rate of interest of said bonds, and in general terms, the acquisitions and improvements to be constructed thereby; and, in addition, shall contain such other and further provisions as in the judgment of the commission are deemed advisable.

40585. The commission may pledge all or any part of the revenues which shall be derived by it from the sale and leasing of property.

Article 8. Financial

40591. It is the intention of this chapter that the authority shall pay all of the costs that it may incur from revenues derived from the sale, leasing and operation of the property.

40592. The commission shall establish and collect rentals, which, with the proceeds of sales, will yield an amount sufficient:

(a) To pay the costs of administration and operation of the authority;

(b) To pay the costs of maintaining, operating and improving its properties;

(c) To pay the interest on its contracts or bonds;

(d) To provide a fund for the principal of its contracts and bonds as they come due.

CHAPTER 1228

An act to add Section 16352 to the Education Code, relating to school property.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 16352 is added to the Education Code, to read:

16352. The governing board of any school district owning real property or any interest or estate therein, a boundary line of which is uncertain or is in dispute, may, by unanimous vote of all the members elected or appointed to the board and without complying with any provision of this code except as provided in this article, exchange with the owner of the adjoining property, which is involved in the uncertainty or dispute, such portion or interest or estate in such school property for property of equal value of such owner adjacent to the property of the school district for the purpose of settling such boundary line uncertainty or dispute. The question of value of the properties to be exchanged shall be determined by a panel of three disinterested and qualified real estate appraisers, one appraiser to be appointed by the governing board of the school district, one appraiser to be appointed by the owner of the other property involved in the boundary line question, and the two appraisers so appointed to jointly select a third appraiser. One-half of the fee of each of said appraisers and one-half the fee of any surveyor employed to establish lines in connection with the determination of the boundary line uncertainty or dispute shall be a proper charge against the funds of the school district, provided that no such appraiser, including the selection of the other party and the selected third appraiser, or surveyor, shall be employed for any purpose herein authorized unless and until a resolution of intention so to employ is adopted by the governing board of the school district, and provided further that said resolution shall contain a statement substantially to the effect that the school district shall notify any appraiser or surveyor before being so employed that he may collect only one-half his fee from the school district.

CHAPTER 1229

An act to amend Section 12 of, and to add Sections 6.1, 6.2, and 7.5 to the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944 (Fourth Extraordinary Session)), relating to Ventura County Flood Control District.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 6.1 is added to the Ventura County Flood Control Act (Chapter 44 of Statutes of 1944 (4th Ex. Sess.)), to read:

Sec. 6.1. The board of supervisors is authorized and empowered at any time and from time to time to create within any of the zones, described in Sections 3 to 6, inclusive, of this act, special zones for the purpose of constructing any project authorized by this act and which in the opinion of the board will be of special benefit only to the area within the special zones. Before creating any special zone under the provisions of this section, the board of supervisors shall hold a public hearing on the proposal. Notice of the hearing shall be published in a newspaper of general circulation within the special zone, if there be one, otherwise notice of the meeting shall be posted in at least seven places within the proposed special zone. Said notice shall describe the boundaries of the proposed special zone and contain a general statement of the nature of work proposed to be done. At the hearing, any interested person may appear and protest the creation of the zone or the performance of any proposed work therein. Before final action is taken to form any special zone the exterior boundaries of which will include any land lying within the limits of any incorporated city, the board of supervisors shall have the concurrence of such city to the formation of such special zone, such concurrence to be evidenced by a resolution or ordinance adopted by a majority of the members of the governing body of such city or by a vote of a majority of the qualified electors residing in such city or portion thereof to be included in such special zone. Said election shall in all particulars be held as provided by law for holding municipal elections in said city and the cost thereof shall be a city charge.

SEC. 2. Section 6.2 is added to said act, to read:

Sec. 6.2. All of the provisions of this act relating to zones are applicable to special zones formed under Section 6.1 of this act and all of the powers and duties conferred or imposed by this act with respect to zones, including the powers and duties to levy and collect taxes or assessments and to incur indebtedness and to issue and sell bonds, shall apply with like respect to special zones. It is hereby declared that for the purposes of any tax or assessment levied under subdivision 2

of Section 12 of this act in any special zone, the property so taxed or assessed is equally benefited.

SEC. 3. Section 7.5 is added to said act, to read:

Sec. 7.5. In addition to the powers specified in Section 7, the district shall have the power to borrow money to finance any flood control or conservation project of any zone of the district. In zone 1 such loans shall not exceed one percent (1%) of the total assessed valuation of the zone; in zone 2, 3 and 4 such loans shall not exceed two percent (2%) of the assessed valuation of the respective zones; and in special zones such loans shall not exceed five percent (5%) of the assessed valuation of the special zone. Any such loan shall be repaid in installments over a period not to exceed 10 years. Such loan shall constitute a charge against the funds of the zone in which the construction occurs. Pursuant to the powers herein granted, the board of supervisors may borrow money from the United States of America, or any agency or department thereof, or from the State of California or any agency or department thereof, or from any bank or banking institution authorized to transact business within the State of California or from any private corporation organized under the laws of the State of California and authorized by its articles of incorporation to lend money to public agencies for construction of public works. The power to borrow money herein authorized shall be exercised only when the following action has been taken:

1. The board of supervisors shall have declared the existence of an emergency and ordered holding of a special election not less than 30 days from the date of the resolution declaring the existence of an emergency, or the board of supervisors shall have formed a special zone pursuant to Section 6.1 and ordered the holding of a special election not less than 30 days from the date of the resolution forming such special zone and

2. The proposition of borrowing money has been ratified and authorized by two-thirds of the votes cast at a special election called for the purpose. A special election may be consolidated with a primary or general election.

Interest on any loan herein authorized shall not exceed a rate in excess of five percent (5%) per annum payable annually. A loan made pursuant to this act shall be evidenced by a written contract signed by the chairman of the board specifying the particular flood control work or projects for which the contracts shall be let. If a surplus remains after completion of said work, such surplus shall be applied to the payment of the principal and interest due under the said contract. The board of supervisors shall annually levy a tax upon the taxable property of the zone or zones within which the work is performed, sufficient to pay the installments and interest on such loan as the same shall become due and payable in accordance with the terms of the contract; provided, however, that the tax levy for the payment of principal and interest on any loan shall not, together with all other charges

and obligations for construction, maintenance, operation and improvements within the zone, exceed the limitations fixed by Section 12 of this act.

All tax liens for taxes imposed pursuant to this section shall attach annually as of noon on the first Monday in March preceding the fiscal year for which the taxes are levied.

SEC. 4. Section 12 of said act is amended to read:

Sec. 12. The board of supervisors of said district shall have power, in any year:

1. To levy an ad valorem tax or assessment upon all taxable property in the district to pay the costs and expenses of said Ventura County Flood Control District and to carry out any of the objects or purposes of this act of common benefit to the district as a whole, and

2. To levy an ad valorem tax or assessment upon all taxable property in each or any of said zones, according to the benefits derived or to be derived by said respective zones, to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to said respective zones, including the constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements within said respective zones. It is declared that all property within a given zone is equally benefited under this act.

Said taxes or assessments shall be levied and collected together with, and not separately from, taxes for county purposes, and the revenues derived from said taxes shall be paid into the county treasury to the credit of said district, and said board of supervisors shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes or assessments levied under the provisions of subdivision 2 of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone except as provided in Section 14 hereof; and provided further, however, that the aggregate taxes or assessments levied under this act for any one fiscal year shall not exceed twenty cents ($0 20) on each one hundred dollars ($100) of the assessed valuation of the taxable property in zone 1 and shall not exceed forty cents ($0.40) on each one hundred dollars ($100) of the assessed valuation of the taxable property in zones 2, 3 and 4, and shall not exceed one dollar ($1) on each one hundred dollars ($100) of the assessed valuation of the taxable property in any special zone in addition to the aggregate taxes or assessments levied for zone 1, 2, 3 or 4 and exclusive of any tax or assessment levied to pay the cost and expenses of any project or facility for importing water into the district or to meet any bonded indebtedness of said zones or district and the interest thereon.

CHAPTER 1230

An act to amend Sections 61613 and 61613.1 of the Government Code, relating to community service districts.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 61613 of the Government Code is amended to read:

61613. A district may borrow money and incur or assume indebtedness and it may issue bonds or other evidences of such indebtedness; provided, however, that no district shall incur any funded indebtedness, except bonds issued pursuant to Section 61613.1, which shall in the aggregate exceed 20 percent of the assessed valuation of all real and personal property situated within the district. The limitation of this section applies only to indebtedness which is to be paid by an ad valorem tax on real property.

SEC. 2. Section 61613.1 of said code is amended to read:

61613.1. Notwithstanding any other provision of this division, a district may authorize, issue and sell revenue bonds pursuant to the provisions of Chapter 6, Part 1, Division 2, Title 5 of this code and general obligation bonds pursuant to Chapter 4 (commencing with Section 61650), Part 5, Division 2, Title 6 of this code if the payment of the principal thereof and the interest thereon is additionally secured by a pledge of all or any part of the revenues of the enterprise as provided in Article 4 (commencing with Section 53500), Chapter 3, Part 1, Division 2, Title 5 of this code. Such bonds shall be issued to provide funds for the acquisition, construction, improving or financing any one or more revenue producing enterprises for any one or more of the purposes specified in Section 61600 for which such district has been formed or which it shall have adopted pursuant to Section 61601. "Enterprise" as used in this section means a revenue-producing utility authorized by subdivisions (a), (b), or (c) of Section 61600, system, plant, works, or undertaking used for or useful in carrying out any one or more of the utility services specified in Section 61600, subdivisions (a), (b), or (c). Bonds issued and sold pursuant to this section shall not constitute "funded indebtedness" of the district as that term is used in Section 61613 and the limitations of Section 61613 shall not apply to bonds issued pursuant to this section. In connection with the authorization, issue and sale of bonds pursuant to this section and so long as any of such bonds shall remain outstanding, a district may exercise, in addition to the powers conferred by this section, any or all of the powers of local agencies provided for in said Chapter 6, Part 1, Division 2, Title 5 and Article 4 (commencing with Section 53500), Chapter 3, Part 1, Division 2, Title 5 of this code.

CHAPTER 1231

An act to amend Section 2108 of the Vehicle Code, relating to California Highway Patrol.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 2108 of the Vehicle Code is amended to read:

2108. The commissioner shall perform all duties, exercise all powers and jurisdiction, assume and discharge all responsibilities, and carry out and effect all purposes vested by law in the department.

Notwithstanding any other provision of law, the commissioner may administratively determine the geographic area of residence of any member of the department in order to assure the availability of such member for emergency service and the discharge of departmental responsibilities.

CHAPTER 1232

An act to amend Sections 32003 and 32004 of the Health and Safety Code, relating to hospital districts.

[Approved by Governor July 7, 1963 Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 32003 of the Health and Safety Code is amended to read:

32003. Whenever the formation of a local hospital district is desired, a petition may be presented at a regular meeting of the supervising authority of the county in which the land, or a greater portion of the land, in the proposed district is situated, said petition to be signed by the registered voters residing within the boundaries of the proposed district, equal in number to at least 12 percent of the voters registered within the boundaries of the proposed district 30 days prior to the date the petition is filed. The number of written protests required to terminate the proceedings shall be a majority of the registered voters residing in the proposed district.

If a majority of all the votes cast in the proposed district are in favor of organization, the supervising authority by resolution entered on its minutes shall declare the district duly

organized under this act, shall give the name of the district as theretofore designated and shall describe the boundaries of such district. The county whose supervising authority declares the district organized shall be designated the "organizing county."

SEC. 2. Section 32004 of said code is amended to read:

32004. A petition for annexation of land to a local hospital district shall be signed by registered voters residing within the territory proposed for annexation, equal in number to at least 12 percent of the voters registered within the boundaries of the territory proposed for annexation 30 days prior to the date the petition is filed. If upon the hearing held upon the petition, the governing body subject to the provisions of Section 32001 of this code deems it for the best interest of the district that said territory, or part thereof, be annexed, it shall call and hold an election within the territory or area proposed to be annexed, as the boundaries thereof are described in a resolution of the board of directors of such district adopted at the termination of such hearing, to decide whether or not the proposed annexation shall take place. If a majority of the votes cast at such election, in said territory, be in favor of annexation, the district governing body may by resolution declare the territory annexed and shall describe the altered boundaries of the district; or such district governing body may, by resolution, order and call an election within the district to submit to the electors thereof the question of the annexation of the territory proposed to be annexed to such district.

CHAPTER 1233

An act to amend Section 30202 of the Water Code, relating to county water districts.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 30202 of the Water Code is amended to read:

30202. The petition shall be signed by voters equal in number to at least 10 percent of the voters registered within the boundaries of the proposed district 30 days prior to the date the petition is filed.

CHAPTER 1234

An act to amend Section 4771 of the Health and Safety Code, relating to the application of improvement acts to county sanitation districts.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 4771 of the Health and Safety Code is amended to read:

4771. The Improvement Act of 1911, the Street Opening Act of 1903, the Municipal Improvement Act of 1913 and the Improvement Bond Act of 1915 are applicable to districts.

CHAPTER 1235

An act to add Section 5128 to the Streets and Highways Code, relating to the Improvement Act of 1911.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 8, 1963.]

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

SECTION 1. Section 5128 is added to the Streets and Highways Code, to read:

5128. The legislative body may, in its discretion, provide that any contribution being made pursuant to Sections 5125 and 5126 may, to the extent of the fund so designated, be appropriated in such installments as the legislative body may determine provided that the total amount of such installments shall have been appropriated at or prior to the completion of the work.

CHAPTER 1236

An act making an appropriation for the acquisition and development of real property in the City of Sacramento, declaring the urgency thereof, to take effect immediately.

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

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

SECTION 1. There is hereby appropriated from the State Employees' Retirement Fund to the Board of Administration of the State Employees' Retirement System the sum of one million five hundred thousand dollars ($1,500,000) for the

acquisition and improvement of real property in the City of Sacramento for sale or lease to the State pursuant to Section 20209 of the Government Code, for use as a parking lot.

SEC. 2. The appropriation made by this act shall be available for expenditure until June 30, 1965, including payment of obligations incurred prior to the effective date of this act.

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

Land value of this property is subject to rapid increase and the public interest will suffer if acquisition is not commenced immediately. It is, therefore, necessary in order to protect the public interest in the prompt and economical acquisition of these properties for state purposes that this act take effect immediately.

CHAPTER 1237

An act to add Section 420.5 to the Government Code, relating to a State Motto.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 420.5 is added to the Government Code, to read:

420.5. "Eureka" is the official State Motto.

CHAPTER 1238

An act to amend Section 4234 of the Business and Professions Code, relating to dangerous drugs.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 4234 of the Business and Professions Code is amended to read:

4234. Every person who violates any provision of this article by use of a minor as an agent is guilty of a felony.

Every person who violates any provision of this article by unlawfully furnishing any hypnotic or dangerous drug to a minor is guilty of a felony punishable by imprisonment for not less than one year and not more than five years.

Nothing contained in this section shall apply to a registered pharmacist furnishing such drugs pursuant to a prescription.

CHAPTER 1239

An act to add Section 427.5 to the Health and Safety Code, relating to alcoholic rehabilitation.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 427.5 is added to the Health and Safety Code, to read:

427.5. In addition to any other authority prescribed by this article, the board of supervisors of any county may establish and staff a county department to prescribe and conduct or supervise a program for the rehabilitation of alcoholics confined in any county jail, industrial farm, road camp, or in any other county institution, and to further prescribe, conduct, or supervise programs of continuing such rehabilitation on a voluntary basis after the discharge from custody of any inmate of any such county institutions. No program under the provisions of this section shall be activated in any county jail, or other institution maintained or operated under the jurisdiction of the sheriff, without the advice and consent of the sheriff.

CHAPTER 1240

An act to amend Section 6604 of the Labor Code, relating to safety.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 6604 of the Labor Code is amended to read:

6604. No employee shall be laid off or discharged for refusing to perform work in the performance of which this code or any safety order of the Division of Industrial Safety will be violated, where such violation would create a real and apparent hazard to the employee or his fellow employees. Any employee who is laid off or discharged for refusing to perform work in the performance of which this code or any safety order of the Division of Industrial Safety will be violated and where such violation would create a real and apparent hazard to the employee or his fellow employees shall have a right of action for wages for the time such employee is without work as a result of such layoff or discharge; provided, that such employee notifies his employer of his intention to make such a claim within 10 days after being laid off or discharged and files a claim with the Labor Commissioner within 30 days after being laid off or discharged.

CHAPTER 1241

An act to amend Sections 8057 and 13004 of the Fish and Game Code, relating to refunds.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 8057 of the Fish and Game Code is amended to read:

8057. If the department determines that any tax or penalty has been paid more than once or has been erroneously or illegally collected or computed, the department shall set forth that fact in the records of the department. The excess amount collected or paid shall be credited on any amounts then due and payable from the person under this part, and the balance shall be refunded to the person, or his successors, administrators, or executors.

SEC. 2. Section 13004 of said code is amended to read:

13004. The money in the Fish and Game Preservation Fund is appropriated as follows:

(a) To the department for payment of refunds of sums determined by it to have been erroneously deposited in the fund, including, but not limited to, money received or collected in payment of fees, licenses, permits, taxes, fines, forfeitures, or services.

(b) To the department for expenditure in accordance with law for the payment of all necessary expenses incurred in carrying out the provisions of this code and any other laws for the protection and preservation of birds, mammals, and fish.

(c) To the commission for expenditure in accordance with law for the payment of the compensation and expenses of the commissioners and employees of the commission.

CHAPTER 1242

An act to amend Section 8170 of the Government Code, relating to the acquisition and improvement of real property in the City of Sacramento and making an appropriation therefor.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 8170 of the Government Code is amended to read:

8170. Following the adoption of the official master plan by the Legislature, the commission shall report to that body

at each of its sessions. The report shall list the state building construction projects initiated or completed since the last report, shall set forth the commission's appraisal of the degree to which such projects conform to the official master plan and shall incorporate the report made to it by the Director of Finance relating to his acquisition and improvement of real property in the City of Sacramento. The commission may include in its report such recommendations for revisions of the plan as from time to time become necessary or desirable for the orderly development of the Capitol area.

SEC. 2. Notwithstanding the provisions of Section 13471 of the Government Code, the Director of Finance is hereby authorized to invest and there is hereby appropriated the sum of thirteen million dollars ($13,000,000), or so much thereof as may be necessary, from the School Land Fund for the acquisition and improvement of real property in the City of Sacramento and within the boundaries of the Capitol Area Plan as approved and adopted by the Legislature for use as parking lots and as sites for state buildings and other improvements consistent with the Capitol Area Plan. The real property shall be acquired under the provisions of the Property Acquisition Law except that the Director of Finance shall have jurisdiction and control of the real property and shall hold and possess the real property as trustee for the benefit of the School Land Fund and for the purpose of liquidating said investment and paying interest thereon as hereinafter provided. Improvements constructed under this section shall be limited to the construction of parking facilities and the repair and alteration of improvements existing on the land at the time of purchase by the State.

SEC. 3. The appropriation may be expended for the payment of all costs and expenses, including administrative costs, incurred in connection with the acquisition or improvement of the real property. In no event shall reimbursement for administrative costs under this section exceed 10 percent of all other costs and expenses under the section.

SEC. 4. The Director of Finance may lease all or any portion of the real property on such terms and conditions as he may determine and shall maintain, improve, and care for such property in order to secure rent therefrom. The director may sell, remove, or demolish buildings or other structures on the property when he deems it desirable to do so. If the director leases all or any portion of the real property to any private person for other than parking, twenty-four percent (24%) of the money received as rental under any such lease shall be deposited in the "State Properties Rental Fund" created by Section 4.5. Except for any money required to be deposited in the "State Properties Rental Fund," all moneys collected pursuant to this section shall be deposited in the Special Deposit Fund for the purposes set forth in Section 5 of this act.

SEC. 4.5. There is hereby created in the State Treasury the "State Properties Rental Fund."

The Director of Finance shall, not later than the first day of November next following the close of any fiscal year after the effective date of this act, pay the rents deposited in the "State Properties Rental Fund" to the County of Sacramento. The director shall notify the county of the rental and location of each piece of rental property for which rents are deposited in the fund.

The county shall distribute any payment received by it pursuant to this section to itself, to each revenue district for which the county assesses and collects real property taxes or assessments, and to every other taxing agency within the county in which the property is situated. The amount distributable to the county and each such revenue district or other taxing agency shall be proportionate to the ratio which the amount of the taxes and assessments of each on similar real property similarly situated within that part of the county embracing the smallest in area of the revenue districts or other taxing agencies other than the county, levied for the fiscal year next preceding, bears to the combined amount of the taxes and assessments of all such districts and agencies, including the county, on such property levied for that year. The county auditor shall determine and certify the amounts distributable to the board of supervisors, which shall thereupon order the making of the distribution.

Any money distributed pursuant to this section to the county, or revenue district or other taxing agency shall be deposited to the credit of the same fund as any taxes or assessments on any taxable similar real property similarly situated.

Where the county receives a payment pursuant to this section in an amount of twenty-five dollars ($25) or less in respect to any parcel of leased property, all of such payment shall be distributed to the county for deposit in the county general fund.

As used in this section, the terms "taxing agency" and "revenue district" have the same meanings given them in the Revenue and Taxation Code.

The money received by the respective jurisdictions under this section may be expended by them for any proper state purpose not prohibited by the State Constitution.

SEC. 5. All costs or expenses, including administrative costs, incurred in maintaining, improving and caring for such real property or in demolishing, selling, or removing improvements therefrom, may be reimbursed or paid from moneys received pursuant to Section 4 of this act. After making the reimbursement or payment of such costs, upon order of the Director of Finance the remaining moneys received pursuant to said Section 4 shall be deposited as hereinafter provided in the School Land Fund and the State School Fund until the total of all moneys withdrawn pursuant to this act plus an

amount equal to 4 percent per annum on the unpaid balances compounded and computed annually, has been deposited. Thereafter, moneys accruing, if any, shall be deposited in the General Fund and the Director of Finance shall have jurisdiction and control of the real property free of any trust or other obligations. Deposits of moneys in the School Land Fund and the State School Fund shall be made as follows: First, such sums as are necessary to pay the amount previously compounded and computed based on said 4 percent shall be deposited in the State School Fund; the remaining moneys, if any, shall be deposited in the School Land Fund.

SEC. 6. The appropriation made by this act shall be available for expenditure without regard to fiscal years.

SEC. 7. The Director of Finance shall submit an annual report to the Capitol Building and Planning Commission which shall fully report all the acquisitions, prices paid, improvements made and revenues received on account of his activities authorized by this act. Such report shall also include a statement of all costs and expenses, including administrative costs, incurred under this act. The director's report shall be made a part of the annual report submitted to the Legislature by the commission.

SEC. 8. Notwithstanding any of the provisions of this act, at least 80 percent of the moneys appropriated by Section 2 and expended under the terms of this act shall be so expended as to acquire real property outward from the core of existing state ownerships within the Capitol Area Plan. Further, such expenditures for real property shall be so phased as to achieve a compact, contiguous, and generally rectangular pattern of state ownership during the acquisition program.

CHAPTER 1243

An act to add Chapter 8.5 (commencing with Section 6125) to Title 7 of Part 3 of the Penal Code, and to amend Section 1755.5 of the Welfare and Institutions Code, relative to institutions in the Department of Corrections.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Chapter 8.5 (commencing with Section 6125) is added to Title 7 of Part 3 of the Penal Code, to read:

CHAPTER 8.5. MEDICAL CORRECTIONAL INSTITUTION

6125. There is hereby established an institution under the jurisdiction of the Director of Corrections to be known as the

Medical Correctional Institution, hereafter referred to in this chapter as the "institution."

6126. The institution shall have as its primary purpose the receiving, segregation, confinement, observation, diagnosis, care and treatment of young men subject to the custody, control and discipline of the Director of Corrections or Youth Authority who are affected by (1) mental disease, disorder, or defect, or (2) psychopathic or sociopathic personality as evidenced by inability to adjust to free community life or regular institutional programs, or (3) any chronic disease or condition requiring medical or surgical care.

6127. There may be transferred to and confined in the institution any male subject to the custody, control and discipline of the Director of Corrections or the Youth Authority, who the Director of Corrections or Youth Authority, as the case may be, believes will be benefited by confinement in such an institution. Whenever by reason of any law governing the commitment of a person to the Youth Authority, or to an institution under the jurisdiction of the Youth Authority, such person is deemed not to be a person convicted of a crime, the transfer or placement of such person in the institution shall not affect the status or rights of the person and shall not be deemed to constitute a conviction of a crime. Section 644 of this code shall apply to any person who has served a term in the institution after transfer thereto by the Director of Corrections. Nothing in this chapter shall be construed to authorize confinement of a person in the institution beyond the term for which he has otherwise been committed to the custody of the Director of Corrections or the custody of the Youth Authority.

6128. The Director of Corrections shall acquire, or construct, and equip, in accordance with law, suitable buildings, structures and facilities for the institution.

6129. The Director of Corrections shall make rules and regulations for the government of the institution and the management of its affairs.

6130. The Director of Corrections shall appoint a superintendent, subject to civil service, and such other officers and employees, also subject to civil service, as may be necessary.

6131. The supervision, management, and control of the institution and the responsibility for the care, custody, training, discipline, employment, and treatment of the persons confined therein, are vested in the Director of Corrections. The provisions of Part 3 of this code apply to the institution as a prison under the jurisdiction of the Department of Corrections and to the persons confined therein, insofar as such provisions may be applicable.

6132. Any person under the custody of the Director of Corrections may be transferred to the institution in accordance with law.

6133. Every person confined in the institution, other than those committed to the custody of the Director of Corrections,

who escapes or who attempts to escape therefrom, is guilty of a crime and shall be imprisoned in a state prison for not exceeding five years or in the county jail for not exceeding one year.

6134. The Director of Corrections shall develop and cause to be implemented a continuing research program in the detention, treatment, and rehabilitation of inmates placed in the institution.

6135. The Director of Corrections shall develop at the institution a professional personnel training program with the objective of recruiting and retaining the best qualified persons in their respective professions. This shall include postgraduate and postdoctorate training, if necessary.

SEC. 2. Section 1755.5 of the Welfare and Institutions Code is amended to read:

1755.5. Notwithstanding any provisions of Section 506 or Section 510, the Youth Authority may transfer to and cause to be confined in the Medical Facility, the Correctional Training Facility at Soledad, the California Institution for Women at Corona, the California Rehabilitation Center, the Medical Correctional Institution, or the California Institution for Men under the jurisdiction of the Department of Corrections for general study, diagnosis, and treatment, or any of them, any person over the age of 18 years who is subject to the custody, control, and discipline of the Youth Authority; and the Director of Corrections may receive and keep in any of the said institutions any person so transferred thereto by the Youth Authority, with the same powers as if the person had been placed therein or transferred thereto pursuant to the provisions of the Penal Code.

The provisions of Part 3 of the Penal Code, so far as those provisions may be applicable, apply to persons so transferred to and confined in the institutions, except that, whenever by reason of any law governing the commitment of a person to the Youth Authority or to an institution under the jurisdiction of the Youth Authority the person is deemed not to be a person convicted of a crime, the transfer or placement of the person in the Medical Facility, the Correctional Training Facility at Soledad, the California Institution for Women at Corona, the California Rehabilitation Center, the Medical Correctional Institution, or the California Institution for Men shall not affect the status or rights of the person and shall not be deemed to constitute a conviction of a crime. Section 644 of the Penal Code shall not apply to any person who has been placed in the Medical Facility, the Correctional Training Facility at Soledad, the California Institution for Women at Corona, the California Rehabilitation Center, the Medical Correctional Institution, or the California Institution for Men by the Youth Authority pursuant to this section, in respect to the time he remains therein under such placement.

CHAPTER 1244

An act to add Sections 10257 and 10257.5 to the Revenue and Taxation Code, relating to the Motor Vehicle Transportation License Tax Law.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 10257 is added to the Revenue and Taxation Code, to read:

10257. Interest shall be paid upon any overpayment of any amount of tax at the rate of one-half of 1 percent per month from the last day of the calendar month following the period for which the overpayment was made; but no refund or credit shall be made of any interest imposed upon the person making the overpayment with respect to the amount being refunded or credited.

The interest shall be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if he has not already filed a claim, is notified by the board that a claim may be filed or the date upon which the claim is approved by the board, whichever date is the earlier.

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

SEC. 2. Section 10257.5 is added to said code, to read:

10257.5. If the board determines that any overpayment has been made intentionally or by reason of carelessness, it shall not allow any interest thereon.

CHAPTER 1245

An act to amend Section 10243 of the Business and Professions Code, relating to transactions involving real property.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 10243 of the Business and Professions Code is amended to read:

10243. If the loan is not consummated due to the failure of the borrower to disclose the outstanding liens of record or the correct current vested title which is material to the loan upon the real property as provided by subdivision (c) of Sec-

tion 10241, the borrower shall be liable for the costs and expenses provided in subdivision (a) of Section 10241 which have been paid or incurred, and shall be liable for the payment of one-half of the charges provided in subdivision (b) of Section 10241. An exclusive agreement authorizing or employing a licensee to negotiate a loan secured directly or collaterally by a lien on real property in the principal amount of two thousand dollars ($2,000) or less shall be limited to a term of not more than 45 days.

If the loan is not consummated and the broker is entitled to any charges, costs or expenses authorized by this article, he may not record a lien or encumbrance against the borrower's property except subsequent to the filing of a legal action pursuant to Title 5 (commencing with Section 405) of Part 2 of the Code of Civil Procedure to recover said charges, costs or expenses; provided, however, nothing contained herein shall prohibit a broker from recording a lien pursuant to a voluntary lien agreement in conjunction with a stipulation to dismiss an actual or proposed complaint for damages entitling the broker to such charges, costs or expenses after written notice to the borrower that the broker proposes or has initiated a complaint for damages pursuant to Title 5 of Part 2 of the Code of Civil Procedure.

CHAPTER 1246

An act to add Section 1241 to the Insurance Code, relating to excess funds investments of insurers.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 1241 is added to the Insurance Code, to read:

1241. In addition to the permission granted by Section 1240, an insurer, whether or not it is authorized to do business in, or has outstanding insurance contracts on lives or risks in any foreign country, may invest in or otherwise acquire or loan upon securities and investments in such foreign country which are substantially of the same kinds, classes and investment grades as those eligible for investment under this code, subject to the following conditions:

(a) Such investments shall not exceed in the aggregate 4 percent of the capital and surplus or 2 percent of the total admitted assets of such insurer, whichever is less;

(b) Such investments are to be classified as excess investments; and

(c) Only those of such investments as are listed and traded on a securities exchange subject to regulation, supervision, or

control under a statute of the United States of America, or if such securities shall be subject to an annual evaluation by the National Association of Insurance Commissioners' Evaluation Committee, shall be allowed as admitted assets. The expense of an evaluation by such committee shall be borne by the insurer making such investments.

CHAPTER 1247

An act to repeal Section 92.2 of the Agricultural Code, and to repeal Sections 19626.1 and 19626.3 of, the Business and Professions Code, relating to fairs and expositions.

[Approved by Governor July 7, 1963 Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 92.2 of the Agricultural Code is repealed.

SEC. 2. Section 19626.1 of Business and Professions Code is repealed.

SEC. 3. Section 19626.3 of said code is repealed.

CHAPTER 1248

An act to amend Section 1125 of the Fish and Game Code, relating to research by the federal government.

[Approved by Governor July 7, 1963 Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 1125 of the Fish and Game Code is amended to read:

1125. The Secretary of the Interior of the United States and his duly authorized agents may conduct fish cultural operations and scientific investigations in the waters of this State in such a manner and at such times as may be jointly considered necessary and proper by the secretary and his agents, and the commission.

CHAPTER 1249

An act to amend Sections 5390, 5391, 5392, and 5395 of, and to add Section 5372.5 to the Streets and Highways Code, relating to notice of assessments under the Improvement Act of 1911.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 5372.5 is added to the Streets and Highways Code, to read:

5372.5. Upon the confirmation of the assessment by the legislative body, the clerk shall furnish the superintendent of streets with a list containing each assessment or parcel number, as shown on said recorded assessment, and the name and address of the owner or owners of the real property represented by each such number, as shown on the last equalized assessment roll or as on file in the office of the clerk. Such list shall be delivered to the contractor, or his agent or assigns, at the same time and under the same conditions as the delivery of the warrant, assessment and diagram, pursuant to Section 5374.

SEC. 2. Section 5390 of said code is amended to read:

5390. The warrant, after its delivery to the contractor or his assigns, shall be and constitute full authority to the contractor, his agents or assigns, to collect the assessments.

At least 30 days prior to filing the written statement of all payments received upon the assessment, the contractor, his agents or assigns, shall mail a statement to each owner of real property within the assessment district as shown on the list delivered pursuant to Section 5372.5. The statement shall specify a last date for payment of the assessment, which shall be not less than 30 days from the date of mailing. The statements shall contain a designation of property assessed by the assessment or parcel number shown on the recorded assessment, by street number, or some other description sufficient to enable the property owner to identify the property, a statement of the amount of the assessment, and the place of payment, the effect of failure to pay within such time and that, if bonds are to be issued, a statement of that fact, designating the provisions of law pursuant to which the bonds are to be issued. Upon completion of the mailing of the statements, the contractor or his assigns shall file with the superintendent of streets an affidavit

setting forth the date and manner of compliance with the requirements of this section.

On or before the last date for payment specified in the notice, assessments may be paid in whole or in part. No payments shall be received upon the assessment by the contractor, or his agents or assigns, without delivering receipts therefor.

SEC. 3. Section 5391 of said code is amended to read:

5391. After 30 days after the date of mailing by the contractor or his assigns of the statement to the property owners pursuant to Section 5390, the contractor, or his assigns, shall sign and file in the office of the superintendent of streets a written statement of all payments received upon the assessment. Thereupon, the superintendent of streets shall file the statement so made with the record of the warrant and assessment by attaching it in the assessment book immediately following the record of the assessment. If under the proceedings being taken bonds are to be issued to represent unpaid assessments, no further payments of assessments can be accepted by the contractor or his assigns after filing said statement, as to any assessment which is to be represented by a bond. When payments are made to the superintendent of streets pursuant to Section 5396 of this division, it shall not be necessary for the contractor or his assigns to file said written statement of payments received.

SEC. 4. Section 5392 of said code is amended to read:

5392. The superintendent of streets shall, at any time, receive the amount due upon any assessment and warrant heretofore or hereafter issued by him and give a good and sufficient discharge therefor, except that after the last date for payment of assessments, as specified in the statement provided by Section 5390, the superintendent of streets shall not receive any amount due upon any unpaid assessments for which the legislative body has provided for the issuance of bonds to represent said unpaid assessments. The legislative body may prescribe by ordinance that the duties imposed by this section on the superintendent of streets shall be performed only by the treasurer.

SEC. 5. Section 5395 of said code is amended to read:

5395. After the filing of the written statement of all payments received upon the assessment, all amounts remaining due on any assessment, except those assessments for which bonds have been issued or are to be issued, shall draw interest at the rate of 1 percent per month until paid, the interest to be computed from the 31st day after the recordation of the warrant.

CHAPTER 1250

An act to amend Sections 1724 and 1725 of the Business and Professions Code, relating to the practice of dentistry.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 1724 of the Business and Professions Code is amended to read:

1724. The amount of charges and fees for dentists prescribed by this chapter is that fixed by the following schedule:

(a) The fee for applicants for examination shall be that fixed by the board in an amount not less than twenty-five dollars ($25) and not more than fifty dollars ($50). Applicants who are found to be ineligible to take the examination shall be entitled to a refund in an amount fixed by the board.

(b) The renewal fee shall be fixed by the board at not more than twenty-four dollars ($24) nor less than six dollars ($6).

(c) The delinquency fee is ten dollars ($10).

(d) The restoration fee for a license forfeited for nonregistration is twenty-five dollars ($25).

(e) The penalty for late registration of change of place of practice is ten dollars ($10).

(f) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued except that, if the license will expire less than one year after its issuance, then the initial license fee is 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the license is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.

SEC. 2. Section 1725 of said code is amended to read:

1725. The amount of charges and fees for dental hygienists is that fixed by the following schedule:

(a) The fee for applicants for examination for a license is twenty-five dollars ($25).

(b) The renewal fee shall be fixed by the board at not more than six dollars ($6) nor less than four dollars ($4).

(c) The delinquency fee is five dollars ($5).

(d) The restoration fee for a license forfeited for nonregistration is five dollars ($5).

(e) The initial license fee is an amount equal to the renewal fee, except that, if the license will expire less than one year after its issuance, then the initial license fee is fifty percent (50%) of the renewal fee. The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.

CHAPTER 1251

An act to amend Section 1147.5 of the Probate Code, relating to duties of public administrators.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 1147.5 of the Probate Code is amended to read:

1147.5. If money or other property is deposited by the public administrator, pursuant to the provisions of Section 1147, in any state bank, national banking association, savings bank, commercial bank, or invested in an account or accounts in one or more insured savings and loan associations, and if the deposits or investments belong (1) to known decedents' estates on which letters testamentary or letters of administration have never been issued or (2) to known decedents' estates on which letters testamentary or letters of administration have been issued but no decree of distribution has been rendered, due to the absence of any parties interested in the estate or the failure of such parties diligently to protect their interests by taking reasonable steps for the purpose of securing a distribution of the estate, such money or other property remaining unclaimed at the expiration of five years from the date of such deposit, together with the increase and proceeds thereof, shall be presumed to be abandoned. The State Controller may, at any time following the expiration of said five-year period, file a petition in the superior court of the county in which the deposit or investment is held, setting forth the fact that the money or other property has remained on deposit or invested under such circumstances for such five-year period, and petitioning the court for an order declaring that such money or other property is presumptively abandoned and directing the holder of such money or other property to pay such money or other property to the State Treasurer or State Controller as herein provided.

Upon presentation of a certified copy of such court order, the holder of such money or other property shall forthwith transmit the same to the State Treasurer or State Controller for deposit in the State Treasury, as provided by Section 1310 of the Code of Civil Procedure. All money or other property deposited in the State Treasury under the provisions of this section shall be deemed to be deposited in the State Treasury under the provisions of Article 1 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure, and shall be transmitted, received, accounted for and disposed of as provided by Title 10 of Part 3 of the Code of Civil Procedure.

CHAPTER 1252

An act to amend Section 24651 of the Education Code, relating to state colleges.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 24651 of the Education Code is amended to read:

24651. The trustees may appoint one or more persons to constitute a security patrol for each state college. Persons employed and compensated as members of a security patrol, when so appointed and duly sworn, are peace officers only upon the campus of the state college and in or about other grounds or properties owned, operated, controlled, or administered by the state college, or by trustees or the State on behalf of the state college.

CHAPTER 1253

An act to amend Section 19702 of the Government Code, relating to prohibition of discrimination in the state civil service.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 19702 of the Government Code is amended to read:

19702. A person shall not be discriminated against under this part because of sex, race, religious creed, color, national origin, ancestry, or marital status except that positions which in the opinion of the appointing power and the board require the services of a specific sex may be reserved to that sex.

CHAPTER 1254

An act to add Section 25861 to the Health and Safety Code, relating to radiation control.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 25861 is added to the Health and Safety Code, to read:

25861. If the department determines that any object, building, structure, or premises is contaminated by radioactive ma-

terial and constitutes a hazard to the public health, it shall order the person who has control of the object, building, structure, or premises to cease to use or occupy and to exercise due caution to prevent others from using or occupying the object, building, structure, or premises, except to the extent necessary to accomplish the decontamination, or to the extent necessary to accomplish the disposal of the object, building, or structure as radioactive waste.

If the object, building, structure, or premises are decontaminated, the normal use or occupancy of the object, building, structure, or premises may be resumed.

If the person who has control of the object, building, structure, or premises fails to comply with the department's order, the department may impound or seize the object, building, structure, or premises.

After the department has impounded or seized an object, building, structure, or premises, the department may decontaminate the object, building, structure, or premises or cause such decontamination. In the case of an object, building or structure, if the department determines that its value does not warrant decontamination, it shall so notify the person, in writing, who had control of the object, building, or structure. Within 15 days after such notice, such person may decontaminate the object, building, or structure. If he fails to do so, the department may cause the object, building, or structure to be disposed of as radioactive waste.

If the department causes the object, building, structure, or premises to be decontaminated, the department shall, upon the completion of the decontamination, return the impounded article or seized building, structure, or premises to the person who had control of the article, building, structure, or premises prior to the impounding or seizure.

If the person who has control of the object, building, structure, or premises was responsible for its contamination, then the department may require that person to pay any reasonable and necessary costs which are incurred by the department in seizing and decontaminating or disposing of the object, building, structure, or premises and may maintain any action which may be necessary to recover such costs.

If the contamination of the object, building, structure, or premises resulted from the negligence of, or as a result of an ultrahazardous activity of, another person, persons, or corporation, then the department may require that person, persons, or corporation to pay any reasonable and necessary costs which are incurred by the department in seizing and decontaminating or disposing of the object, building, structure, or premises and may maintain any action which may be necessary to recover such costs.

The term "decontamination," as used in this section, means the reduction of the level of contamination from radioactive material to the level which the department determines is rea-

sonably necessary to eliminate the hazard to public health which is caused by the contamination of the object, building, structure, or premises. Any order by the department pursuant to this section shall prescribe the level to which the contamination is required to be reduced in order to eliminate the hazard to the public health.

CHAPTER 1255

An act to repeal Section 16724 of the Business and Professions Code, relating to restraint of trade.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 16724 of the Business and Professions code is repealed.

SEC. 2. The repeal of Section 16724 of the Business and Professions Code made by this act is not intended to affect any other statute in effect when this act takes effect.

CHAPTER 1256

An act to add Section 480 to the Penal Code, relating to forgery of letters.

[Approved by Governor July 7, 1963 Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 480 is added to the Penal Code, to read:

480. Every person who signs any letter addressed to a newspaper with the name of a person other than himself and sends such letter to the newspaper, or causes it to be sent to such newspaper, with intent to lead the newspaper to believe that such letter was written by the person whose name is signed thereto, is guilty of a misdemeanor.

CHAPTER 1257

An act to add Section 6103.6 to the Government Code, relating to fees for inspection and insurance for work done on streets and highways.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 6103.6 is added to the Government Code, to read:

6103.6. Section 6103 does not apply to any fee or charge for official services established by a city or county ordinance as a reasonable and nondiscriminatory inspection fee to defray the costs of the inspection by such city or county of work done in, under, on or about any city or county street or highway, whether such work is done pursuant to franchise, statutory authority, or otherwise. Section 6103 does not apply to a reasonable and nondiscriminatory fee or charge established by a city or county ordinance to defray the costs of insuring such city or county against liability for injury or death to persons and damage to property resulting from such work in streets and highways. This section does not authorize a fee or charge for the mere issuance of a permit to do such work, nor does this section authorize the assessment against, or collecting of, any fee or charge from the State.

CHAPTER 1258

An act to amend Section 7091 of the Business and Professions Code, relating to contractors.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 7091 of the Business and Professions Code is amended to read:

7091. All accusations against licensees shall be filed within three years after the act or omission alleged as the ground for disciplinary action, except that with respect to an accusation alleging a violation of Section 7112, the accusation may be filed within two years after the discovery by the registrar or by the board of the alleged facts constituting the fraud or misrepresentation prohibited by the section. The proceedings under this article shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the registrar shall have all the powers granted therein.

CHAPTER 1259

An act to add Section 11580.1 to the Insurance Code and to amend Sections 16057 and 16450 of the Vehicle Code, relating to motor vehicle insurance and the Financial Responsibility Laws.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 11580.1 is added to the Insurance Code, to read:

11580.1. No policy of liability insurance covering liability arising out of the ownership, maintenance or use of any motor vehicle shall be issued or delivered in this State to the owner of a motor vehicle, or shall be issued or delivered by any insurer licensed in this State, upon any motor vehicle then principally garaged or principally used in this State unless it contains the following provisions:

(a) Provision with coverage limits at least equal to the financial responsibility requirements specified in Section 16059 of the Vehicle Code.

(b) Provision designating by explicit description or by appropriate reference all motor vehicles with respect to which coverage is intended to be granted.

(c) Provision designating by explicit description the purposes of use of such motor vehicles with respect to which coverage is not intended to be granted.

(d) Provision insuring the insured named therein and to the same extent that coverage is afforded such named insured in respect to said described motor vehicles, any other person using, or legally responsible for the use of, said motor vehicles, provided the motor vehicles are being used by the named insured or with his permission, express or implied.

(e) Notwithstanding the foregoing subdivisions, the insurer and any named insured may, by the terms of such policy or by a separate writing, agree that coverage under the policy shall not apply while said motor vehicles are being used by a natural person or persons designated by name. Such agreement by any named insured shall be binding upon every insured to whom such policy applies.

(f) Such policy may contain a provision that the insurance coverage applicable to such motor vehicles afforded a person other than the named insured or his agent or employee shall not be applicable if there is any other valid and collectible insurance applicable to the same loss covering such person as a named insured or as an agent or employee of a named insured under a policy with limits at least equal to the financial respon-

sibility requirements specified in Section 16059 of the Vehicle Code; and in such event, the two or more policies shall not be construed as providing cumulative or concurrent coverage and only that policy which covers the liability of such person as a named insured, or as an agent or employee of a named insured, shall apply. In the event there is no such other valid and collectible insurance, the coverage afforded a person other than the named insured, his agent or employee, may be limited to the financial responsibility requirements specified in Section 16059 of the Vehicle Code.

SEC. 2. Section 16057 of the Vehicle Code is amended to read:

16057. Exemption may be established by filing with the department satisfactory evidence:

(a) That the owner had an automobile liability policy or bond in effect at the time of the accident with respect to the driver or the motor vehicle involved in the accident, unless it is established that at the time of the accident the motor vehicle was being operated without the owner's permission, express or implied, or was parked by a driver who had been operating the vehicle without permission.

(b) That the driver of the motor vehicle involved in the accident, if he was not the owner of such motor vehicle, had in effect at the time of the accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him.

(c) That such liability as may arise from the driver's operation of the motor vehicle involved in the accident is, in the judgment of the department covered by some form of liability insurance or bond.

(d) Any policy or bond referred to in this section shall comply with the requirements of Section 16059 of this code and Sections 11580, 11580.1 and 11580 2 of the Insurance Code, but need not contain provisions other than those required by said sections.

SEC. 3. Section 16450 of said code is amended to read:

16450. A "motor vehicle liability policy," as used in Chapters 2, 3 and 4 of this division, means an owner's policy or an operator's policy, or both, of liability insurance, certified as provided in Section 16431 as proof of ability to respond in damages, issued by an insurance carrier authorized to transact such business in this State to or for the benefit of the person named therein as assured. Any requirements set forth in said Chapters 2, 3 and 4 relating to a motor vehicle liability policy shall apply only to those policies which have been certified as proof of ability to respond in damages as provided in Section 16431.

CHAPTER 1260

An act to add Sections 943.1 and 1732 to the Streets and Highways Code, relating to county highways.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 943.1 is added to the Streets and Highways Code, to read:

943.1. Whenever a part of a parcel of land is to be taken for county highway purposes and the remainder of such parcel is to be left in such shape or condition as to be of little value to its owner, or to give rise to claims or litigation concerning severance or other damages, the county may acquire the whole parcel and may sell the remainder or may exchange the same for other property needed for county highway purposes.

SEC. 2. Section 1732 is added to said code, to read:

1732. County highways established pursuant to this article shall be included in the terms "maintained mileage of county roads" and "miles of maintained county road" as those terms are used in Chapter 3 (commencing with Section 2100) of Division 3 of this code.

CHAPTER 1261

An act to amend Section 69903 of the Government Code, relating to superior court employees.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 69903 of the Government Code is amended to read:

69903. In any county with a population of less than 1,000,000 but more than 800,000 as determined by the 1960 federal census, where the secretary of the judges of the superior court is required to perform the duties of jury commissioner pursuant to Section 69893, his salary shall be not less than six hundred dollars ($600) per month nor more than one thousand five hundred fifty dollars ($1,550) per month, said salary to be fixed within said limits by a majority of the judges of the superior court of such county. In such a county the secretary may have to assist him in the performance of his duties one legal research assistant, who shall be a member of the bar, who shall receive a salary of not less than four hundred dollars ($400) nor more than eight hundred fifty dollars ($850) a month, one administrative assistant-deputy jury commissioner,

who shall receive a salary of not less than three hundred dollars ($300) nor more than seven hundred fifty dollars ($750) a month, one administrative assistant-deputy jury commissioner, who shall receive a salary of not less than three hundred dollars ($300) nor more than seven hundred dollars ($700) a month, four clerk-deputy jury commissioners, who shall receive a salary of not less than three hundred dollars ($300) nor more than five hundred fifty dollars ($550) a month, and one clerk, who shall receive a salary of not less than three hundred dollars ($300) nor more than five hundred dollars ($500). Such legal research assistant, administrative assistant-deputy jury commissioners, clerk-deputy jury commissioners, and clerks shall be appointed by the secretary with the approval of the presiding judge of the superior court of such county. Each such position shall be exempt from civil service laws. The salaries of such persons shall be fixed by a majority of the judges of the superior court of such county. The salaries of such secretary, legal research assistant, administrative assistant-deputy jury commissioners, clerk-deputy jury commissioners, and such clerks shall be paid by the county in which they serve.

CHAPTER 1262

An act to add Section 34093 to the Government Code, relating to municipal petitions.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 34093 is added to the Government Code, to read:

34093. As used in this section, "petition" means any petition prescribed, by statute or city charter, as a necessary prerequisite to the institution of proceedings by the city, and includes, but is not limited to, initiative petitions, referendum petitions, recall petitions, petitions pertaining to the annexation of territory to a city, the consolidation of cities, or the dissolution of a city, and petitions to institute proceedings under an improvement act.

Every person is punishable by a fine not exceeding five hundred dollars ($500), or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment, who, circulating, as principal or agent, or having charge or control of the circulation of, or obtaining signatures to, any petition, willfully misrepresents or willfully makes any false statement concerning the contents, purport or effect of the petition to any person who signs, or who desires to sign, or

who is requested to sign, or who makes inquiries with reference to it, or to whom it is presented for his signature.

Every person is punishable by a fine not exceeding five hundred dollars ($500), or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment, who circulates or causes to be circulated any petition knowing it to contain false, forged, or fictitious names.

CHAPTER 1263

An act relating to the conveyance of land to the County of San Benito for public road purposes.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. As used in this act:

(a) "Subject lands" means the real property described as follows:

Parcel 1: A strip of land 100 feet wide being 50 feet each side of the following described line, to-wit: Beginning at an iron stake at the intersection of the center line of the San Juan Canyon and Cienega Road with the division line between the land of Reeves and Gross, that is South 44° 15′ West 1304.71 feet from an iron stake and post at the Northwest corner of land of Reeves and in the division line between the Rancho Cienega del Gabilan and Rancho San Justo and from said place of beginning running up and along the center line of present traveled road South 46° 48′ East 267.4 feet to station 1, from station 1 South 42° 23′ East 390 feet to station 2, from station 2 south 29° 24′ East 410 feet to station 3, from station 3 South 47° 21′ East 250 feet to station 4, from station 4 South 14° 08′ East 190 feet to station 5, from station 5 South 78° 25′ East 460 feet to station 6, from station 6 North 84° 45′ East 220 feet to station 7, from station 7 South 84° 11′ East 440 feet to station 8, from station 8 South 59° 37′ East 320 feet to station 9, from station 9 South 63° 31′ East 350 feet to station 10, from station 10 South 64° 12′ East 720 feet to station 11, from station 11 South 87° 04′ East 350 feet to station 12, from station 12 South 69° 51′ East 860 feet to station 13, from station 13 South 62° 42′ East 290 feet to station 14, from station 14 North 88° 50′ East 150 feet to station 15, from station 15 North 44° 52′ East 200 feet to station 0 beginning of Ridge Road to Fremont Peak from which a live oak tree 16″ in diameter and marked BT 1 bears South 61° 08′ West 49.35 feet and a live oak tree 6″ in diameter marked BT 2 bears North 78° 13′ West 55.2 feet and a live oak tree 10″ in diameter marked BT 3 bears North 8° 55′

West 57.2 feet and the Northeastern corner of land of Reeves and Northwestern corner of land of Fischl set in the Southwestern line of the Rancho San Justo bears South 69° 41′ East 1609 feet and being a part of the Rancho Cienega del Gabilan in San Benito County, California, containing 13.47 acres.

Parcel 2: A strip of land 100 feet wide being 50 feet each side of the following described line, to-wit: Beginning at a point in the San Juan Canyon and Cienega Road from which a live oak tree 16″ in diameter and marked BT 1 bears South 61° 08′ West 49.35 feet, and a live oak tree 6″ in diameter marked BT 2 bears North 78° 13′ West 55.2 feet, and a live oak tree 10″ in diameter marked BT 3 bears North 8° 55′ West 57.2 feet and the Northeastern corner of land of Reeves and the Northwestern corner of land of Fischl set in the Southwestern line of the Rancho San Justo bears South 69° 41′ East 1609 feet distant and from said place of beginning running along the center line of Ridge Road the following courses and distances: North 79° 40′ East 55 feet to station 1, from station 1 South 70° 55′ East 212 feet to station 2, from station 2 South 53° 41′ East 300 feet to station 3, from station 3 South 37° 06′ East 150 feet to station 4, from station 4 South 13° 47′ East 204 feet to station 5, from station 5 South 23° 35′ West 300 feet to station 6, from station 6 South 48° 23′ West 175 feet to station 7, from station 7 South 80° 33′ West 140 feet to station 8, from station 8 South 35° 23′ West 220 feet to station 9, from station 9 South 64° 44′ East 182 feet to station 10, from station 10 South 16° 57′ West 78 feet to station 11, from station 11 South 39° 06′ West 133 feet to station 12, from station 12 South 75° 17′ East 144 feet to station 13, from station 13 South 26° 11′ East 22 feet to a point in the division line between the lands of Reeves and Fischl that is North 52° 25′ East 7450 feet from a corner of the Rancho Cienega del Gabilan marked CG 39 being a part of the Rancho Cienega del Gabilan in San Benito County, California, containing 5.31 acres.

Parcel 3: A strip of land 100 feet wide being 50 feet each side of the following described line, to-wit: Beginning at a point in the division line between the lands of Reeves and Fischl, that is North 52° 25′ East 7183 feet from the corner to the Rancho Cienega del Gabilan marked CG 39 and from said place of beginning running up and along the center line of the Ridge Road the following courses and distances: North 67° 42′ West 16 feet to station 16, from station 16 South 84° 45′ West 113 feet to station 17, from station 17 South 39° 46′ West 172 feet to station 18, from station 18 North 77° 44′ West 213 63 feet to station 19, from station 19 North 85° 58′ West 209 feet to station 20, from station 20 South 68° 55′ West 215 feet to station 21, from station 21 South 43° 35′ West 112 feet to station 22, from station 22 South 84° 53′ West 162 feet to station 23, from station 23 North 89° 57′ West 167 feet to station 24, from station 24 South 65° 19′ West 210 feet to station 25, from station 25 South 55° 35′ West 122 feet to

station 26, from station 26 North 70° 36′ West 104 feet to station 27, from station 27 South 80° 12′ West 328 feet to station 28, from station 28 North 82° 20′ West 133 feet to station 29, from station 29 North 55° 55′ West 100 feet to station 30, from station 30 North 23° 02′ West 184 feet to station 31, from station 31 South 27° 35′ West 230 feet to station 32, from station 32 South 89° 32′ West 260 feet to station 33, from station 33 South 17° 14′ West 180 feet to station 34, from station 34 South 58° 20′ West 574 feet to station 35, from station 35 South 13° 49′ West 324 feet to station 36, from station 36 South 21° 08′ West 273.9 feet to station 38, from station 38 South 18° 01′ East 177 feet to station 39, from station 39 South 49° 33′ East 96 feet to station 40, from station 40 South 22° 43′ East 315 feet to station 41, from station 41 South 35° 37′ West 132 feet to station 42, from station 42 South 46° 50′ East 76.4 feet to station 43, from station 43 South 38° 25′ East 93 feet to station 44, from station 44 South 15° 03′ West 61 feet to station 45, from station 45 South 73° 22′ West 155 feet to station 46, from station 46 North 81° 24′ West 106 feet to station 47, from station 47 North 88° 32′ West 99 feet to station 48, from station 48 South 43° 31′ West 379.58 feet to station 49, from station 49 South 13° 09′ West 243 feet to station 50, from station 50 North 85° 20′ West 232.82 feet to station 51, from station 51 South 52° 51′ West 231.27 feet to station 52, from station 52 South 30° 46′ West 90 feet to station 53, from station 53 South 75° 38′ West 86.37 feet to station 54, from station 54 North 69° 22′ West 98 feet to station 55, from station 55 South 75° 35′ West 187 feet to station 56, from station 56 South 2° 03′ East 166 feet to station 57, from station 57 South 79° 13′ West 100 feet to station 58, from station 58 South 22° 23′ West 98 feet to station 59, from station 59 South 56° 51′ West 90 feet to station 60, from station 60 South 81° 06′ West 132 feet to station 61, from station 61 South 28° 54′ West 113 feet to station 62, from station 62 South 77° 40′ West 116 feet to station 63, from station 63 South 6° 56′ East 76.66 feet to station 64, from station 64 South 9° 43′ East 216 feet to station 65, from station 65 North 82° 16′ West 159 feet to station 66, from station 66 South 71° 50′ West 262 feet to station 67, from station 67 South 44° 12′ West 175 feet to station 68, from station 68 South 9° 50′ West 218 feet to station 69, from station 69 South 23° 31′ West 126 feet to station 70, that is North 29° 04′ East 113 feet from the corner CG 39 of the Rancho Cienega del Gabilan and thence South 35° 35′ West 110.5 feet to the intersection of the center line of said Ridge Road with the line of the Rancho Cienega del Gabilan and being a part of the Rancho Cienega del Gabilan in San Benito County, California, containing 21.58 acres.

Parcel 4: Beginning at the corner of CG 39 of the Rancho Cienega del Gabilan and from said place of beginning running along the division line between the land of Reeves and Fischl South 46° 15′ East 37.5 feet to a point, thence South 35° 35′

West 74 feet to a station 71A, thence South 82° 48′ West 54 feet to a point in the line of said Rancho Cienega del Gabilan and thence running along said Rancho line North 36° 47′ East 116 feet to the place of beginning and being a part of the Rancho Cienega del Gabilan in San Benito County, California, containing 0.08 acres.

Parcel 5: Beginning at the corner CG 39 of the Rancho Cienega del Gabilan and from said place of beginning running along the line of said Rancho North 46° 15′ West 85.5 feet, thence leaving said Rancho line and running South 82° 48′ West 261.6 feet to Station 72B, thence South 7° 52′ West 245 feet to Station 73B, thence South 7° 29′ East 128.9 feet to Station 74B, thence South 20° 06′ West 126.6 feet to Station 75B, thence South 41° 30′ West 111.56 feet to Station 76B, thence South 48° 28′ West 166 feet to Station 1B, thence South 20° 16′ West 43.5 feet to the northern line of land of Mary E. Hawthorne; thence running along the said northern line of Mary E. Hawthorne East 73 feet to a point in the line of the Rancho Cienega del Gabilan and thence running along the line of said Rancho North 36° 47′ East 871.5 feet to the place of beginning and being a part of Section 25, Township 13, South, Range 4, East, M.D.M., containing 2.47 acres.

Parcel 6: Beginning at a point in the line of Rancho Cienega del Gabilan, that is South 36° 47′ West 330.35 feet from the corner CG 39 of said Rancho, said place of beginning being 50 feet Easterly from the center line of present traveled road, thence running parallel with and 50 feet from said traveled road South 7° 29′ East 97.25 feet to station 74 A, from station 74 A South 20° 06′ West 191.68 feet to station 75 A, from station 75 A South 41° 30′ West 149.04 feet to station 78 A, from station 78 A South 48° 28′ West 137.5 feet to station 1A, from station 1A South 20° 16′ West 111.15 feet to station 2A, from station 2A South 71° 01′ West 172.56 feet to station 3A, from station 3A South 68° 11′ West 27 feet to a point in the line of said Rancho Cienega del Gabilan and thence running along said Rancho line North 36° 47′ East 809 feet to the place of beginning and being a part of the Rancho Cienega del Gabilan in San Benito County, California, containing 1.58 acres.

Parcel 7: Beginning at a point in the line of the Rancho Cienega del Gabilan that is South 36° 47′ West 2508 feet from the corner CG 39 of the Rancho Cienega del Gabilan and said place of beginning being also South 36° 47′ West 152 32 feet from an iron stake at the intersection of the center line of present road with the line of the said Rancho Cienega del Gabilan between the corners CG 39 and CG 40 and from said place of beginning running along said Rancho line North 36° 47′ East 304.64 feet to station that is 100 feet from the center line of present road, thence running 100 feet from and parallel with the center line of present road North 4° 15′ West 106.4 feet to station 9C, thence North 36° 50′ East 176.1 feet to station 8C, thence North 55° 34′ East 167.5 feet to station 7C, thence North 38° 26′ East 182.6 feet to station 6C, thence North 1° 17′ East

146.6 feet to station 5C, thence North 37° 51′ East 153.0 feet to the Southern line of land of Mary E. Hawthorne, thence running along the said Southern line of Hawthorne West 185.1 feet to the Southwest corner of land of Mary E. Hawthorne, thence running along the Western line of land of Mary E. Hawthorne, North 36° 47′ East 189.0 feet to a point that is 100 feet from the center line of present road, thence running 100 feet from and parallel with the center line of present road South 68° 11′ West 99.57 feet to station 4B, thence South 37° 51′ West 208.1 feet to station 5B, thence South 1° 17′ West 145.4 feet to station 6B, thence South 38° 26′ West 85.4 feet to station 7B, thence South 55° 34′ West 170.5 feet to station 8B, thence South 36° 50′ West 283.9 feet to station 9B, and thence South 4° 15′ East 411 feet to the place of beginning, and being a part of Section 25, Township 13 South, Range 4 East, M.D.M., containing 5.26 acres.

Parcel 8: Beginning at a point in the line of the Rancho Cienega del Gabilan that is North 36° 47′ East 1914 feet from the corner CG 40 of said Rancho and said place of beginning being Easterly 50 feet from the center line of present traveled road and from said place of beginning running 50 feet from and parallel with the center line of present traveled road South 4° 15′ East 393 7 feet to station 10A, from station 10A South 6° 26′ West 236.51 feet to station 11A, from station 11A South 41° 35′ West 609.55 feet to station 12A, from station 12A South 27° 15′ West 183.5 feet to station 13A, from station 13A South 4° 11′ West 157.99 feet to station 14A, from station 14A South 74° 27′ West 360.34 feet to station 15A, from station 15A South 41° 20′ West 235.7 feet to station 16A, from station 16A South 65° 07′ West 119.05 feet to station 17A, from station 17A South 39° 14′ West 201.55 feet to station 18A, from station 18A South 68° 28′ West 173.87 feet to station 115 A, from station 115 A North 81° 36′ West 141.95 feet to station 116 A, from station 116 A South 79° 19′ West 424.75 feet to station 117 A, from station 117 A North 41° 58′ West 154.42 feet to station 118 A, from station 118 A North 76° 53′ West 138 feet to a point in the line of said Rancho Cienega del Gabilan, thence running along said Rancho line North 72° 50′ East 1096 feet to an iron stake and post at the corner CG 40 of said Rancho, thence North 36° 47′ East 1914 feet to the place of beginning, and being a part of the Rancho Cienega del Gabilan in San Benito County, California, containing 20.33 acres.

Parcel 9: A strip of land 200 feet wide being 100 feet each side of the following described line, to-wit: Beginning at a point in the line of Cienega del Gabilan Rancho that is South 72° 50′ West 995 feet from the corner CG 40 of said Rancho and thence running North 76° 53′ West 140 feet to station; thence South 50° 42′ West 121 feet to station; thence South 68° 53′ West 200 feet to station; thence North 88° 35′ West 134 feet to station; thence North 59° 56′ West 147 feet to station; thence South 80° 24′ West 38 feet to station; thence

South 51° 23′ West 172 feet to station; thence South 46° 38′ West 141 feet to station; thence South 76° 23′ West 86 feet to station; thence South 30° 17′ West 98 feet to station in said grant line that is South 72° 50′ West 2,137 feet from the corner CG 40 of said Rancho and being a part of Sections 35 and 36, Township 13 South, Range 4 East, M.D.M., containing 5.86 acres, more or less, according to official survey.

Parcel 10: A strip of land 200 feet wide being 100 feet each side of the following described line, to-wit: Beginning at a point in the line of the Rancho Cienega del Gabilan that is South 72° 50′ West 2137 feet from the corner CG 40 of the said Rancho Cienega del Gabilan and from said place of beginning running South 30° 17′ West 56 feet to Station 128, from station 128 North 81° 08′ West 86 feet to a point in the line of said Rancho Cienega del Gabilan that is South 72° 50′ West 2255 feet from the corner CG 40 of the said Rancho Cienega del Gabilan and being a part of the Rancho Cienega del Gabilan in San Benito County, California, containing 0.65 acres.

Parcel 11: A strip of land 200 feet wide being 100 feet each side of the following described line, to-wit: Beginning at a point in the line of Cienega del Gabilan Rancho that is South 72° 50′ West 2,255 feet from the corner CG 40 of said Rancho and from said place of beginning running North 81° 08′ West 94 feet to Station 129, North 33° West 111 feet to Station 130, North 47° 36′ West 212 feet to Station 131, North 79° 09′ West 246 feet to Station 132, South 64° 49′ West 69 feet to Station 133, South 14° 05′ West 212 feet to Station 134, South 39° 09′ West 251 feet to Station 135, North 83° 41′ West 187 feet to Station 136, South 48° 50′ West 71 feet to Station 137, South 9° 52′ West 152 feet to Station 138, South 67° 47′ West 261 feet to Station 139, South 18° 05′ West 9.2 feet to station in the line of the Rancho Cienega del Gabilan, that is North 72° 50′ East 2,019 feet from the corner CG 41 of said Rancho and being a part of Section 35, Township 13 South, Range 4 East, M D.M., containing 8.61 acres.

(b) "State" means the State of California including any and all boards, officers, departments and commissioners.

(c) "County" means the County of San Benito including any and all boards, officers, departments and commissioners.

SEC. 2. The Legislature hereby finds and determines:

(a) There is a present and continuing need for use of subject lands as an access way by private interests, such as, homeowners.

(b) The geographical nature of the lands on which there is developed a road as access to the Fremont Peak State Park is incompatible for maintenance by the State for subdivision access purposes.

(c) The county is willing to accept subject lands and maintain a public road thereon.

SEC. 3. The State hereby conveys to the county for public road purposes all its right, title and interest in and to the

subject lands, on condition that the county shall provide for preservation of the present and future scenic beauty of the existing road right-of-way, require a setback line of 100 feet for any future construction, and prohibit the discharge of firearms within 500 feet of the road right-of-way.

The State conveys to the county the subject lands for public road purposes subject to the condition that the county shall maintain to minimum standards for county primary roads the subject road as public access to the Fremont Peak State Park at all times.

CHAPTER 1264

An act to amend Section 6359.3 of the Revenue and Taxation Code, relating to sales and use taxes.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 6359.3 of the Revenue and Taxation Code is amended to read:

6359.3. Any person holding a seller's permit who supplies candy or other confectionery to a nonprofit organization to be sold at retail by the organization, or who supplies the Flag of the United States of America to a nonprofit veteran's organization to be sold at retail by the veteran's organization, shall upon his application being approved by the board, be regarded as the retailer of and be responsible for the taxes imposed with respect to the retail sales of the candy, other confectionery or flags supplied to and sold at retail by the respective nonprofit organization. Such supplier shall include the retail selling price of the property in his gross receipts.

CHAPTER 1265

An act to amend Section 14359 of the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 14359 of the Education Code is amended to read:

14359. Upon retirement for service a member shall receive an annual annuity, sufficient when added to the portion of the retirement salary computed pursuant to Section 14355 or 14355.1, on the basis of his service for which he is not entitled

to receive benefits from a local retirement system, but excluding his service for which he has not deposited contributions in the Retirement Annuity Fund following a change in membership status, pursuant to Article 15 (commencing at Section 14411) of this chapter, to equal the fraction of one-sixtieth (1/60th) of his final compensation, set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of his credited service not counting any service for which the member is entitled to retirement benefits from a local retirement system:

Age at retirement	Fractions	
	Men	Women
55	.7204654	.7315714
55¼	.7322331	.7429405
55½	.7440008	.7543096
55¾	.7557684	.7656786
56	.7675361	.7770477
56¼	.7802948	.7893442
56½	.7930536	.8016408
56¾	.8058124	.8139373
57	.8185711	.8262338
57¼	.8324207	.8395390
57½	.8462704	.8528441
57¾	.8601200	.8661492
58	.8739696	.8794544
58¼	.8890390	.8938934
58½	.9041084	.9083324
58¾	.9191777	.9227715
59	.9342471	.9372105
59¼	.9506853	.9529079
59½	.9671236	.9686052
59¾	.9835618	.9843026
60	1.0000000	1.0000000
60¼	1.0163636	1.0159559
60½	1.0327273	1.0319118
60¾	1.0490910	1.0478676
61	1.0654546	1.0638235
61¼	1.0827937	1.0807224
61½	1.1001328	1.0976214
61¾	1.1174718	1.1145204
62	1.1348109	1.1314193
62¼	1.1532771	1.1493466
62½	1.1717434	1.1672739
62¾	1.1902096	1.1852012
63	1.2086758	1.2031285
63¼	1.2283728	1.2222310
63½	1.2480698	1.2413334
63¾	1.2677668	1.2604359
64	1.2874638	1.2795384

Age at retirement	Fractions Men	Women
64¼	1.3086036	1.2999470
64½	1.3297434	1.3203557
64¾	1.3508832	1.3407644
65 and over	1.3720230	1.3611730

The fractions herein set forth at ages other than sixty (60) are based on the interest rate and mortality tables used under the State Teachers' Retirement System on July 1, 1962, and shall be adjusted by the board in accordance with such interest rate and mortality tables as the board may adopt under such system.

CHAPTER 1266

An act to amend Section 14800 of the Elections Code, relating to voting by the sick.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 14800 of the Elections Code is amended to read:

14800. Any voter unable to go to the polls because of illness or disability incurred after the closing date for absent voter ballot applications, resulting in his confinement in a hospital, sanatorium, or nursing home, may request in a writing, signed by him, that the clerk send him an absent voter ballot. The clerk shall deliver the ballot, at the office of the clerk, to any authorized representative of the voter possessing a letter from the voter's physician or practitioner stating that the voter is a patient in a hospital, sanatorium, or nursing home, giving the date of admittance thereto, and stating that the voter will be confined therein on election day.

After marking his ballot the voter shall place it in the identification envelope. He shall then fill out and sign the declaration on the envelope and return it to the office of the clerk.

Upon receipt of the envelope the clerk shall compare the voter's signature on the identification envelope with that appearing on his duplicate affidavit of registration and, if they compare, shall deposit the envelope in a safe place in his office to be kept by him until the polls are closed. Thereafter, the clerk shall count these ballots and add them to the totals for absent voter ballots.

A request for a ballot under this section shall be made, and the ballot delivered to the voter and returned to the clerk, not

earlier than the Friday preceding the day of the election nor later than the day preceding the day of the election, unless the voter enters the hospital, sanatorium, or nursing home on the day preceding the day of election or on election day, in which case he may apply for, obtain, and return his ballot up to the time the polls close on election day.

The procedure authorized by this section shall be subject to all other provisions of this code relating to absent voting insofar as those provisions are not inconsistent with the provisions of this section.

CHAPTER 1267

An act to amend Section 28102 of the Government Code, relating to compensation for public service in San Diego County.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 28102 of the Government Code is amended to read:

28102. In a county of the second class each supervisor shall receive as compensation for the services required of him by law or by virtue of his office twelve thousand five hundred dollars ($12,500) a year; provided, however, that such compensation of a supervisor shall be reduced by the amount received by him for his services as a member of any district board or other public board or commission, including but not limited to a sanitation district board; provided further, that the amount or amounts received by him for his services as a member of one or more such district boards or other public boards or commissions shall not exceed in total amount twelve thousand five hundred dollars ($12,500) per year. All other officers shall receive as compensation for the services required of them by law or by virtue of their offices the salaries and fees fixed pursuant to the charter of the county.

The fees of the grand jurors and trial jurors in the superior courts are the amounts provided by law for each day's attendance and mileage at the rate of fifteen cents ($0.15) a mile for each mile necessarily traveled in attending court, in going only. In criminal cases fees and mileage of trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the court in which the juror was in attendance, and the treasurer of the county shall pay the warrants.

CHAPTER 1268

An act to amend Section 401 of, and to add Section 405 to the Welfare and Institutions Code, relating to public social services.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 401 of the Welfare and Institutions Code is amended to read:

401. The State Department of Social Welfare may authorize the payment of state funds to defray in whole or in part the cost of a project undertaken by the welfare department of any county or by the welfare departments of a group of counties or by the State Department of Social Welfare in behalf of county welfare departments generally if the project is consistent with the purpose of this chapter and meets the criteria established pursuant to Chapter 402. Any county will be expected to meet at least the cost of equipment, supplies and facilities required by the staff engaged in carrying out any project approved pursuant to this chapter, except that state funds may be used to defray the entire cost of any project which is undertaken by a group of counties or is directed by the State Department of Social Welfare in behalf of county welfare departments generally or is directed by a recognized institution of higher learning. To the extent this section authorizes the State Department of Social Welfare or a recognized institution of higher learning to undertake and direct a project in behalf of county welfare departments, the provisions of Section 402 shall not apply to such projects.

SEC. 2. Section 405 is added to said code, to read:

405. To enable it to conduct and administer experimental projects to test methods and procedures of administering assistance and services to recipients of public social services, the department may waive the enforcement of specific statutory requirements, regulations and standards in one or more counties or on a statewide basis by formal order of the director. The order establishing the waiver shall provide alternative methods and procedures of administration, shall not be in conflict with the basic purposes, coverage or benefits provided by law and shall not be general in scope but shall apply only for the duration of such a project not to exceed three years, and shall not take effect unless and until the following conditions have been met:

a. The Secretary of Health, Education and Welfare of the United States has agreed, for the same project, to waive the public assistance plan requirements relative to statewide uniformity.

b. A comprehensive plan including an analysis of the expected costs has been published in a newspaper of general circulation and filed with the Rules Committee of each house of the Legislature.

CHAPTER 1269

An act to amend Sections 11704, 11705, and 11707 of the Education Code, relating to public school pupils.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 11704 of the Education Code is amended to read:

11704. The governing board of any school district may provide, without charge, breakfasts for pupils within the district who are needy. The governing board may provide, without charge, lunches for pupils who are needy. The governing board of any school district may provide, without charge, lunches for any or all other pupils whether they are needy or not, provided that the governing board has so provided such lunches without charge to all pupils of the district during the 1962-1963 school year.

For purposes of this section and Sections 11705 to 11708, inclusive, a pupil who is "needy" is one who does not otherwise receive proper nourishment.

SEC. 2. Section 11705 of said code is amended to read:

11705. The governing board of any school district may, for purposes of providing breakfasts or lunches without charge under Section 11704, establish rules by which to determine which pupils are needy.

SEC. 3. Section 11707 of said code is amended to read:

11707. District funds may also be used for the purchase of breakfasts or lunches, or both, for pupils, as provided in Section 11704 or 11705.

CHAPTER 1270

An act to amend Section 31595 of the Government Code, and to amend Section 1372 of the Financial Code, relating to investments of county retirement systems.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 31595 of the Government Code is amended to read:

31595. All funds received by the county treasurer not required for current disbursements shall be invested only in:

(a) Securities which are legal for savings bank investments in the State or which have been certified as legal investments for savings banks pursuant to Division 10 of the Water Code, or any bonds which, pursuant to the statutes or laws providing for the issuance of such bonds are entitled to the same force or value or use as bonds issued by any municipality, or any bonds issued pursuant to those acts, statutes or laws of this State wherein such law specifically states by reference or otherwise that such bonds shall be legal investments for either savings banks, insurance companies, all trust funds, state school funds and any funds which may be invested in bonds of cities, counties, cities and counties, school districts, or municipalities in the State, or any bonds which have been investigated and approved by a commission or board now or hereafter authorized by law to conduct such investigation and give such approval and by authority of which said bonds are declared to be legal investments for insurers.

(b) Deposits at interest in any state or national bank in accordance with law authorizing and controlling the deposit of public funds in banks.

(c) Certificates and shares of a building and loan association or a federal savings and loan association if the certificates or shares are insured as defined in Title IV of the National Housing Act.

(d) Registered warrants of any political subdivision of this State.

(e) Real property or improvements constructed or to be constructed on real property when such real property or such improvements are acquired for sale or lease to a county of this State and subject to the limitations of this article.

(f) Deeds of Trust and Mortgages. Not to exceed 25 percent of all funds invested may be invested pursuant to this subdivision. Such investment may be made by the retirement board with the approval of the board of supervisors of said county.

SEC. 2. Section 1372 of the Financial Code is amended to read:

1372. The provisions of this chapter govern the investment of funds by savings banks but wherever by any law of this State it is now provided that the moneys of any pension fund, retirement plan, trust fund, or the moneys of any special fund the investment of which is governed by law, or the funds of any political subdivision or public corporation may or shall be invested in securities which are a legal investment for savings banks, then such law shall be deemed to authorize or require, as the case may be, that such moneys be invested in securities in which savings banks were authorized to invest their funds by the provisions of the Bank Act as it read prior to January 1, 1949, including securities authorized for investment by paragraph (f) of subdivision 5 of Section 61 of the Bank Act (for which purpose said paragraph (f) shall be deemed to have been re-enacted on December 31, 1948), or by any other

law of this State or in which savings banks are authorized to invest their funds by the provisions of Sections 1350 to 1366, inclusive, of this chapter; provided, that the provisions of said sections limiting the amount which a savings bank may invest in securities to a specified percent of its paid-up capital and surplus, or savings deposits, shall not apply to investments authorized by the terms of this section.

The funds of the State Employees' Retirement System, Legislators' Retirement System, and State Teachers' Retirement System may be invested in an amount not exceeding 20 percent of the assets of each of the respective systems as a whole and not by separate funds within each system, in securities, other than corporation shares, whether or not such securities are herein expressly authorized and whether or not they qualify hereunder, in which in the informed opinion of the board or officer charged with the investment of funds of such systems respectively it is prudent to invest retirement funds.

The funds of any retirement system established pursuant to the County Employees' Retirement Law of 1937 may be invested in an amount not exceeding 20 percent of the assets of such system, in securities other than corporation shares, whether or not such securities are herein expressly authorized, and whether or not they qualify hereunder, in which in the informed opinion of the Board of Retirement it is prudent to invest retirement funds.

The funds of any school district retirement plan may be invested in an amount not exceeding 10 percent of the assets of such system, in securities other than corporation shares, whether or not such securities are herein expressly authorized, and whether or not they qualify hereunder, in which in the informed opinion of the district retirement board it is prudent to invest retirement funds.

CHAPTER 1271

An act to amend Section 6505 of the Streets and Highways Code, relating to the Improvement Act of 1911.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 6505 of the Streets and Highways Code is amended to read:

6505. The day named in the notice for the sale shall not be less than 15 days from the date of the first publication of the notice.

At least 10 days prior to the sale notice of the date, time, and place of the sale shall be transmitted by the treasurer by certified mail to the bondholder at his last known address.

CHAPTER 1272

An act to add Section 377 to the Penal Code, and to add Section 4230.5 to the Business and Professions Code, relating to false representations to obtain drug.

[Approved by Governor July 7, 1963 Filed with Secretary of State July 9, 1963]

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

SECTION 1. Section 377 is added to the Penal Code, to read:

377. Every person who, in order to obtain for himself or another any drug that can be lawfully dispensed by a pharmacist only on prescription, falsely represents himself to be a physician or other person who can lawfully prescribe such drug, or falsely represents that he is acting on behalf of a person who can lawfully prescribe such drug, in a telephone communication with a pharmacist, is guilty of a misdemeanor.

SEC. 2. Section 4230.5 is added to the Business and Professions Code, to read:

4230.5. Every person who, in order to obtain for himself or another any dangerous drug, falsely represents himself to be a physician or other person who can lawfully prescribe such drug, or falsely represents that he is acting on behalf of a person who can lawfully prescribe such drug, in a telephone communication with a pharmacist, is guilty of a misdemeanor.

CHAPTER 1273

An act declaring certain salt marsh and tide and submerged lands to be free from the public trust for navigation, commerce and fisheries, and from any trust, requirement or condition that such land be used for street purposes and authorizing the State Lands Commission to relinquish, grant and convey all right, title and interest of the State of California in and to such lands to the City and County of San Francisco for its use in economically developing the Hunters Point Reclamation District.

[Approved by Governor July 7, 1963 Filed with Secretary of State July 9, 1963.]

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

SECTION 1 This act is predicated upon the authority vested in the Legislature by Article XV, Section 3, permitting the sale of tidelands reserved to the State solely for street purposes.

SEC. 2. It is hereby determined and declared that the streets described in Section 3 of this act are no longer required

for navigation, commerce, fisheries or for street purposes and that such streets are hereby declared to be free from the public trust for navigation, commerce and fisheries and from any trust that such areas be used for street purposes.

SEC. 3. The State Lands Commission shall convey to the City and County of San Francisco for the uses described in Section 4 of this act, and upon the terms set forth in Section 5, and upon such payment therefor as may be prescribed by the commission, any and all right, title and interest of the State of California in and to all streets within that territory situated in the City and County of San Francisco, State of California, whose exterior boundaries are described as follows:

Beginning at the point of intersection of the southerly line of Yosemite Avenue (formerly Twenty-fourth Avenue) with the line of the tide lands survey as shown on that certain map entitled "Map of the Salt Marsh and Tide Lands and Lands Lying Under Water South of Second Street and Situate in the City and County of San Francisco," Prepared by Order of the Board of Tide Land Commissioners in accordance with the Act entitled "An Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California", approved March 30, 1868; running thence easterly along said line of Yosemite Avenue to the easterly line of Fitch Street (formerly F Street); running thence southerly along said line of Fitch Street to the northerly line of Bancroft Avenue (formerly Twenty-sixth Avenue); running thence easterly along said line of Bancroft Avenue to the easterly line of Water Front Street as shown on said Map; running thence southerly along said line of Water Front Street to the southerly boundary line of the City and County of San Francisco; running thence westerly along said southerly boundary line to a point thereon which bears north 54 degrees 29′ west 426.54 feet along the southerly line of Sampson Avenue (formerly Forty-third Avenue), south 44 degrees 40′ 48″ west 178.75 feet, south 46 degrees 10′ 48″ west 256.92 feet, and south 32 degrees 07′ 48″ west 16.16 feet from the intersection of said line of Sampson Avenue with the westerly line of Earl Street (formerly E Street) as said avenue and street are shown on said map above referred to; thence north 32 degrees 07′ 48″ east 16.16 feet; thence north 46 degrees 10′ 48″ east 256.92 feet; thence north 44 degrees 40′ 48″ east 178.75 feet to the intersection of said southerly line of Sampson Avenue with the line of the tide lands survey as shown on above referred to map; thence in a general northerly direction along said tide lands survey line to the point of beginning; excepting therefrom the portion of such property to be used for highway purposes for state highway Routes 253 and 289 as described in Sections 553.1(a) and 589 of the Streets and Highways Code.

The following named dedicated open public streets are located within the above described boundaries: Alvord Street, Armstrong Avenue, Bancroft Avenue, Boalt Street, Carroll

Avenue, Coleman Street, Dock Street, Donahue Street, Donner Avenue, Earl Street, Egbert Avenue, Fitch Street, Fitzgerald Avenue, Gilman Avenue, Griffith Street, Hawes Street, Hollister Avenue, Ingerson Avenue, Jamestown Avenue, Key Avenue, Le Conte Avenue, Meade Avenue, Nelson Avenue, Olney Avenue, Pollock Street, Pulaski Avenue, Quebec Avenue, Richter Avenue, Sampson Avenue, Ship Street, Tevis Street, Von Schmidt Street and Water Front Street.

SEC. 4. The City and County of San Francisco, its successors and assigns may use such streets in any manner that it deems necessary to assist in the economic reclamation and development of the tidelands within the Hunters Point Reclamation District located within the said city and county, including the conveyance or exchange of said street areas to private persons, partnerships or corporations.

SEC. 5. The lands to be conveyed shall be valued at substantially their appraised market value as of December 31, 1962, and the conveyance shall be subject to the terms of an agreement to be executed by the City and County of San Francisco with the State of California that if and when said street areas are conveyed or exchanged to private persons, partnerships or corporations by the City and County of San Francisco, it shall set aside other land within the Hunters Point Reclamation District so that the area shall be served with adequate streets.

SEC. 6. There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas in said land, together with the right of the State of California or persons authorized by the State of California to prospect for, mine and remove such deposits from the granted land.

CHAPTER 1274

An act to amend Section 24 of the Agricultural Code, relating to the Department of Agriculture.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 24 of the Agricultural Code is amended to read:

24. The chief of the division of the department having jurisdiction over livestock and poultry disease control, meat inspection, and any functions of dairy farm inspection and control relating to animal health, shall be a graduate of a recognized college of veterinary medicine, licensed to practice in this State; provided, however, that on and after October 1, 1965, the Chief of the Bureau of Dairy Service shall, in addition to other required qualifications, be qualified by not less

than five years of experience, or the educational equivalent, in the sanitation and public health aspects of dairy production, dairy manufacturing and the marketing of milk and dairy products.

SEC. 2. The amendments of Section 24 of the Agricultural Code made by this act shall be operative only until the 91st day after the final adjournment of the 1965 Regular Session of the Legislature, and thereafter shall have no force or effect.

CHAPTER 1275

An act to add Section 19572.1 to the Education Code, relating to school building aid.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 19572.1 is added to the Education Code, to read:

19572.1. Notwithstanding any other provisions of this chapter, whenever the board makes a finding pursuant to Section 19572 that proceeds from the sale of district bonds have been expended or encumbered by a school district for purposes outside the scope and intent of this chapter (Sections 19551 to 19689, inclusive) the board, in lieu of requiring the district to contribute toward the project for which an apportionment is sought from any funds of the district, may stipulate that such bond funds expended or encumbered shall not be considered as "eligible bonded debt service" as defined in Section 19601(d) and 19615.

CHAPTER 1276

An act to add Section 4227.5 to the Business and Professions Code, relating to records of transactions in dangerous drugs.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 4227.5 is added to the Business and Professions Code, to read:

4227.5. Every dispenser shall retain for three years after any purchase by him of any preparation included in subdivision (c) of Section 4211 the copy of the invoice or other record of merchandise received by him. Such invoices or other records shall be open to inspection by authorized officers of the law, at all times during business hours, and shall be produced on demand.

CHAPTER 1277

An act to amend the title of Chapter 6 (commencing with Section 25000) of Division 20 of, to amend Sections 25000, 25001, 25002, 25004, and 25007 of, the Health and Safety Code, relating to health and safety.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. The title of Chapter 6 (commencing with Section 25000) of Division 20 of the Health and Safety Code is amended to read:

CHAPTER 6. SEPTIC TANKS, CHEMICAL TOILETS, CESSPOOLS AND SEEPAGE PITS

SEC. 2. Section 25000 of said code is amended to read:

25000. The provisions of this chapter shall not apply to any city, town, county, sanitary district, sanitation district, sewer maintenance district or to any agency or institution of the State or the federal government by reason of the cleaning of septic tanks, chemical toilets, cesspools, sewage seepage pits or sewage works which are owned and operated by any of said governmental agencies or institutions.

SEC. 3. Section 25001 of said code is amended to read:

25001. It is unlawful for any person or firm to carry on or engage in the business of the cleaning of septic tanks, chemical toilets, cesspools or sewage seepage pits or to dispose of the cleanings therefrom in any city, town, county, or city and county unless he or it shall hold an unrevoked registration issued by the local health officer or his duly authorized representative of said city, town, county, or city and county for the carrying on of said business.

SEC. 4. Section 25002 of said code is amended to read:

25002. It is unlawful for any person to clean septic tanks, chemical toilets, cesspools or sewage seepage pits or to dispose or aid in the disposal of the cleanings thereof, for any person or firm engaged in the business of cleaning out septic tanks, chemical toilets, cesspools or sewage seepage pits or disposing of the cleanings thereof who does not hold an unrevoked registration as provided in this chapter.

SEC. 5. Section 25004 of said code is amended to read:

25004. Registration shall be issued only after a satisfactory examination by the health officer or his duly authorized representative covering the equipment to be used, the applicant's knowledge of sanitary principles and of the laws and ordinances affecting human health or nuisances, and the reliability of the applicant in observing sanitary laws, ordinances and directions, and in selecting laborers and employees who may

clean out septic tanks, chemical toilets, cesspools and sewage seepage pits without endangering human health or comfort; and only after examination of the place or places and manner of disposal of the cleanings proposed by said applicant.

SEC. 6. Section 25007 of said code is amended to read:

25007. Applicants may be registered under such terms, conditions, orders and directions as the health officer or his duly authorized representative may deem necessary for the protection of human health and comfort. Each health officer and his duly authorized representative are hereby empowered to require any and all persons who are registered with him to clean septic tanks, cesspools or sewage seepage pits or to dispose of the cleanings therefrom, to file with the health officer at any time and at such frequency or intervals as he may desire, a statement giving the name and address of the owner or tenant of each and every one of the premises where a septic tank, cesspool or sewage seepage pit shall have been cleaned out by said registrant or his employees or by others on his behalf and said statement shall also describe in precise terms the place where the cleanings shall have been disposed of and by whom. The health officer is empowered to require such statements to be sworn to before a notary.

CHAPTER 1278

An act to add Section 14662.5 to the Education Code, relating to school district retirement plans.

[Approved by Governor July 7, 1963 Filed with Secretary of State July 9, 1963]

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

SECTION 1. Section 14662.5 is added to the Education Code, to read:

14662.5. If a person whose accumulated contributions have been returned to him following withdrawal subsequent to his last regular day of paid service in a school year is re-employed effective with the first working day of the following school year for his position, the time between the date of termination of his service and his return to service shall be considered as a leave of absence for district retirement purposes and the accumulated contributions previously refunded to him shall be redeposited in the district retirement system, with regular interest, within not more than five years from the date of his re-employment, provided the person has been informed of this requirement.

As used in this section, "regular interest" means interest, compounded annually, at the rate per annum adopted and revised from time to time by the retirement board.

CHAPTER 1279

An act to add Section 6423.1 to the Education Code, relating to mentally gifted minors.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 6423.1 is added to the Education Code, to read:

6423.1. The governing board of any school district which provides a program for mentally gifted minors in accordance with Section 6423, may:

(a) Conduct programs, seminars and classes for mentally gifted minors, as defined in Section 6421, within or without the boundaries of the school district and for that purpose employ instructors, supervisors, and other personnel and provide necessary equipment and supplies.

(b) Transport or arrange transportation of pupils, instructors, supervisors or other personnel to or from such places where such programs and classes are being conducted, whether within or without the district, but such transportation shall be within the State and not in excess of a radius of 110 miles from the school or schools of the district.

(c) For such purposes use such district facilities as are authorized under Article 3 (commencing with Section 7951) Chapter 3, Division 7 of this code for outdoor science and conservation education.

Attendance of pupils at such programs, seminars, and classes shall be included in computing attendance and average daily attendance of the district for the purposes of apportionments from the State School Fund, including apportionments to reimburse the district for the excess expense incurred by the district in furnishing programs for mentally gifted minors pursuant to this article, and costs incurred by the district pursuant to this section shall be included in the computation of such excess expense incurred by the district.

CHAPTER 1280

An act to add Chapter 4 (commencing with Section 600) to Division 3 of the Harbors and Navigation Code, relating to actions against nonresident owners and operators of watercraft.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Chapter 4 (commencing with Section 600) is added to Division 3 of the Harbors and Navigation Code, to read:

CHAPTER 4. SERVICE OF PROCESS

600. As used in this chapter:

(a) "Watercraft" means any boat, ship, barge, craft or floating thing designed for navigation in the water; and

(b) "Nonresident" means a person who is not a resident of this State at the time the accident or collision occurs or at the time a cause of action or claim for relief arises against him, and also means a person who, at the time the accident or collision occurs or at the time a cause of action or claim for relief arises against him is a resident of this State but subsequently becomes a nonresident of this State.

601. The use, operation, navigation or maintenance by a nonresident or nonresidents of a watercraft in the waters of this State, either in person or through others, and the acceptance thereby by such nonresident or nonresidents of the protection of the laws of the State for such watercraft, or the use, operation, navigation or maintenance by a nonresident or nonresidents of a watercraft in the waters of this State, either in person or through others, other than under the laws of the State, shall be deemed equivalent to an appointment by each such nonresident of the Secretary of State or his successor in office, to be the true and lawful attorney of each such nonresident for service of process, upon whom may be served all lawful process in any suit, action or proceeding against such nonresident or nonresidents arising out of any accident, or collision in which such nonresident or nonresidents may be involved while, either in person or through others, using, operating, navigating or maintaining a watercraft in the waters of this State, or thereby resulting in damage or loss to person or property; and any such process against each of such nonresidents which is so served shall be of the same legal force and effect as if served on him personally in this State.

602. The use, operation, navigation or maintenance by a nonresident or nonresidents of a watercraft in the waters of this State, either in person or through others, shall constitute the consent and acceptance by each such nonresident of the rights and privileges under this chapter and the protection of the laws of the State for such watercraft and shall be a signification by each such nonresident of his irrevocable agreement, binding as well upon his executor or administrator, that process against him which is served in the manner provided in this chapter shall be of the same legal force and validity as if served on him personally in this State.

603. Service of process shall be made by leaving one copy of the summons and complaint or one copy of the citation and libel in the hands of the Secretary of State or in his office at Sacramento or by mailing either by certified or registered mail, addressee only, return receipt requested, the copy of the summons and complaint or the copy of the citation and libel to the office of the Secretary of State in Sacramento. Service shall be

effective as of the day the return receipt is received from the Secretary of State's office. A fee of two dollars ($2) for each nonresident to be served shall be paid to the Secretary of State at the time of service of the copy of the summons and complaint or the copy of the citation and libel and such service shall be a sufficient service on the nonresident subject to compliance with Section 604.

604. A notice of service and a copy of the summons and complaint or a copy of the citation and libel shall be forthwith sent by certified or registered mail, addressee only, return receipt requested by the plaintiff or libelant or by his attorney to the defendant or respondent. Personal service of the notice and a copy of the summons and complaint or a copy of the citation and libel upon the defendant or respondent wherever found outside this State shall be the equivalent of service by mail.

605. Where the nonresident has died prior to the commencement of a suit, action or proceeding brought pursuant to this chapter service of process shall be made on the executor or administrator of the nonresident in the same manner and on the same notice as is provided in the case of the nonresident. Where a suit, action or proceeding has been duly commenced under the provisions of this chapter by service upon a defendant or respondent who dies thereafter, the court shall allow the suit, action or proceeding to be continued against his executor or administrator upon motion with such notice as the court deems proper.

606. Proof of compliance with Section 604 shall be made in the event of service by mail by affidavit of the plaintiff or libelant or by affidavit of his attorney showing said mailing, together with the return receipt of the United States post office bearing the signature of the defendant or respondent. The affidavit and receipt shall be appended to the original summons or original citation, which shall be filed with the court from out of which the summons or citation issued within such time as the court may allow for the return of the summons or citation.

In the event of personal service outside this State, compliance with Section 604 may be proved by the return of any duly constituted public officer, qualified to serve like process of and in the state or jurisdiction where the defendant or respondent is found, showing such service to have been made. The return shall be appended to the original summons or original citation which shall be filed as aforesaid.

607. The court in which the suit, action or proceeding is pending may order such continuances as may be necessary to afford the defendant or respondent reasonable opportunity to defend the suit, action or proceeding.

608. In the event of service of process pursuant to this chapter upon a nonresident outside this State, the person so served shall have 60 days from receipt of the notice required

under Section 604 in which to appear in the suit, action or proceeding in which the summons or citation was issued.

609. Nothing in this chapter shall be construed as affecting other methods of service of process upon nonresidents as now provided by existing laws.

CHAPTER 1281

An act to amend Section 34303 of the Government Code, relating to circulation of petitions for incorporation of cities.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 34303 of the Government Code is amended to read:

34303. Proceedings are initiated by filing with the board of supervisors at a regular meeting a petition signed by at least 25 percent of the qualified signers, representing at least 25 percent of the assessed value of the land included in the proposed city limits, as such value is shown on the last equalized assessment roll of the county. Where there is more than one qualified signer with respect to a parcel, the signature of any one qualified signer shall be sufficient to include the entire assessed value of the parcel. The petition shall identify the property owned by signer opposite the signer's name by setting forth the street address of the property or the legal description as shown on the most recent tax bill, or other information sufficient to identify the property.

The signatures on any petition filed pursuant to this section shall be obtained within a period of 120 days following the date on which the notice of intention to circulate a petition was filed. The board of supervisors may grant additional successive periods of 30 days each in which a petition may be circulated and signatures obtained.

CHAPTER 1282

An act to add Chapter 9 (commencing with Section 5500) to Division 2 of the Public Utilities Code, relating to the regulation of commercial air operators.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Chapter 9 (commencing with Section 5500) is added to Division 2 of the Public Utilities Code, to read:

CHAPTER 9. COMMERCIAL AIR CARRIERS

Article 1. Accident Liability Protection

5500. As used in this article, "commercial air operator" means any person owning, controlling, operating, or managing aircraft for any commercial purpose for compensation.

5501. As used in this article, "aircraft" means any contrivance used for navigation of, or flight in, the air.

5502. As used in this article, "person" means any individual, firm, partnership, private, municipal or public corporation, company, association, joint stock association, trustee, receiver, assignee, or other similar representative.

5503. The Public Utilities Commission shall require every commercial air operator to procure, and continue in effect so long as the commercial air operator continues to offer his services for compensation, adequate protection against liability imposed by law upon a commercial air operator for the payment of damages for personal bodily injuries, including death resulting therefrom, and property damage as a result of an accident.

5504. This article shall not apply to any person licensed under Article 1 (commencing with Section 160.1) of Chapter 1a of Division 2 of the Agricultural Code with respect to his operation of an aircraft for the purpose of applying pest control materials or substances by dusting, spraying or any other manner whereby such materials or substances are applied through the medium of aircraft. Such a person shall continue to be subject to the provisions of Article 2 (commencing with Section 160.91) of Chapter 1a of Division 2 of the Agricultural Code with respect to such aircraft operation.

5505. The commission shall, after a public hearing, set the amount of liability insurance, required by Section 5503, which is reasonably necessary to provide adequate compensation for damage incurred through an accident involving a commercial air operator.

5506. The protection required under Section 5503 shall be evidenced either by the deposit with the commission, covering each aircraft used or to be used in commercial operations for compensation, of:

(a) A copy of the policy of insurance, issued by a company licensed to write such insurance in the State; or

(b) A bond of a surety company licensed to write surety bonds in the State.

(c) Such evidence of the qualification of the commercial air operator as a self-insurer as may be authorized by the commission.

5507. With the consent of the commission a copy of an insurance policy, certified by the company issuing it to be a true

copy of the original policy, or a photostatic copy thereof, or an abstract of the provisions of the policy, or a certificate of insurance issued by the company issuing the policy, may be filed with the commission in lieu of the original or a duplicate or counterpart of the policy.

5508. The protection against liability shall be continued in effect so long as the commercial air operator continues to offer his services for compensation. The policy of insurance or surety bond shall not be cancelable on less than thirty (30) days written notice to the commission, except in the event of cessation of operations as a commercial air operator.

5509. The commission may establish such rules as are necessary to enforce this article.

5510. Any commercial air operator who knowingly refuses or fails to procure protection against liability, as required by Section 5503, within six (6) months from the effective date of this article shall be guilty of a misdemeanor.

5511. Notwithstanding the provisions of Section 5506, the commission shall have the authority to accept policies of insurance written by nonadmitted insurers subject to Section 1763 of the Insurance Code of this State, provided that the policies of insurance shall meet the rules and regulations promulgated therefor by the commission.

CHAPTER 1283

An act to amend Sections 72706 and 72708 of the Government Code, relating to commissioners of the municipal court.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 72706 of the Government Code is amended to read:

72706. The judges of the municipal court shall appoint as many commissioners, not exceeding six, as the business of the court requires. Each commissioner shall possess the same qualifications as the law requires of a judge of the court. Within the jurisdiction of the court and under the direction of the judges, each commissioner shall exercise the powers and perform the duties authorized by law to be performed by commissioners of the superior court and such additional powers and duties as may be prescribed by law. Each commissioner shall hold office at the pleasure of the judges and shall receive the monthly salary specified in step B of Schedule 69 of the salary schedule provided in this article. The commissioners shall be ex officio deputy clerks of the court and shall be members of any retirement system which includes attachés of the court.

SEC. 2. Section 72708 of said code is amended to read:

72708. The judges of the municipal court shall appoint a traffic commissioner who shall hold office at the pleasure of the judges and receive the monthly salary specified in step B of Schedule 69 of the salary schedule provided in this article.

In addition if he possess the qualifications prescribed by law for such office, he may be appointed and serve as a general commissioner of the court as provided in Section 72706 without extra compensation. He shall be a member of any retirement system which includes attachés of the court.

CHAPTER 1284

An act to amend Section 1634 of, and to add Section 12640.145 to, the Insurance Code, relating to unlicensed employees of mortgage insurers.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 1634 of the Insurance Code is amended to read:

1634. No license is required under the provisions of this chapter for a person to act in the following capacities:

(a) As an employee, not paid on a commission basis, of a title insurer;

(b) As a salaried solicitor or agent of a mortgage insurer or mortgage guaranty insurer provided no part of the compensation of such person is on a commission basis;

(c) As the attorney in fact of a reciprocal of interinsurance exchange;

(d) As a life insurance analyst;

(e) As a surplus line broker or special lines surplus line broker; or

(f) As a bail agent, bail solicitor or bail permittee.

SEC. 2. Section 12640.145 is added to said code, to read:

12640.145. No mortgage guaranty insurer shall pay any compensation to any person for transacting insurance for or with it based in whole or in part upon a commission basis unless such person is licensed pursuant to and subject to all the provisions of and restrictions in Chapter 5, Part 2, Division 1 of this code. This section shall not be construed so as to affect the meaning of any other provisions of this article.

CHAPTER 1285

An act to add Article 1.7 (commencing with Section 688) to Chapter 1, Part 2, Division 1 of the Insurance Code, relating to maintenance of continuity of management and operations of insurance companies in event of national emergencies.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Article 1.7 (commencing with Section 688) is added to Chapter 1, Part 2, Division 1 of the Insurance Code, to read:

Article 1.7. Continuity of Management

688. The Legislature declares that it is desirable for the general welfare and in particular for the welfare of insurance beneficiaries, policyholders, injured claimants and others that the business of domestic insurers be continued notwithstanding the event of a national emergency.

The specific purpose of this chapter is to facilitate the continued operation of domestic insurers in the event that a national emergency is caused by an attack on the United States or by a nuclear, atomic or other disaster which makes it impossible or impracticable for a company to conduct its business in strict accord with applicable provisions of law, its bylaws, or its charter.

688.1. The board of directors of any domestic insurer may at any time adopt emergency bylaws, subject to repeal or change by action of those having power to adopt regular bylaws for the insurer, which shall be operative during such a national emergency and which may, notwithstanding any different provisions of the regular bylaws, or of the applicable statutes, or of the insurer's charter, make any provision that may be reasonably necessary for the operation of the insurer during the period of such emergency.

688.2. In the event that the board of directors of a domestic insurer has not adopted emergency bylaws, the following provisions shall become effective upon the occurrence of such a national emergency:

(1) Three directors shall constitute a quorum for the transaction of business at all meetings of the board.

(2) Any vacancy in the board may be filled by a majority of the remaining directors, though less than a quorum, or by a sole remaining director.

(3) If there are no surviving directors, but at least three vice presidents of the company survive, the three vice presidents with the longest term of service shall be the directors and shall possess all of the powers of the previous board of directors and such powers as are granted herein or by subse-

quently enacted legislation. By majority vote such emergency board of directors may elect other directors. If there are not at least three surviving vice presidents, the commissioner or duly designated person exercising the powers of the commissioner shall appoint three persons as directors who shall possess all of the powers of the previous board of directors and such powers as are granted herein or by subsequently enacted legislation, and these persons by majority vote may elect other directors.

688.3. At any time the board of directors of a domestic insurer may, by resolution, provide that in the event of such a national emergency and in the event of the death or incapacity of the president, the secretary or the treasurer of the company such officers, or any of them, shall be succeeded in the office by the person named or described in a succession list adopted by the board of directors. Such list may be on the basis of named persons or position titles, shall establish the order of priority and may prescribe the conditions under which the powers of the office shall be exercised.

688.4. At any time the board of directors of a domestic insurer may, by resolution, provide that in the event of such a national emergency the home office or principal place of business of the insurer shall be at such location as is named or described in the resolution. Such resolution may provide for alternate locations and establish an order of preference.

688.5. "Insurer" as used in this article includes insurance corporations and insurer organizations of every type and reciprocal or interinsurance exchanges and the incorporated attorney in fact of a reciprocal or interinsurance exchange, which corporate attorney in fact is either organized under the laws of or has its home office and principal place of business in this State.

"Board of directors" as used in this article includes the policy-determining body of an insurer whether or not it is called by that name.

CHAPTER 1286

An act to amend Sections 1800.6 and 1800.7 of, and to add Section 1800.75 to, the Insurance Code, relating to bail.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 1800.6 of the Insurance Code is amended to read:

1800.6. This chapter shall not limit the power of any city or county to enact other and further regulations concerning, and not in conflict with, the provisions of this chapter.

SEC. 2. Section 1800.7 of the Insurance Code is amended to read:

1800.7. Any individual person may execute or furnish a bail bond if no consideration is paid or allowed, directly or indirectly, by any person for the execution or furnishing thereof, provided such person does not in connection with such execution or furnishing violate Section 1800.75.

SEC. 3. Section 1800.75 is added to said code, to read:

1800.75. No person shall advertise or hold himself out as engaging in the business of executing, delivering, or furnishing bail bonds or undertakings of bail whether or not for consideration without holding at the time thereof all proper licenses required by this chapter.

CHAPTER 1287

An act requiring the Department of Parks and Recreation to correct the description of property contained in a deed by which the State acquired property now constituting the Las Tunas State Park.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. The Department of Parks and Recreation shall correct the description of property contained in the deed by which the State obtained the Las Tunas State Park, located in Los Angeles County from the estate of Samuel B. Wood, also known as Sam Wood, deceased, by reconveyance to the rightful owners of all right, title, and interest of the State of California in any property designated in such deed which is not included in the following description:

"That portion of Section 31, Township 1 South, Range 16 West, S.B.M., in the County of Los Angeles and State of California, according to the official plat of the survey of said land on file in the Bureau of Land Management, bounded northerly by the center line of the State Highway 80 feet in width, as granted to the State of California by deed recorded on August 24, 1932 in Book 11771, Page 143 of Official Records of said county, bounded southerly by the line of ordinary high tide of the Pacific Ocean, bounded easterly by the compromise line established by agreement by and between the Title Insurance and Trust Company, and Unity Realty Company, recorded in Book 5886, Page 313 of Deeds, or the southerly prolongation of said line and bounded westerly by the west line of Lot 6 of said Section 31, or the southerly prolongation of said west line.

Except therefrom that portion lying westerly of a line that is parallel with said compromise line and distant westerly therefrom 400.00 feet, measured along a line parallel with the

northerly line (or its prolongation) of Lot 6 of said Section 31."

SEC. 2. The deed by which the State acquired property, now constituting the Las Tunas State Park, by mistake, error and inadvertence, describes property in which the estate of Samuel B. Wood had no interest and this deed casts a cloud upon the title of the owners of that portion of property which was by mistake, error and inadvertence described in the deed. This act is necessary in order to remove the cloud cast upon the title of the rightful owners by the above-mentioned error in the deed.

CHAPTER 1288

An act to amend Section 1260 of the Civil Code, relating to homesteads.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 1260 of the Civil Code is amended to read:

1260. Homesteads may be selected and claimed:

1. By any head of a family, of not exceeding fifteen thousand dollars ($15,000) in actual cash value, over and above all liens and encumbrances on the property of the time of any levy of execution thereon.

2. By any other person, of not exceeding seven thousand five hundred dollars ($7,500) in actual cash value, over and above all liens and encumbrances.

CHAPTER 1289

An act to amend Section 6954 of the Education Code, relating to education of institutionalized children.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 6954 of the Education Code is amended to read:

6954. The county superintendent of schools in each county, and city and county, shall file with the board of supervisors not later than the eighth day of August of each year a request for sufficient funds to pay the total amount of claims presented to him in accordance with this chapter.

If during any fiscal year the county superintendent of schools determines that an amount of at least one hundred dollars ($100) more or an amount of at least one hundred dollars ($100) less than was required for the claim of any individual district under Section 6953 included in a request filed by him with the county board of supervisors during a prior fiscal year, such amount shall, not later than the third succeeding fiscal year, be added to or deducted from the request for funds for the then current fiscal year.

CHAPTER 1290

An act to amend Section 201 of the Streets and Highways Code, relating to street project completion reports.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 201 of the Streets and Highways Code is amended to read:

201. Each city to which an expenditure or expenditures was delegated shall file with the department annually at such time as the department may designate a report showing all expenditures made for maintenance in such detail as the department may require.

Within 90 days after the completion by any city of a delegated project for the acquisition of real property for, or for the construction or improvement of, any street, such city shall file with the department a report in respect thereto, and within 120 days after the completion of all financial transactions in connection therewith shall file a final report, in such detail as the department may require.

CHAPTER 1291

An act to amend Sections 10237, 10237.1, 10237.2, 10237.7, and 10238.3 of, and to add Sections 10225 and 10237.25 to, the Business and Professions Code, relating to real property securities dealers.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 10237 of the Business and Professions Code is amended to read:

10237. A real property securities dealer within the meaning of this article is any person, acting as principal or agent, who engages in the business of:

(a) Selling real property securities to the public, or

(b) Offering to accept or accepting funds for continual reinvestment in real property securities, or for placement in an account, plan or program whereby the dealer implies that a return will be derived from a specific real property sales contract or promissory note secured directly or collaterally by a lien on real property which is not specifically stated to be based upon the contractual payments thereon.

A person who sells or exchanges a real property security as defined by subdivisions (b) or (c) of Section 10237.1 through a real property securities dealer shall not be deemed to be a real property securities dealer because of such sale or exchange.

SEC. 2. Section 10237.1 of said code is amended to read:

10237.1. The term real property security as used in this article means:

(a) An investment contract made in connection with the sale of a single promissory note secured directly or collaterally by a lien on real property or a single real property sales contract wherein the real property securities dealer or his principal agrees to do or implies that he will do any of the following:

1. Guarantee the note or contract against loss at any time, or

2. Guarantee that payments of principal or interest will be paid in conformity with the terms of the note or contract, or

3. Assume any payments necessary to protect the security of the note or contract, or

4. Accept, from time to time, partial payments toward the purchase of the note or contract, or

5. Guarantee a specific yield or return on the note or contract, or

6. Pay with his own funds any interest or premium for a period prior to actual purchase and delivery of the note or contract, or

7. Pay with his own funds any money after the note or contract falls into arrears, or

8. Repurchase the note or contract.

(b) One of a series of promotional notes secured by liens on separate parcels of real property in one subdivision or in contiguous subdivisions.

(c) One of a series of real property sales contracts pertaining to separate parcels of real property in one subdivision or in contiguous subdivisions, all of which are executed by one person or persons associated together as owners.

Performance of services in connection with loans or promissory notes secured directly or collaterally by a lien on real property or a real property sales contract, as agent for and at the direction of the lender, borrower, or purchaser, including but not limited to the payment of taxes, insurance premiums or costs of foreclosure, if all such costs (excluding routine office expenses) of such services are paid by or payable by borrower, lender or purchaser shall not be construed to be an

investment contract as defined in subdivision (a) of this section, or as a security for the purposes of the Corporate Securities Act.

As used in this section "promotional note" means a promissory note secured by a trust deed executed on unimproved real property, or executed after construction of an improvement of the property but before the first sale of the property as so improved, or executed as a means of financing the first purchase of the property as so improved, and which is subordinate or which by its terms may become subordinate to any other trust deed on the property; provided that the term "promotional note" does not include (i) a note which was executed in excess of three (3) years prior to being offered for sale or (ii) a note secured by a first trust deed on real property in a subdivision, which evidences a bona fide loan made in connection with the financing of the usual costs of the development of a residential, commercial, or industrial building or buildings on the property under a written agreement providing for the disbursement of the loan funds as costs are incurred or in relation to the progress of the work and providing for title insurance insuring the priority of the security as against mechanic's and materialmen's liens or for the final disbursement of at least 10 percent of the loan funds after the expiration of the period for the filing of mechanics' and materialmen's liens.

The term real property security does not include any bond or debenture or note which is one of a series of notes of equal priority secured by an interest in the same real property.

SEC. 3. Section 10237.2 of said code is amended to read:

10237.2. As used in this article "sale" or "sell" includes every issuance, creation for resale, disposition or attempt to dispose of a real property security for value and includes all of the following, whether done directly or by circular letter, advertisement, radio or television broadcast or otherwise: an offer to sell, an attempt to sell, a solicitation of a sale, a contract of sale or an exchange.

SEC. 4. Section 10237.25 is added to said code, to read:

10237.25. The sale to pension, retirement or similar trust funds, to corporation, to institutional lending agencies, to real estate broker licensees, or to attorneys shall not be deemed a sale to the public for the purpose of this article.

SEC. 5. Section 12037.7 of said code is amended to read:

10237.7. Every real property securities dealer shall file, ten (10) days prior to use, true copies of all material subject to Section 10235 which pertains to activities subject to this article with the commissioner. No dealer shall use any such material in any way after the commissioner gives notice in writing that such material contains any statement that is false or misleading or omits to state material information that is necessary to make the statement therein complete and accurate. Failure to give notice within the ten (10) days shall be deemed to indicate the material is not disapproved.

SEC. 6. Section 12038.3 of said code is amended to read:

10238.3. No real property security as defined in Section 10237.1 shall be sold to the public without either the issuer or the real property securities dealer first obtaining a permit from the commissioner.

SEC. 7. Section 10225 is added to said code, to read:

10225. An application for a permit to sell real property securities secured by liens on real property situated outside the State of California shall be accompanied by the filing fee together with an amount equivalent to ten cents ($0.10) a mile for each mile going and returning, or where public transportation is available the actual round trip fare pertaining thereto, estimated by the commissioner to be traveled from the office of the Division of Real Estate where the application is filed to the location of the property, and an amount estimated to be necessary to cover the expense of the inspection and appraisal of said property not to exceed fifty dollars ($50) a day for each day actually spent in the inspection and appraisal of said property or properties.

CHAPTER 1292

An act to amend Section 29321 of the Government Code, relating to county revolving funds.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 29321 of the Government Code is amended to read:

29321. The board of supervisors may establish a revolving fund for the use of any officer of the county by adopting a resolution setting forth: (a) the necessity for the fund, (b) the office, department, service, or institution for which the fund is available, and (c) the amount of the fund, which shall not exceed one thousand dollars ($1,000), except that in counties having a population of 90,000 but less than 6,000,000 according to the latest federal census the revolving fund shall not exceed five thousand dollars ($5,000). In counties with a population of 6,000,000 or more, the revolving fund shall not exceed twenty-five thousand dollars ($25,000).

CHAPTER 1293

An act to amend Section 27656 of the Education Code, relating to bonds for library districts in unincorporated towns and villages.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 27656 of the Education Code is amended to read:

27656. On the seventh day after the election, at 8 o'clock p.m., the returns having been made to the board of trustees, the board shall meet and canvass the returns, and if it appears that more than one-half of the votes cast at the election are in favor of issuing the bonds, then the board shall cause an entry of the fact to be made upon its minutes and shall certify to the board of supervisors, all the proceedings had in the premises. Thereupon the board of supervisors shall issue the bonds of the district, to the number and amount provided in the proceedings, payable out of the building fund of the district, naming the district.

CHAPTER 1294

An act to add Section 13856.5 to the Health and Safety Code, relating to fire protection districts.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 13856.5 is added to the Health and Safety Code, to read:

13856.5. Whenever petitions signed by at least 10 percent of the qualified electors of the district are submitted to the district board, which requests that the district board provide a civil service system for employees of the district, the district board shall by ordinance provide for a civil service system for the employees of the district. Such petitions may be circulated by the employees of the district at any time when they are not on duty.

The ordinance of the district board providing for a civil service system for the employees of the district, pursuant to this section, shall not go into effect until the proposition of its approval has been submitted to the qualified electors of the district at a general or special election and has received the affirmative vote of a majority of the electors voting on the proposition. The proposition of approval shall call for a "Yes" or "No" vote and shall read in substance as follows:

"Shall the ordinance of the district board of the _____ (name of district) Fire Protection District adopting a civil service system for the employees of the district be approved?"

CHAPTER 1295

An act to add Chapter 4.5 (commencing with Section 4660) to Division 2 of the Public Utilities Code, relating to the regulation of for-hire vessel operators.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Chapter 4.5 (commencing with Section 4660) is added to Division 2 of the Public Utilities Code, to read:

CHAPTER 4.5. FOR-HIRE VESSELS

Article 1. Accident Liability Protection

4660. As used in this chapter, "for-hire vessel operator" means any person owning, controlling, operating, or managing a for-hire vessel for the transportation of persons for compensation in this State.

4661. As used in this chapter, "for-hire vessel" includes any vessel, by whatsoever power operated, carrying passengers for hire, except a seaplane on the water, and vessels exempt from taxation under Section 4 of Article XIII of the Constitution of the State of California.

4662. As used in this chapter, "person" means any individual, firm, partnership, private, municipal or public corporation, company, association, joint stock association, trustee, receiver, assignee, or other similar representative.

4663. The Public Utilities Commission shall require every for-hire vessel operator to procure, and continue in effect so long as the for-hire vessel operator continues to offer his services for compensation, adequate protection against liability imposed by law upon a for-hire vessel operator for the payment of damages for personal bodily injuries, including death resulting therefrom, and property damage as a result of an accident.

4664. The commission shall, after a public hearing, set the amount of liability insurance, required by Section 4663, which is reasonably necessary to provide adequate compensation for damage incurred through an accident involving a for-hire vessel operator.

4665. The protection required under Section 4663 shall be evidenced either by the deposit with the commission, covering

each vessel used or to be used in for-hire vessel operations for compensation, of:

(a) A copy of the policy of insurance, issued by a company licensed to write such insurance in the State; or

(b) A bond of a surety company licensed to write surety bonds in the State.

(c) Such evidence of the qualification of the for-hire vessel operator as a self-insurer as may be authorized by the commission.

4666. With the consent of the commission a copy of an insurance policy, certified by the company issuing it to be a true copy of the original policy, or a photostatic copy thereof, or an abstract of the provisions of the policy, or a certificate of insurance issued by the company issuing the policy, may be filed with the commission in lieu of the original or a duplicate or counterpart of the policy.

4667. The protection against liability shall be continued in effect so long as the for-hire vessel operator continues to offer his services for compensation. The policy of insurance or surety bond shall not be cancelable on less than thirty (30) days' written notice to the commission, except in the event of cessation of operations as a for-hire vessel operator.

4668. The commission may establish such rules as are necessary to enforce this article.

4669. Any for-hire vessel operator who knowingly refuses or fails to procure protection against liability, as required by Section 4663, within six (6) months from the effective date of this part, shall be guilty of a misdemeanor.

CHAPTER 1296

An act to amend Section 54661 of the Government Code, relating to the issuance, sale and exchange of refunding bonds by local agencies.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 54661 of the Government Code is amended to read:

54661. All provisions of this chapter applicable to the issuance and sale of bonds, except the provisions of Article 3, are applicable to refunding bonds and to their issuance and sale or exchange. No election shall be required to authorize the issuance of refunding bonds. The legislative body may provide for their issuance and sale or exchange by resolution to take effect upon adoption. If the legislative body determines to sell the refunding bonds or any part thereof, they shall be offered for sale in the manner provided by Section 54388.

CHAPTER 1297

An act to amend Sections 74182, 74183, 74184, 74185, 74185.5, and 74185.6 of the Government Code, relating to municipal courts.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 74182 of the Government Code is amended to read:

74182. There shall be one clerk who shall be appointed by the judges of the court, and who shall be secretary of the court. The clerk shall receive a monthly salary at a rate specified in Schedule 33 of Section 74185.5

SEC. 2. Section 74183 of said code is amended to read:

74183. The clerk shall appoint:

(a) Two chief deputy clerks, each of whom shall receive a monthly salary at a rate specified in Schedule 26 of Section 74185.5.

(b) Six court clerks, each of whom shall receive a monthly salary at a rate specified in Schedule 21 of Section 74185.5.

(c) Three deputy clerks, grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 21 of Section 74185.5.

(d) Fifteen deputy clerks, grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 18 of Section 74185.5.

(e) Three deputy clerks, grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 15 of Section 74185.5.

SEC. 3. Section 74184 of said code is amended to read:

74184. There shall be one marshal, to be appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 33 of Section 74185.5

SEC. 4. Section 74185 of said code is amended to read:

74185. The marshal shall appoint:

(a) Three deputy marshals (sergeants) each of whom shall receive a monthly salary at a rate specified in Schedule 25 of Section 74185.5.

(b) Six deputy marshals (bailiffs) each of whom shall receive a monthly salary at a rate specified in Schedule 23 of Section 74185.5.

(c) One deputy marshal (clerk grade III), who shall receive a monthly salary at a rate specified in Schedule 21 of Section 74185.5.

(d) Three deputy marshals (clerk grade II), each of whom shall receive a monthly salary at a rate specified in Schedule 18 of Section 74185.5.

SEC. 5. Section 74185.5 of said code is amended to read:

74185.5. Whenever reference to a numbered salary schedule is made in any section of this article, the following schedule of monthly salaries shall apply:

Schedule number	Step 1	Step 2	Step 3	Step 4	Step 5
13	310	325	341	358	376
14	325	341	358	376	395
15	341	358	376	395	415
16	358	376	395	415	436
17	376	395	415	436	458
18	395	415	436	458	481
19	415	436	458	481	505
20	436	458	481	505	530
21	458	481	505	530	556
22	481	505	530	556	584
23	505	530	556	584	613
24	530	556	584	613	644
25	556	584	613	644	676
26	584	613	644	676	710
27	613	644	676	710	745
28	644	676	710	745	782
29	676	710	745	782	821
30	710	745	782	821	862
31	745	782	821	862	905
32	862	905	950		
33	905	950	1,000		
34	950	1,000	1,050		
35	1,000	1,050	1,100		
36	1,050	1,100	1,150		
37	1,100	1,150	1,200		
38	1,150	1,200	1,250		
39	1,200	1,250	1,300		
40	1,250	1,300	1,350		

(a) Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to the salary schedule set forth in this article, shall, for the first 12 months of service, receive monthly the rate of compensation specified in the first step of the salary schedule for the position to which he is appointed. Upon the first day of the month following 12 months' continuous service in a class, the initial rate of compensation of such person shall be increased to the next higher step of the salary schedule for the position occupied. On and after the first day of the month following each ensuing 12 months of such service such compensation shall be increased to the rate specified in the next higher step of the salary schedule for the position occupied until such compensation equals the sum specified in the highest step of the schedule pertaining to such position.

(b) When any person in the service of the court is appointed or promoted to another office or position in such service compensated at a higher numbered schedule, he shall receive step 1 of such schedule if step 1 is at least one step higher than the salary received in the office or position relinquished; but if not, he shall receive initially that step of the schedule pertaining to such office or position which will provide a one-step increase in his compensation.

(c) When any person in the service of the court is demoted to another office or position he shall receive compensation at the highest step of the salary schedule applicable to the position to which he is demoted which provides a salary not higher than that previously received by such person, except that if such demotion is due to disciplinary action, the appointing power may specify any step rate of such schedule which provides compensation not higher than that last previously received by such person.

SEC. 6. Section 74185.6 of said code is amended to read:

74185.6. Notwithstanding the provisions of Article 4 (commencing at Section 72150) of Chapter 8 of this title and the provisions of this article, and in order to equalize the compensation of employees of the municipal court with the compensation paid to county employees with commensurate duties and responsibilities, upon recommendation of the judges of the court and with the approval of the Board of Supervisors of the County of Sacramento, an officer or an attaché of the court, whether appointed under the provisions of this article or under Article 4 of Chapter 8 of this title, may be paid any compensation in excess of or less than the maximum to which such employee would otherwise be entitled under the schedules set forth in this article; provided, that any such salary adjustment shall not extend longer than ninety (90) days after the adjournment of the next general session of the Legislature.

CHAPTER 1298

An act to amend Section 1 of Chapter 437 of the Statutes of 1935, relating to certain lands held in trust by the City and County of San Francisco.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 1 of Chapter 437 of the Statutes of 1935 is amended to read:

Section 1. There is hereby granted to the City and County of San Francisco, a municipal corporation of the State of California, all the right, title and interest of the State of California held by said State by reason of its sovereign power,

in and to the following described parcel of land situate in the City and County of San Francisco, State of California, and described as follows, to wit:

Beginning at a point on the westerly line of Lyon Street, if produced in a northerly direction, said line being the easterly boundary of the Presidio U. S. Military Reservation, distant thereon 609.62 feet northerly from the northerly line of Marina Boulevard and running thence easterly in a straight line, and parallel with the northerly line of Marina Boulevard, 3648 feet 9 inches, more or less, to the westerly line of Webster Street if produced northerly; thence northerly along said line of Webster Street produced 1000 feet; thence at a right angle westerly 3648 feet 9 inches, more or less, to the westerly line of Lyon Street produced, and thence southerly along said line of Lyon Street produced 1000 feet, more or less, to the point of beginning.

Reserving, however, unto the State of California all rents due or to become due under the terms and conditions of any existing lease or leases of all, or any part of the hereinabove described real property heretofore entered into by the State of California, or by any board or commission of the State of California, and which said rent is payable to the State of California or to any board or commission of the State of California.

All of the above described real property hereby granted shall be forever held by said City and County of San Francisco and by its successors in trust for the uses and purposes and upon the express conditions following, to wit: said real property shall be used solely for aquatic, recreational, boulevard, park and playground purposes.

Provided, however, that said City and County of San Francisco shall have power to set apart and assign, or lease, any of said property hereinbefore described for a period not to exceed 20 years, to any corporation, club or association organized for the purpose of developing and promoting aquatic sport; provided, that no part of said property shall be set apart and assigned, or leased to any corporation, club or association the object of which is pecuniary profit.

CHAPTER 1299

An act to amend Section 602 of the Penal Code, relating to trespass.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 602 of the Penal Code is amended to read:

602. Every person who willfully commits any trespass by either:

(a) Cutting down, destroying, or injuring any kind of wood or timber standing or growing upon the lands of another;

(b) Carrying away any kind of wood or timber lying on such lands;

(c) Maliciously injuring or severing from the freehold of another anything attached thereto, or the produce thereof;

(d) Digging, taking, or carrying away from any lot situated within the limits of any incorporated city, without the license of the owner or legal occupant thereof, any earth, soil, or stone;

(e) Digging, taking, or carrying away from land in any city or town laid down on the map or plan of such city, or otherwise recognized or established as a street, alley, avenue, or park, without the license of the proper authorities, any earth, soil or stone;

(f) Maliciously tearing down, damaging, mutilating, or destroying any sign, signboard or notice placed upon, or affixed to, any property belonging to the State, or to any city, county, city and county, town or village, or upon any property of any person, by the State or by an automobile association, which sign, signboard or notice is intended to indicate or designate a road or roads, or a highway or highways, or is intended to direct travelers from one point to another, or relates to fires, fire control, or any other matter involving the protection of the property, or putting up, affixing, fastening, printing, or painting upon any property belonging to the State, or to any city, county, town, or village, or dedicated to the public, or upon any property of any person, without license from the owner, any notice, advertisement, or designation of, or any name for any commodity, whether for sale or otherwise, or any picture, sign, or device intended to call attention thereto;

(g) Entering upon any lands owned by any other person whereon oysters or other shellfish are planted or growing; or injuring, gathering, or carrying away any oysters or other shellfish planted, growing, or being on any such lands, whether covered by water or not, without the license of the owner or legal occupant thereof; or destroying or removing, or causing to be removed or destroyed, any stakes, marks, fences, or signs intended to designate the boundaries and limits of any such lands;

(h) Willfully opening, tearing down, or otherwise destroying any fence on the enclosed land of another, or opening any gate, bar, or fence of another and willfully leaving it open without the written permission of the owner, or maliciously tearing down, mutilating, or destroying any sign, signboard, or other notice forbidding shooting on private property; or

(i) Building fires upon any lands owned by another where signs forbidding trespass are displayed at intervals not greater than one mile along the exterior boundaries and at all roads and trails entering such lands, without first having obtained written permission from the owner of such lands or his agent, or the person in lawful possession thereof; or

(j) Entering any lands, whether unenclosed or enclosed by fence, for the purpose of injuring any property or property rights or with the intention of interfering with, obstructing, or injuring any lawful business or occupation carried on by the owner of such land, his agent or by the person in lawful possession; or

(k) Entering any lands under cultivation or enclosed by fence, belonging to, or occupied by, another, or entering upon uncultivated or unenclosed lands where signs forbidding trespass are displayed at intervals not less than three to the mile along all exterior boundaries and at all roads and trails entering such lands, for the purpose of hunting, shooting, killing, or destroying any animal, or bird on such lands without having first obtained written permission from the owner of such lands, or his agent, or the person in lawful possession thereof;

(*l*) Entering and occupying real property or structures of any kind without the consent of the owner, his agent, or the person in lawful possession thereof;

(m) Entering upon any lands declared closed to entry as provided in Section 4126.5 of the Public Resources Code; provided, such closed areas shall have been posted with notices declaring such closure, at intervals not greater than one mile along the exterior boundaries or along roads and trails passing through such lands;

(n) Entering any privately owned lands described in paragraph (k) without the written permission of the owner of such land, his agent or of the person in lawful possession, and

(1) Discharging any firearm, or

(2) Refusing or failing to leave such lands immediately upon being requested by the owner of such land, his agent or by the person in lawful possession to leave such lands, or

(3) Tearing down, mutilating or destroying any sign, signboard or notice forbidding entry on such lands, or

(4) Removing, injuring, unlocking, or tampering with any lock on any gate on or leading into such lands;

(o) Refusing or failing to leave a public building of a public agency during those hours of the day or night when the building is regularly closed to the public upon being requested to do so by a regularly employed guard, watchman, or custodian of the public agency owning or maintaining the building or property, if the surrounding circumstances are such as to indicate to a reasonable man that such person has no apparent lawful business to pursue;

is guilty of a misdemeanor.

CHAPTER 1300

An act to add Section 16003 to the Education Code, relating to school district property.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 16003 is added to the Education Code, to read:

16003. The governing board of a school district may acquire property in an adjoining school district by lease, or purchase and dispose of such property in the same manner as property within the boundary of the district is purchased and disposed of, where the acquisition of such property is deemed necessary by the governing board for use as garages, warehouse, or other utility purposes.

The power of eminent domain shall not be applicable and such acquisitions by purchase shall be subject to the approval of the governing board of school district in which the property is located.

CHAPTER 1301

An act to add Section 13722.2 to the Education Code, relating to school district personnel.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 13722.2 is added to the Education Code, to read:

13722.2. Any person, other than one with substitute status only, who has been continuously employed by a school district in a child care center in a position not requiring certification qualifications in accordance with Education Code Section 16626 for a period of six or more months immediately preceding the date upon which law becomes effective making him subject to this article shall without examination be deemed to be in the permanent classified service. Any person, other than one with substitute status only, so employed for less than six months immediately preceding the date upon which law becomes effective making him subject to this article shall without examination be deemed to hold his position under probationary classification.

Seniority rights and other benefits of such employees shall be determined by rule adopted by the personnel commission. The provisions of this section shall be in effect until June 30, 1964, at which time this section shall become inoperative.

CHAPTER 1302

An act to amend Section 966 of the Education Code, relating to public school districts

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 966 of the Education Code as added by Chapter 629 of the Statutes of 1963 is amended to read:

966. Except as provided in Section 54957 of the Government Code or in Section 967, all meetings of the governing board of any school district shall be open to the public, and all actions authorized or required by law of the governing board shall be taken at such meetings and shall be subject to the following requirements:

(a) Minutes must be taken at all such meetings, recording all actions taken by the governing board. Such minutes shall constitute public records, and shall be available to the public. Until the governing board adopts such minutes as the official minutes, such minutes shall be labeled the unadopted minutes. The official minutes shall also constitute public records and shall be available to the public.

(b) A list of items that will constitute the agenda for all regular meetings shall be posted at a place where parents and teachers may view the same at least 48 hours prior to the time of said regular meeting, and, in the case of special meetings, at least 24 hours prior to said special meeting.

CHAPTER 1303

An act to amend Section 654 of, and to add Section 4080.5 to, the Business and Professions Code, relating to pharmacies.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 654 of the Business and Professions Code is amended to read:

654. No person licensed under Chapter 5 (commencing with Section 2000) of this division may have any membership, proprietary interest or co-ownership in any form in or with any person licensed under Chapter 5.5 (commencing with Section 2550) of this division to whom patients, clients or customers are referred or any profit-sharing arrangements. Nor, after June 1, 1967, shall any person licensed under Chapter 5 of this division have any membership, proprietary interest, or

co-ownership in any form in or with a pharmacy regulated by Chapter 9 (commencing with Section 4000) of this code, except that this shall not apply to a hospital pharmacy nor prohibit ownership in the building in which a pharmacy is located.

"Proprietary interest" does not include ownership of a building where space is leased to a pharmacy at the prevailing rate, either under a straight lease or a percentage of the gross income of the pharmacy.

SEC. 2. Section 4080.5 is added to said code, to read:

4080.5. The board shall not issue any new permit to conduct a pharmacy to a person who is licensed under Chapter 5 (commencing with Section 2000) of this division.

CHAPTER 1304

An act to add Section 10234 to the Elections Code, relating to the conduct of elections.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 10234 is added to the Elections Code, to read:

10234. If the county clerk of any county with a population of 4,000,000 or over finds it necessary in connection with the use of any approved method of vote counting, he may provide for the following changes in the format of ballots in one or more precincts at any election:

(a) Ballots may be bound and padded at the top.

(b) The left and right edge of ballots may be trimmed to the edge of printed material.

(c) A series of punched holes may be provided in the upper right-hand portion of each ballot.

(d) The ballot number may be placed at any place along the top edge of the ballot, instead of in the left-hand corner.

(e) A cutout section, not to exceed two inches in depth, commencing at the left hand edge of the far right column of the ballot, may be provided along the top edge of the ballot.

(f) Press perforations may be placed between columns of the ballot, from top to bottom, to permit the folding of the ballot at each perforation.

(g) The width of columns may be varied, but no column shall be more than 10 percent wider or more narrow than any other column.

(h) The right margin of the ballot, which contains voting squares, may be up to one-half inch wide.

(i) "Yes" and "No" columns, where necessary, may be as narrow as one-quarter inch wide.

(j) The instructions to voters may be placed at the bottom

of the ballot instead of at the top of the ballot, and an appropriate reference to the location of the instructions may be printed in the upper right portion of the ballot.

(k) Summary forms, in various colors, may be used in place of tally sheets.

CHAPTER 1305

An act to amend Section 6552 of the Elections Code, relating to filing fees for candidates.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 6552 of the Elections Code is amended to read:

6552. The following fees for filing declarations of candidacy shall be paid to the Secretary of State by each candidate:

(a) Two percent of the first year salary for the office of United States Senator or for any state office. The fee prescribed in this subdivision does not apply to the office of State Senator or Assemblyman or to an office to be voted for in a district comprising more than one county.

(b) One percent of the first year salary for the office of Representative in Congress or for any office to be voted for in any district comprising more than one county, except the office of State Senator or Assemblyman.

(c) One percent of the first year salary for the office of State Senator or Assemblyman.

CHAPTER 1306

An act to add Section 1696.5 to the Labor Code, relating to farm labor contractors.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 1696.5 is added to the Labor Code, to read:

1696.5. Every licensee shall semimonthly or at the time of each payment of wages furnish each of the workers employed by him either as a detachable part of the check, draft, or voucher paying the employee's wages, or separately, an itemized statement in writing showing in detail each and every deduction made from such wages.

CHAPTER 1307

An act to amend Section 34755 of the Water Code, relating to California water districts.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 34755 of the Water Code is amended to read:

34755. No officer of a district shall in any manner be interested in any contract awarded or to be awarded by the board or in the profits to be derived therefrom.

An officer shall not be deemed to be interested in a contract if his interest is:

(a) The ownership of less than 3 percent of the shares of a corporation for profit;

(b) That of an officer in being reimbursed for his actual and necessary expenses incurred in the performance of official duty;

(c) That of a recipient of public services generally provided by the public body or board of which he is a member, on the same terms and conditions as if he were not a member of the board.

The amendment of this section made at the 1963 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the pre-existing law.

CHAPTER 1308

An act to add Section 2931c to the Civil Code, relating to actions to foreclose liens.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 2931c is added to the Civil Code, to read:

2931c. The Attorney General may bring an action in the courts of this or any other state or of the United States to enforce any lien to secure the payment of taxes or other obligations to the State of California under the Unemployment Insurance Code or the Revenue and Taxation Code or to subject to payment of the liability giving rise to the lien any property in which the debtor has any right, title, or interest. In any action brought under this section the court shall have jurisdiction to determine the priority and effect of the lien in or upon the property, but the jurisdiction of the court in such action shall not extend to a determination of the validity of the liability giving rise to the lien.

CHAPTER 1309

An act to add Section 4048 to the Business and Professions Code, relating to pharmacy.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 4048 is added to the Business and Professions Code, to read:

4048. The label on any drugs furnished to a patient under the provisions of Section 4051 of this chapter, or dispensed on prescription by a pharmacist as provided in this chapter, shall, in addition to any other information required to be stated thereon, contain the expiration date of the effectiveness of the drug if such information is required on the original label of the manufacturer of the drugs.

CHAPTER 1310

An act to amend Section 1804.1 of the Civil Code, relating to retail installment sales.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 1804.1 of the Civil Code is amended to read:

1804.1. No contract or obligation shall contain any provision by which:

(a) The buyer agrees not to assert against a seller a claim or defense arising out of the sale or agrees not to assert against an assignee such a claim or defense other than as provided in Section 1804.2.

(b) In the absence of the buyer's default in the performance of any of his obligations, the holder may accelerate the maturity of any part or all of the amount owing thereunder.

(c) A power of attorney is given to confess judgment in this State, or an assignment of wages is given; provided, that nothing herein contained shall prohibit the giving of an assignment of wages contained in a separate instrument, executed pursuant to Section 300 of the Labor Code.

(d) The seller or holder of the contract or other person acting on his behalf is given authority to enter upon the buyer's premises unlawfully or to commit any breach of the peace in the repossession of goods.

(e) The buyer waives any right of action against the seller or holder of the contract or other person acting on his behalf,

for any illegal act committed in the collection of payments under the contract or in the repossession of goods.

(f) The buyer executes a power of attorney appointing the seller or holder of the contract, or other person acting on his behalf, as the buyer's agent in collection of payments under the contract or in the repossession of goods.

(g) The buyer relieves the seller from liability for any legal remedies which the buyer may have against the seller under the contract or any separate instrument executed in connection therewith.

(h) The buyer agrees to the payment of any charge by reason of the exercise of his right to rescind or avoid the contract.

CHAPTER 1311

An act to add Section 14107.1 to the Education Code, relating to State Teachers' Retirement System.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 14107.1 is added to the Education Code, to read:

14107.1. Any member, in addition to service credit provided under Sections 14054 to 14068, may purchase credit for similar service as a teacher in the public day schools, in state universities, state normal schools and other state or municipal institutions of a character similar to the state or municipally supported schools of California in which membership in the State Teachers' Retirement System is allowed, of another state of the United States, or of any territory or possession of the United States, or of the District of Columbia. The deposits for such service can be in multiples of one hundred dollars ($100), and together with regular interest, shall be credited to the member's account in the Annuity Deposit Fund. Such payment, together with regular interest, may be refunded under the same conditions and in the same manner as refunds are made under Section 14151, and shall be subject to the redeposit provisions of Section 14155. At retirement such amounts credited in the Annuity Deposit Fund shall be applied toward the purchase of an additional annuity, as provided in Section 14355(c) and Section 14369(c), and the total allowances payable to retired persons at retirement, or at death prior to retirement, will not otherwise be affected by said purchased credit.

The retirement board shall have the authority to negotiate, and enter into agreements with other states of the United States on the subject of the transfer of members' contributions and interest thereon between the retirement systems of California and other states.

CHAPTER 1312

An act to amend Section 1162 of the Education Code, relating to filling of vacancies on school district governing boards.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 1162 of the Education Code is amended to read:

1162. When such a vacancy occurs, the remaining members of the board shall appoint an eligible person to hold the office for the completion of the unexpired term. If the remaining members of the board fail to fill the vacancy within 60 days, the county board of education having jurisdiction shall appoint a person to fill the vacancy and shall immediately thereafter transmit the name of the appointee to the county superintendent of schools having jurisdiction over the district.

CHAPTER 1313

An act to amend Section 6216 of the Public Resources Code, relating to the administration and control of state lands.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 6216 of the Public Resources Code is amended to read:

6216. This section is enacted for the purpose of declaring the scope and extent of the powers, duties, purposes, responsibilities and jurisdiction of the State Lands Commission, but nothing herein shall be construed as limiting any power, duty, purpose, responsibility or jurisdiction heretofore or by this code vested in or conferred upon the commission.

(a) Upon the enacting of the State Lands Act of 1938 the Legislature intended to and did vest in the commission all those powers, duties, purposes, responsibilities and jurisdiction of the Department of Finance as set forth in Section 6102 of this code, and of the Chief of the Division of State Lands, and the Division of State Lands, including the full authority, as provided by law, to administer, sell, lease or dispose of the public lands owned by this State or under its control, including not only school lands but tidelands, submerged lands, swamp and overflowed lands, and beds of navigable rivers and lakes. The commission was further authorized to provide for the extraction of minerals and oil and gas from any or all of

such lands, but its authority and jurisdiction over such lands was not and is not now limited thereto.

(b) The provisions of Section 48 of the State Lands Act of 1938, added thereto by Chapter 646 of the Statutes of 1939, as codified in Section 6301 of this code, shall hereafter supersede and control over any other provisions of law, whether general or special, relating to any tidelands or submerged lands or the beds of navigable rivers, streams, lakes, bays, estuaries, inlets or straits, without regard to whether any of such lands contain or may contain oil, gas or other minerals, and any such other provisions of law in conflict therewith are repealed.

(c) Any and all acts of the State Lands Commission heretofore performed by it in pursuance of Section 48 of the State Lands Act of 1938 are hereby confirmed, ratified and validated, without regard to whether the lands affected thereby contain or might contain oil, gas or other minerals. Lands under the jurisdiction of the San Francisco Port Authority are excluded from the jurisdiction of the State Lands Commission, except as provided in Sections 6216.5 and 6309.

CHAPTER 1314

An act to add Section 460 to the Elections Code, relating to indexes of registration.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 460 is added to the Elections Code, to read:

460. Notwithstanding anything contained in this article, in any county in which tabulating equipment is used to produce the indexes of registration, the indexes shall be produced, on and after April 1, 1966, by street addresses, in numerical order, and furnished to persons, committees, and agencies as provided in this article.

CHAPTER 1315

An act to amend Section 69894.3 of the Government Code, relating to court employee benefits.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 69894.3 of the Government Code is amended to read:

69894.3. Employees of the superior court in each county having a population of over 2,000,000 shall be entitled to such step advancement, vacation, sick leave, holiday benefits and

other leaves of absence and other benefits as may be directed by rules of the court. Where statutes require implementation by local ordinances for the extension of benefits to local officers and employees, these may be made applicable by rule to court personnel, including but not limited to jurors, and judges.

Such benefits shall also include the same lump sum payments for sick leave and vacation for the superior court employees when they are separated from the service as are made to county employees of such county.

Rules of the court may include other matters pertaining to the general administration of the court, including conditions of employment of court personnel, including but not limited to jurors and judges. When such rules are adopted by a majority of the judges and filed with the Judicial Council they shall have the same status as other rules of court adopted pursuant to Section 68070 of this code.

When requested to do so by the court the county shall through the county civil service commission furnish to the court such services as may be required in connection with the recruitment and employment of court officers and employees.

CHAPTER 1316

An act to add Chapter 5 (commencing with Section 11900) to Division 5 of the Vehicle Code, relating to the sale of automobile parts.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Chapter 5 (commencing with Section 11900) is added to Division 5 of the Vehicle Code, to read:

CHAPTER 5. SALE OF AUTOMOBILE PARTS

11900. (a) Any person who sells and installs new parts in passenger cars, in the ordinary course of his business, shall provide the customer with an invoice which identifies by brand name, or other comparable designation, the part or parts installed.

(b) Any person who sells and installs used or factory rebuilt parts in passenger cars, in the ordinary course of his business, shall provide the customer with an invoice which specifically designates the used part or parts installed.

(c) This section shall not apply to any fitting or other device necessary to the installation of any new, used or factory rebuilt part subject to the provisions of this section.

(d) Any willful violation of this section shall be a misdemeanor.

CHAPTER 1317

An act to amend Section 635 of the Vehicle Code, relating to trailer coaches.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 635 of the Vehicle Code is amended to read:

635. A "trailer coach" is a vehicle, other than a motor vehicle, designed for human habitation, or human occupancy for industrial, professional or commercial purposes, for carrying persons and property on its own structure, and for being drawn by a motor vehicle.

CHAPTER 1318

An act to amend Section 31214.2 of the Education Code, relating to the state competitive scholarship program.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 31214.2 of the Education Code is amended to read:

31214.2. In any instance where the State Scholarship Commission shall deem necessary, a competitive scholarship may be granted for a single semester or quarter or for two quarters of an academic year, and the award payment therefor shall be prorated accordingly. In any event a scholarship is vacated by virtue of the award winner withdrawing from college, the State Scholarship Commission may award the scholarship to another fully qualified student who has met all the requirements for a scholarship.

In any instance when a student who has been awarded a state scholarship attends a college at which the normal course of study, as announced by the college, for the baccalaureate degree is completed in three years rather than four years, the State Scholarship Commission may increase the amount of the annual award authorized in Section 31214 by up to one-third. In no event shall the scholarship of a student enrolled in a baccalaureate degree program of three years' duration exceed in the aggregate the total amount he would have received if enrolled in a four-year baccalaureate degree program.

CHAPTER 1319

An act to amend Section 2982 of the Civil Code, relating to automobile conditional sales contracts.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 2982 of the Civil Code is amended to read:

2982. (a) Every conditional sale contract for the sale of a motor vehicle, with or without accessories, shall be in writing and, if printed, shall be printed in type no smaller than six point, and shall contain in a single document all of the agreements of the buyer and seller with respect to the total cost and the terms of payment for the motor vehicle, including any promissory notes or any other evidences of indebtedness. The conditional sale contract or a purchase order shall be signed by the buyer or his authorized representative and by the seller or its authorized representative, and an exact copy thereof shall be furnished the buyer by the seller at the time the buyer and the seller have signed the contract or purchase order. No motor vehicle shall be delivered under this chapter until the seller delivers to the buyer a fully executed copy of the conditional sale contract or purchase order. The seller shall not obtain the signature of the buyer to a contract when it contains blank spaces to be filled in after it has been signed. Every conditional sale contract shall contain, although not necessarily in the sequence or order set forth below, the following separate items:

1. The cash price of the motor vehicle described in the conditional sale contract.

2. The amount of the buyer's down payment, and whether made in cash or represented by the net agreed value of described property traded in, or both, together with a statement of the respective amounts credited for cash and for such property.

3. The amount unpaid on the cash price, which is the difference between Items 1 and 2.

4. The cost to the buyer of any insurance, the premium for which is included in the contract balance. Any such cost for credit life or disability insurance may be included in the finance charge if the amount thereof is separately stated on the face of the contract.

5. The amount of the unpaid balance, which is the sum of Items 3 and 4.

6. The amount of the finance charge.

7. The contract balance owed by the buyer to the seller, which is the sum of Items 5 and 6.

8. The number of installments required to pay the contract balance, the amount of each installment, and the date for payment of the installments.

9. The names and addresses of all persons to whom the notice required under Section 2983.2 and permitted under Sections 2983.5 and 2984 of this code is to be sent.

10. A notice, in at least eight-point bold type if the contract is printed, reading as follows: "Notice to the buyer: (1) Do not sign this agreement before you read it or if it contains any blank spaces to be filled in. (2) You are entitled to a completely filled-in copy of this agreement. (3) Under the law, you have the right to pay off in advance the full amount due and under certain conditions to obtain a partial refund of the finance charge. (4) If you default in the performance of your obligations under this agreement, the vehicle may be repossessed and you may be subject to suit and liability for the unpaid indebtedness evidenced by this agreement."

(b) If any charge for insurance (other than for credit life or disability) is included in the contract balance and disbursement of any part thereof be made more than one year after the date of the conditional sale contract, any finance charge on the amount to be disbursed after one year shall be computed from the month the disbursement is to be made to the due date of the last installment under the conditional sale contract.

(c) The amount of the finance charge in any conditional sale contract for the sale of a motor vehicle, with or without accessories, shall not exceed 1 percent of the unpaid balance multiplied by the number of months (computed on the basis of a full month for any fractional month period in excess of 15 days) elapsing between the date of the contract and the due date of the last installment, or twenty-five dollars ($25), whichever is greater. The contract may provide for a delinquency charge or charges on any installment in default for a period of not less than 10 days in an amount not to exceed in the aggregate 5 percent of the installment, which amount may be collected only once on any installment regardless of the period during which it remains in default. The contract may provide for reasonable collection costs and fees in the event of delinquency.

(d) Any provision in any conditional sale contract for the sale of a motor vehicle to the contrary notwithstanding, the buyer shall have the privilege of paying at any time in full the indebtedness evidenced by the contract. Whenever an indebtedness is liquidated prior to maturity by prepayment or refinancing, or upon surrender or repossession and resale of the motor vehicle, the holder shall thereupon refund to the buyer the unearned portion of the finance charge. The refund may be made in cash or credited to the amount due on the

obligation of the buyer. The amount of the refund shall represent at least as great a proportion of the finance charge, after first deducting therefrom twenty-five dollars ($25), as the sum of the periodic time balances payable more than 15 days after the date of prepayment (or other event entitling the buyer to the refund) bears to the sum of all of the periodic time balances under the schedule of installments in the contract. The provisions of this subdivision shall not impair the right of the seller or his assignee to receive delinquency charges on delinquent installments and reasonable costs and fees as provided in subdivision (c) of this section. Where the amount of such refund is less than one dollar ($1), no refund need be made.

(e) The contract shall also include any promise by the seller or anyone with his knowledge, made as an inducement to the buyer to become a party to the conditional sale contract or made incidental to negotiations relating thereto, to compensate the buyer for referring customers or prospective customers to the seller or for referring the seller to such customers or prospective customers.

In any case in which, pursuant to this subsection, the contract contains a promise to compensate the buyer for referring customers or prospective customers to the seller or the seller to such customers, the contract must contain a provision to the effect that the outstanding balance at any time is reduced by any amount of compensation owing pursuant to such promise.

CHAPTER 1320

An act to amend Section 7058 of the Business and Professions Code, relating to specialty contractors.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 7058 of the Business and Professions Code is amended to read:

7058. A specialty contractor is a contractor whose operations as such are the performance of construction work requiring special skill and whose principal contracting business involves the use of specialized building trades or crafts.

A specialty contractor includes a contractor whose operations are concerned with the installation and laying of carpets, linoleum, and resilient floor covering.

CHAPTER 1321

An act to amend Section 1176 of the Insurance Code, relating to mortgage loan investments.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 1176 of the Insurance Code is amended to read:

1176. Such insurers may invest in notes or bonds secured by mortgage or other first lien upon unincumbered real property, if:

(a) There exists no condition or right of re-entry or of forfeiture under which such lien can be cut off, subordinated, or otherwise disturbed.

(b) The principal so loaned or the entire note or bond issue so secured, plus the amount of the liens of any public bond, assessment, or tax assessed upon the property loaned upon, does not exceed 75 percent of the market value of such real property, or of such real property together with improvements which are taken as security at the date of investment.

(c) Where the loan is made or the notes or bonds are issued for a building loan on real property, the principal so loaned, or the entire outstanding notes or bonds so issued, plus the amount of the lien of any public bond, assessment, or tax assessed upon the property loaned upon, at no time exceeds 75 percent of the market value of the real property together with the actual cost of the improvements thereon taken as security.

Real property is not incumbered within the meaning of this section if subject only to one or more of the following: (a) the lien of taxes and assessments not delinquent at the time of investment, (b) the lien for delinquent taxes or assessments delinquent at the time of investment, which are being contested by any legal proceedings; provided, that indemnity has been given pursuant to the indenture under which the bonds and notes are issued, or otherwise, for the payment of any amount which may be found to be due upon the final adjudication of such contest, (c) the lien of taxes and assessments becoming delinquent subsequent to the time of investment, (d) outstanding mineral, oil or timber rights, (e) easements or rights-of-way, (f) sewer rights, (g) rights in walls, (h) building restrictions or other restrictive covenants, or conditions or regulations of use, or leases under which rents or profits are reserved to the owner.

For the purposes of this section, delinquent taxes funded on any deferred payment plan shall be deemed delinquent.

CHAPTER 1322

An act to amend Sections 40001 and 40002 of the Vehicle Code, relating to vehicle owner's responsibility.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 40001 of the Vehicle Code is amended to read:

40001. (a) It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to cause the operation of the vehicle upon a highway in any manner contrary to law.

(b) It is unlawful for an owner knowingly to permit the operation of any vehicle:

(1) Which is not registered or for which any fee has not been paid under this code.

(2) Which is not equipped as required in this code.

(3) Which does not comply with the size, weight, or load provisions of this code.

(4) Which does not comply with the regulations promulgated pursuant to this code.

SEC. 2. Section 40002 of said code is amended to read:

40002. (a) Whenever a written notice to appear has been mailed to an owner of a vehicle or other person referred to in Section 40001, an exact and legible duplicate copy of the notice when filed with the magistrate, in lieu of a verified complaint, shall constitute a complaint to which the defendant may plead "guilty."

If, however, the defendant fails to appear in court or does not deposit lawful bail, or pleads other than "guilty" of the offense charged, a complaint shall be filed which shall conform to the provisions of Chapter 2 (commencing with Section 948) of Title 5, Part 2 of the Penal Code, and which shall be deemed to be an original complaint, and thereafter proceedings shall be had as provided by law, except that a defendant may, by an agreement in writing, subscribed by him and filed with the court, waive the filing of a verified complaint and elect that the prosecution may proceed upon a written notice to appear.

(b) A warrant of arrest shall not issue against an owner of a vehicle or other person referred to in Section 40001 following the filing of a complaint for an offense under that section if the owner or person was not driving the vehicle involved unless he is given notice of the offense against him and is informed that unless he appears in the court designated in the notice within 10 days after service of the notice and answers the charge, a warrant or citation to appear will be issued against him. The notice shall be given as prescribed by Section 22.

CHAPTER 1323

An act to amend Section 3213 of the Education Code and 21813 of the Education Code, relating to the public school system.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 3213 of the Education Code is amended to read:

3213. If plans and recommendations adopted by an augmented county committee propose changes in the boundaries or status of school districts under the jurisdiction of the superintendent of any adjacent county, the county committee of each such adjacent county shall be requested in writing to concur in the plans and recommendations.

If the county committee of an adjacent county concurs in the plans and recommendations, the concurrence shall accompany the recommendations transmitted to the State Board of Education. The adoption and consideration of a resolution of concurrence by such committee or committees shall not be subject to the provisions of Section 3203, 3204, 3205, 3206, 3207, 3209, or 3210.

If the county committee of an adjacent county fails to respond to the request for concurrence within 90 days of the date of the request, such failure shall be deemed to be a concurrence in the plans and recommendations.

If a county committee of an adjacent county does not concur in the plans and recommendations, it shall so notify the other county committee in writing and accompany the notification with plans and recommendations for the reorganization of school districts of its county including territory that would be affected by the plans and recommendations of the other county committee. After 60 days from the notification of nonconcurrence, if the county committees are still unable to agree upon plans and recommendations for reorganization of the territory, the county committees, or any of them, may submit plans and recommendations to the State Board of Education and the board may approve or reject the plans, or any of them, in the same manner as other plans and recommendations.

SEC. 2. Section 21813 of said code is amended to read:

21813. Any unsold bonds of the elementary, high school, unified or junior college districts comprising a unified school district and voted at any election held either prior or subsequent to the date upon which the action necessary to the formation of the unified district was completed, may be issued by the board of supervisors in the name of the unified district and the proceeds derived from the sale thereof shall be the funds of the unified district and shall be used only for the purpose or purposes for which said bonds were voted.

CHAPTER 1324

An act to amend Section 9356 of the Government Code, relating to the Legislators' Retirement System.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 9356 of the Government Code is amended to read:

9356. Each member of this system shall receive credit for service for time during which he holds office as a legislator after becoming a member of this system.

A member may also receive credit for time during which he held office as a legislator prior to becoming a member, provided he makes contributions therefor to the Legislators' Retirement Fund, as provided in Section 9357.2.

CHAPTER 1325

An act to add Sections 6592, 7657, 8877, 9952, and 32255 to the Revenue and Taxation Code, relating to state taxes.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 6592 is added to the Revenue and Taxation Code, to read:

6592. If the board finds that a person's failure to make a timely return or payment is due to reasonable cause and circumstances beyond the person's control, and occurred notwithstanding the exercise of ordinary care and the absence of willful neglect, the person may be relieved of the penalty provided by Sections 6511 and 6591.

Any person seeking to be relieved of the penalty shall file with the board a statement under penalty of perjury setting forth the facts upon which he bases his claim for relief.

SEC. 2. Section 7657 is added to said code, to read:

7657. If the board finds that a person's failure to make a timely return or payment is due to reasonable cause and circumstances beyond the person's control, and occurred notwithstanding the exercise of ordinary care and the absence of willful neglect, the person may be relieved of the penalty provided by Sections 7655 and 7660.

Any person seeking to be relieved of the penalty shall file with the board a statement under penalty of perjury setting forth the facts upon which he bases his claim for relief.

SEC 3. Section 8877 is added to said code, to read:

8877. If the board finds that a person's failure to make a timely return or payment is due to reasonable cause and circumstances beyond the person's control, and occurred notwithstanding the exercise of ordinary care and the absence of willful neglect, the person may be relieved of the penalty provided by Sections 8801 and 8876.

Any person seeking to be relieved of the penalty shall file with the board a statement under penalty of perjury setting forth the facts upon which he bases his claim for relief.

SEC. 4. Section 9952 is added to said code, to read:

9952. If the board finds that a person's failure to make a timely return or payment is due to reasonable cause and circumstances beyond the person's control, and occurred notwithstanding the exercise of ordinary care and the absence of willful neglect, the person may be relieved of the penalty provided by Sections 9901 and 9951.

Any person seeking to be relieved of the penalty shall file with the board a statement under penalty of perjury setting forth the facts upon which he bases his claim for relief.

SEC. 5. Section 32255 is added to said code, to read:

32255. If the board finds that a person's failure to make a timely return or payment is due to reasonable cause and circumstances beyond the person's control, and occurred notwithstanding the exercise of ordinary care and the absence of willful neglect, the person may be relieved of the penalty provided by Sections 32252, 32291, and 32292.

Any person seeking to be relieved of the penalty shall file with the board a statement under penalty of perjury setting forth the facts upon which he bases his claim for relief.

CHAPTER 1326

An act to amend Section 1080 of the Probate Code, relating to determination of heirship.

[Approved by Governor July 7, 1963. Filed with Secretary of State July 9, 1963.]

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

SECTION 1. Section 1080 of the Probate Code is amended to read:

1080. When four months have elapsed after the first publication of notice to creditors, and a petition for final distribution has not been filed, the executor or administrator, or any person claiming to be an heir of the decedent or entitled to distribution of the estate or any part thereof may file a petition setting forth his claim or reason and praying that the court determine who are entitled to distribution of the estate.

The clerk shall set the petition for hearing by the court and give notice thereof for the period and in the manner required by Section 1200 of this code. At least 10 days before the date set for the hearing of such petition by the court, the petitioner shall cause notice of the hearing thereof to be mailed to the executor or administrator and to all legatees and devisees and to all known heirs of the decedent, and to all persons (or their attorneys, if they have appeared by attorney) who have requested notice as provided in Section 1202 of this code, or who have given notice of appearance in person or by attorney, addressed to them at their respective post office addresses given in their requests for special notice or notice of appearance, if any, otherwise at their respective offices or places of residence, if known, and if not, at the county seat of the county where the proceedings are pending, or to be personally served upon such persons. Any person may appear and file a written statement setting forth his interest in the estate. No other pleadings are necessary and the allegations of each claimant shall be deemed to be denied by each of the other claimants to the extent that they conflict with any claim of the latter.

Whenever any estate involves, or may involve, a charitable trust, other than a charitable trust with a designated trustee which may lawfully accept such trust, or an escheat to the State of California, the Attorney General shall be deemed to be a person entitled to distribution within the meaning of this section and shall be entitled to file the petition referred to in this section and shall be given written notice of the hearing in the same manner as legatees and devisees.

CHAPTER 1327

An act to add Section 2240 to the Corporations Code, relating to the Attorney General.

[Approved by Governor July 9, 1963. Filed with Secretary of State July 11, 1963.]

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

SECTION 1. Section 2240 is added to the Corporations Code, to read:

2240. The Attorney General, upon complaint that a corporation is failing to comply with the provisions of Sections 2200-2239 and 3000-3022, may in the name of the people of the State of California send to the main office of such corporation notice of the complaint.

If the answer of the corporation is not received within 30 days or if the answer is not satisfactory, the Attorney General may institute, maintain or intervene in such suits, actions or proceedings of any type in any court or tribunal of competent

jurisdiction or before any administrative agency for such relief by way of injunction, the dissolution of entities, the appointment of receivers, or any other temporary, preliminary, provisional or final remedies as may be appropriate to protect the rights of stockholders or to undo the consequences of failure to comply with Corporations Code requirements. In any such action, suit or proceeding there may be joined as parties all persons and entities involved, or affected by, or instrumental to such activity.

CHAPTER 1328

An act to amend Section 5003 of the Public Resources Code, and to add Article 1.5 (commencing with Section 5019.10) to Chapter 1 of Division 5 of the Public Resources Code, relating to state park concession contracts.

[Approved by Governor July 9, 1963. Filed with Secretary of State July 11, 1963.]

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

SECTION 1. Section 5003 of the Public Resources Code is amended to read:

5003. The department shall administer, protect, and develop the state park system for the use and enjoyment of the public. The department may establish rules and regulations not inconsistent with law for the government and administration of the state park system. It may enter into contracts with agencies of the United States, cities, counties, or other subdivisions of the State, for the care and maintenance of park areas, and it may expend all moneys of the department, from whatever source derived, for the care, protection, supervision, extension and improvement or development of the state park system.

It may, with the approval of the Department of Finance, enter into contracts with a regional park district for the care and maintenance of, to maintain and operate concessions within, and to act in the management of, any beaches, parks, public campgrounds, monument site, landmark site, site of historical interest, or other state park areas under its control.

SEC. 2. Article 1.5 (commencing with Section 5019.10) is added to Chapter 1 of Division 5 of the Public Resources Code, to read:

Article 1.5. Concession Contracts

5019.10. The Department of Parks and Recreation may enter into contracts with persons, firms or corporations to maintain and operate concessions within the state park areas for the safety and convenience of the general public in the use and enjoyment of the state park system. The department shall

obtain the approval of the Department of Finance before entering into any such contract if the contract would authorize occupancy of property owned or controlled by the State for a period of more than one year.

5019.11. All concession contracts authorizing occupancy of property owned or controlled by the State for a period of more than two years shall be awarded to the best responsible bidder pursuant to the bid procedures of this article. "Best responsible bidder" means the responsible bidder determined by the department to be the bidder whose bid will be in the best interest of the State and who will operate the concession consistent with the contract and in the interest of the public.

5019.12. Before entering into any contract authorizing occupancy for a period of more than two years of property owned or controlled by the State, the department shall prepare an accurate summary of the concession, which shall include a description of the nature and term of the concession, the extent of rights to be granted, the duties and obligations of the concessionaire (including payment, if any, for utilities), minimum rates and guaranties to the State, and such other items as may be necessary to permit bidding solely on the basis of rates to be paid to the State.

5019.13. Public notice to bidders shall be given of all contracts authorizing occupancy for a period of more than two years of property owned or controlled by the State as follows:

(a) Once a week for two consecutive weeks in at least one newspaper of general circulation published in each of the five most populous counties in the State.

(b) Once a week for two consecutive weeks in a newspaper of general circulation in the county in which the concession is to operate.

(c) If the director determines that, in view of the type of concession involved, the public interest would be best served by the solicitation of bids from out-of-state bidders, he shall give such additional notice as he finds is best suited to attract bids from out-of-state bidders.

5019.14. The notices shall state the time and place for the receiving and opening of sealed bids and describe in general terms the concession to be operated.

5019.15. The department shall require from prospective bidders answers to questions contained in a standard form of questionnaire and financial statement including a complete statement of the prospective bidder's financial ability and experience in maintaining and operating similar or related concessions or business activities. When completed, the questionnaire and financial statement shall be verified under oath by the bidder in the manner in which pleadings in civil actions are verified.

5019.16. The questionnaires and financial statements are not public records and are not open to public inspection.

5019.17. All bids shall be presented under sealed cover.

5019.18. Whether or not bids are opened exactly at the time fixed in the public notice for opening bids, a bid shall not be received after that time.

5019.19. Any bid may be withdrawn at any time prior to the time fixed in the public notice for the opening of bids only by written request for the withdrawal of the bid filed with the Director of Parks and Recreation. The request shall be executed by the bidder or by duly authorized representatives. The withdrawal of a bid does not prejudice the right of a bidder to file a new bid.

This section does not authorize the withdrawal of any bid after the time fixed in the public notice for the opening of bids.

5019.20. On the day named in the public notice the department shall publicly open the sealed bids, and on the same date shall furnish copies thereof, together with the questionnaires and financial statements relating thereto, to the Auditor General. The department shall carefully study and analyze all such bids and, on or after the 31st day after the bids are opened, shall award the contract to the person then determined to be the best responsible bidder.

5019.21. If the director deems it is for the best interests of the State, he may, on the refusal or failure of the successful bidder to execute the contract, award it to the second best responsible bidder.

If the second best responsible bidder fails or refuses to execute the contract, the director may likewise award it to the third best responsible bidder.

5019.22. If the director deems the acceptance of the best responsible bid is not for the best interests of the State, he may reject all bids and advertise for other bids in the manner required by this article.

5019.23. If the director deems it is for the best interests of the State he may, subject to the review of the State Park Commission, negotiate a contract when one or more of the following conditions exist:

(a) The bid process as prescribed in this article has failed to produce a responsible bidder, or

(b) It constitutes an extension of an existing contract obtained through the process required by this article, for the purpose of construction of substantial additional facilities by the concessioner, or

(c) Lands administered by the department and lands under the legal control of the prospective concessioner are so situated that the concession is dependent upon the use of such contiguous public and private lands

5019 24. A bidder shall not be relieved of his bid nor shall any change be made in his bid because of mistakes.

5019.25. Every contract awarded as to which bids are required under this article shall be submitted to the Attorney General Such a contract is not binding on the State until the Attorney General finds it to be in accordance with the requirements of this article, and endorses such finding thereon.

5019.26. The Auditor General shall ascertain, study and analyze all facts relating to contracts, financial statements, and questionnaires made or submitted pursuant to this article, and report annually thereon to the Legislature to the end that the Legislature will be informed as to the adequacy of such contracts, financial statements and questionnaires in accordance with generally accepted accounting principles, and shall include in his reports his recommendations for appropriate legislation.

CHAPTER 1329

An act to amend Section 3031 of, and to add Sections 3270.5 and 3517 to, the Fish and Game Code, relating to taking of game birds.

[Approved by Governor July 9, 1963. Filed with Secretary of State July 11, 1963.]

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

SECTION 1. Section 3031 of the Fish and Game Code is amended to read:

3031. A hunting license, granting the privilege to take game birds and mammals, shall be issued:

(a) To any resident of this State, over the age of 16 years, upon the payment of four dollars ($4).

(b) To any resident of this State, under the age of 16 years, upon the payment of one dollar ($1).

(c) To any person not a resident of this State, upon the payment of twenty-five dollars ($25).

(d) To any person not a resident of this State, valid for one day and only for the taking of domesticated game birds and pheasants while on the premises of a licensed pheasant club, upon the payment of five dollars ($5).

(e) To any person not a resident of this State, valid only at an organizational field trial held under the provisions of Section 3510, upon the payment of five dollars ($5).

(f) To the wife of any veteran, as defined in Section 980 of the Military and Veterans Code, upon payment of the fee specified in subdivision (a), even though she be an alien.

SEC. 2. Section 3270.5 is added to said code, to read:

3270 5. Any person who owns or controls the shooting rights on a tract of land may apply to the department for a game bird club license authorizing the taking of game birds upon such land in accordance with the provisions of this article and the regulations of the commission for the administration of this article. Game birds may be so taken only as otherwise specifically authorized by this code. Such game bird clubs shall be governed by the provisions of this article, and wherever pheasant is used in this article as applied to such clubs, it means any game bird, including pheasants and Indian chu-

kars, otherwise authorized to be taken on such clubs, except that the area, season, and bag limit for the taking of Indian chukars on such clubs shall be as provided in Section 3517 and all Indian chukars planted on such clubs may be taken during the season in which they are planted.

SEC. 3. Section 3517 is added to said code, to read:

3517. Domestically reared redlegged partridges of the variety Indian chukar (Alectoris graeca chukar) may be released and taken for dog training and field trials pursuant to Section 3510 and on licensed pheasant clubs and licensed game bird clubs as authorized by the commission in the following described areas of the State:

Sacramento, San Joaquin, Salinas, Napa Valleys, Delta and San Francisco Bay Areas: Commencing at a point on the shoreline of the Pacific Ocean and the township line between T. 15 S. and T. 16 S. (MDBM), thence east on said township line to the 500 ft. contour east of Toro Creek; thence following contour around Salinas Valley to intersection with range line between R. 3 E. and R. 4 E., north of Salinas; thence north on said range line to township line between T. 12 S. and T. 13 S.; thence east on said township line to range line between R. 5 E. and R. 6 E.; thence north on said range line to township line between T. 10 S. and T. 11 S.; thence west to range line between R. 1 E. and R. 2 E.; thence north on said range line to common boundary between Alameda and Santa Clara Counties; thence easterly along said boundary to common boundary between Alameda and Stanislaus Counties; thence northerly along said boundary to common boundary between San Joaquin and Stanislaus Counties; thence northerly and easterly along said boundary to the marked line of the San Joaquin Valley California Aqueduct; thence southerly along said Aqueduct to Highway 41; thence westerly along Highway 41 to its junction with Highway 33; thence southerly along Highway 33 to its junction with Highway 166; thence easterly along Highway 166 to its junction with Highway 99; thence southerly along Highway 99 to its junction with Weed Patch-Wheeler Ridge Road; thence northerly along Weed Patch-Wheeler Ridge Road to its junction with David Road; thence easterly along David Road to its junction with Rancho Road; thence northerly along Rancho Road to its junction with Herring Road; thence easterly along Herring Road to its junction with Tejon Highway; thence northerly along Tejon Highway to its junction with Bear Mountain Boulevard; thence easterly along Bear Mountain Boulevard to its junction with Highway 466; thence westerly along Highway 466 to its junction with Highway 65; thence northerly along Highway 65 to the Friant Kern Canal; thence northerly along said canal to the Madera canal; thence northerly along said canal to common boundary between Merced and Madera Counties; thence easterly along said boundary to common boundary between Merced and Mariposa Counties; thence northerly along said boundary between Merced and Mariposa Counties, Stanislaus and Tuolumne Coun-

ties, Stanislaus and Calaveras Counties, Calaveras and San Joaquin Counties, San Joaquin and Amador Counties, Amador and Sacramento Counties, Sacramento and El Dorado Counties, El Dorado and Placer Counties, to township line between T. 10 N. and T. 11 N.; thence west along said township line to range line between R. 6 E. and R. 7 E.; thence north along said range line to common boundary between Nevada and Placer Counties; thence westerly along said boundary to common boundary between Yuba and Nevada Counties; thence northerly along said boundary to State Highway 20; thence westerly along said highway through Smartville to range line between R. 5 E. and R. 6 E.; thence north along said range line to township line between T. 17 N. and T. 18 N.; thence west on said township line to La Porte Road; thence northerly on said road to the Oroville-Bangor Road; thence northwesterly on said road to Oroville; thence northwesterly along Oroville-Chico Highway to Highway 99E; thence northerly along said Highway to range line between R. 2 W. and R. 3 W.; thence north on said range line to township line between T. 31 N. and T. 32 N.; thence west on said township line to range line between R. 4 W. and R. 5 W.; thence south along said range line to township line between T. 12 N. and T. 13 N.; thence west on said township line to range line between R. 6 W. and R. 7 W.; thence north on said range line to township line between T. 15 N. and T. 16 N.; thence west on said township line to range line between R. 10 W. and R. 11 W.; thence south on said range line to common boundary between Lake and Mendocino Counties; thence southeasterly on said boundary to common boundary between Mendocino and Sonoma Counties; thence westerly along said boundary to the Pacific Ocean shoreline; thence southerly along said shoreline to point of beginning.

Imperial Valley: Commencing at the Imperial Dam; thence southerly and westerly along the All American Canal to the Southern Pacific Railroad; thence northerly and westerly along the railroad to the Coachella Canal; thence northerly along the Coachella Canal to Highway U. S. 99; thence south and southeasterly along Highway U. S. 99 to the intersection with the West Side Main Canal; thence southerly along West Side Canal to the Mexico-U. S. border; thence easterly along said border to the common boundary between California and Arizona; thence northeasterly along said boundary to the point of beginning.

Southern California: Commencing at the town of Tecate on the Mexico-U. S. border; thence northwesterly along the connecting road from Tecate to Highway 94; thence westerly along Highway 94 to its intersection with Cottonwood Creek, near the town of Barrett; thence northerly along said creek to its intersection with the boundary of Cleveland National Forest; thence westerly and northerly along the western boundary of said forest to Highway 78; thence westerly along Highway 78 to the Rincon-Refugio Road; thence north on

said road to the Cleveland National Forest boundary; thence westerly and northerly along said boundary to Highway 71; thence westerly along Highway 71 to Highway 395; thence northerly along Highway 395 to Highway 74; thence easterly along Highway 74 to Highway 79; thence northerly along Highway 79 to Highway 60; thence easterly along Highway 60 to Highway 99; thence northwesterly along Highway 99 to Highway 30 in Redlands; thence northerly along Highway 30 to its intersection with the San Bernardino National Forest boundary; thence westerly along said boundary to its intersection with the Angeles National Forest boundary; thence westerly along said boundary to the Tuyunga Canyon Road; thence northeasterly along said road to the intersection of the Bear Canyon Road; thence northwesterly along the Bear Canyon Road to Highway 6; thence northeasterly along Highway 6 to its intersection with the Angeles National Forest boundary; thence westerly along said boundary to its intersection with the Los Padres National Forest boundary; thence westerly along said boundary to Highway 150; thence northwesterly along Highway 150 to Highway 101; thence northerly along Highway 101 to Zaca Canyon Cutoff Road; thence northerly along Zaca Canyon Road to Foxen Canyon Road; thence westerly along Foxen Canyon Road to its intersection with the Sisquoc River; thence westerly along the Sisquoc River to the Santa Maria River; thence westerly along the Santa Maria River to its intersection with Highway 101; thence northerly along Highway 101 to the town of Pismo Beach; thence due west from the town of Pismo Beach to the Pacific Ocean shoreline; thence southerly along said shoreline to common boundary between the United States and Mexico; thence easterly along said boundary to the point of origin.

Antelope Valley, Los Angeles County: Commencing at the intersection of 270th Street West and Highway 138; thence north on 270th Street West to the Los Angeles-Kern County line; thence east on the Los Angeles-Kern County line to the common boundary between Los Angeles and San Bernardino Counties; thence south on the Los Angeles-San Bernardino County line to State Highway 138; thence northerly and westerly on said highway through Palmdale to Avenue L; thence west on said avenue to 100th Street West; thence north on said street to Avenue I and the intersection with Highway 138; thence westerly along Highway 138 to the point of beginning.

The season for taking shall be September 1 through March 31 in Zone A pheasant areas, and September 1 for nine consecutive months in Zone B pheasant areas, as such areas are designated in Section 3271. There shall be no daily or seasonal bag limit imposed by the State for the taking of such species.

The commission may adopt such regulations as it deems necessary to govern the release, taking and possession of chukars released on these areas.

CHAPTER 1330

An act to amend Section 3286 of the Fish and Game Code, relating to licensed pheasant clubs.

[Approved by Governor July 9, 1963. Filed with Secretary of State July 11, 1963.]

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

SECTION 1. Section 3286 of the Fish and Game Code is amended to read:

3286. On Zone A clubs only, each hunter taking pheasants shall be accompanied by a trained bird dog or retrieving dog, except that one dog may be used for each group of two or three persons when hunting on a club.

CHAPTER 1331

An act to amend Section 1534 of the Penal Code, relating to search warrants.

[Approved by Governor July 9, 1963. Filed with Secretary of State July 11, 1963.]

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

SECTION 1. Section 1534 of the Penal Code is amended to read:

1534. A search warrant must be executed and returned to the magistrate who issued it within 10 days after its date; after the expiration of this time the warrant, unless executed, is void. The documents and records of the court relating to the search warrant need not be open to the public until the execution and return of the warrant or the expiration of the 10-day period after issuance; thereafter, if the warrant has been served, such documents and records shall be open to the public as a judicial record.

CHAPTER 1332

An act to add Section 68509 to the Government Code, relating to traffic conferences.

[Approved by Governor July 9, 1963 Filed with Secretary of State July 11, 1963]

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

SECTION 1. Section 68509 is added to the Government Code, to read:

68509. At the direction and under the supervision of the Judicial Council, judges of the municipal and justice courts invited to do so shall meet from time to time in statewide or regional traffic conferences to discuss problems of, and methods for improving, the administration of justice in traffic cases. Actual and necessary expenses incurred by such a judge in attending any such conference shall be a charge upon the county to the extent that funds are available therefor.

CHAPTER 1333

An act to add Section 285.1 to the Code of Civil Procedure, relating to withdrawals of attorneys of record in domestic relations proceedings.

[Approved by Governor July 9, 1963. Filed with Secretary of State July 11, 1963.]

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

SECTION 1. Section 285 1 is added to the Code of Civil Procedure, to read:

285.1. An attorney of record for any party in any civil action or proceeding for divorce, separate maintenance or annulment or for the support, maintenance or custody of minor children may withdraw at any time subsequent to the time when any judgment in such action or proceeding, other than an interlocutory judgment, becomes final, and prior to service upon him of pleadings or motion papers in any proceeding then pending in said cause, by filing a notice of withdrawal. Such notice shall state (a) date of entry of final decree or judgment, (b) the last known address of such party, (c) that such attorney withdraws as attorney for such party. A copy of such notice shall be mailed to such party at his last known address and shall be served upon the adverse party.

CHAPTER 1334

An act to add Section 257 to the Agricultural Code, relating to bovine tuberculosis.

[Approved by Governor July 9, 1963. Filed with Secretary of State July 11, 1963.]

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

SECTION 1 Section 257 is added to the Agricultural Code, to read:

257. Notwithstanding the provisions of any other section of this article, whenever the director determines that bovine tuberculosis cannot be eradicated or effectively controlled in a

particular herd by the usual recognized methods, and if the director determines that slaughter of the remaining exposed nonreacting animals in the herd is the best and most practical method of attaining such eradication or control, the director may, after entering into a voluntary agreement with the owner to carry out the purposes and conditions of this article, proceed with branding in the same manner as provided in Section 231 hereof, and require the slaughter of such animals and the disinfection of the premises involved. No such procedure shall be undertaken unless and until funds are available to indemnify the owner. Such indemnity shall be the difference between the appraised value as determined by appraisement by a representative of the department, or a representative of the United States Department of Agriculture, and by the owner or his agent, and the proceeds of the sale of the salvage, but shall in no instance exceed two hundred dollars ($200) for any grade animal, or three hundred dollars ($300) for any purebred animal less any sum authorized to be paid to him for indemnity purposes from any appropriation made by the United States to assist in the eradication of tuberculosis in cattle in California. In case of failure to agree on the valuation, the animal shall be appraised by the chief appraiser of the department or his representative. In either event, the value determined shall be final. Indemnity provided by this section shall not be paid in any of the following cases:

(a) For any bovine animal reacting to the tuberculin test or showing lesions of tuberculosis at slaughter. In this case, the indemnity rate provided in Section 239 shall apply.

(b) For any bovine animal, unless all exposed cattle, swine, goats and poultry on the premises are slaughtered.

(c) For any bovine animal, until the premises where said animal has been kept have been cleaned and disinfected by the owner in a manner approved by an agent of the state or federal Departments of Agriculture.

(d) For any steer or grade bull.

(e) For any animal owned by the United States, State of California, or any county, city, town or township, in the State.

(f) When the owner is in violation of any provision of this article or any regulation made by the department relating thereto.

(g) For any animal which has not been slaughtered within 30 days after such animal has been appraised.

(h) For any bovine animal originating in another state or country that has not been in California for at least 90 days.

This section shall remain in effect until October 1, 1967.

SEC. 2. During the 1963-64 fiscal year, no funds shall be expended for the purposes of Section 257 of the Agriculture Code in excess of the amount available in the Budget Act of 1963 specifically provided for bovine tuberculosis indemnity payments.

CHAPTER 1335

An act to amend Section 374a of the Penal Code, relating to rewards offered by cities or counties for Penal Code violations.

[Approved by Governor July 9, 1963. Filed with Secretary of State July 11, 1963.]

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

SECTION 1. Section 374a of the Penal Code is amended to read:

374a. Any city or county may offer and pay rewards for the giving of information leading to the arrest and conviction of any person for a violation of Section 374b or 374c of this code.

CHAPTER 1336

An act to add Section 3905 to the Corporations Code, relating to sale of assets by a corporation.

[Approved by Governor July 9, 1963. Filed with Secretary of State July 11, 1963.]

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

SECTION 1. Section 3905 is added to the Corporations Code, to read:

3905. The surplus appearing on the books of a foreign or domestic corporation which sells all or substantially all of its property and assets to another corporation may, when it is in accordance with sound accounting practice to do so and to the extent to which such surplus is not capitalized by the acquiring corporation by the issue of shares or otherwise, be entered as earned or paid-in surplus, as the case may be, on the books of the acquiring corporation, and may thereafter be dealt with as such.

CHAPTER 1337

An act to add Article 5 (commencing with Section 760) to Chapter 5 of Division 3 of the Harbors and Navigation Code, relating to the licensing of for-hire vessel operators.

[Approved by Governor July 9, 1963. Filed with Secretary of State July 11, 1963.]

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

SECTION 1. Article 5 (commencing with Section 760) is added to Chapter 5 of Division 3 of the Harbors and Navigation Code, to read:

Article 5. For-hire Vessel Operators' Licenses

760. As used in this article, "for-hire vessel" includes any vessel propelled by machinery carrying more than three passengers for hire, except the following:

(a) A seaplane on the water.

(b) A watercraft specifically designed to operate on a permanently fixed course, the movement of which is restricted to or guided on such permanently fixed course by means of a mechanical device on a fixed track or arm to which the watercraft is attached or by which the watercraft is controlled, or by means of a mechanical device attached to the watercraft itself.

761. No for-hire vessel, while carrying passengers for hire, shall be operated or navigated on the waters of this State except by a person who holds a valid license issued by the division pursuant to the provisions of this article. This requirement, however, shall not apply to persons who operate a for-hire vessel on waters of this State which have been declared to be navigable by agencies of the federal government.

762. An applicant for an operator's license shall submit his written verified application to the division. The application shall be in such form and contain such information as the division requires.

764. Upon application for an operator's license, the division shall require an examination of the applicant. The commission shall adopt rules and regulations establishing the requirements for the examination which will demonstrate to the division the applicant's competency in the operation of vessels.

If an applicant presents a valid operator's license issued pursuant to the provisions of the federal Motorboat Act of 1940 (Title 46, U.S.C., Section 526f) or the federal act of May 10, 1956 (Title 46, U.S.C. 390-390g), the division may issue an operator's license without requiring an examination.

765. The examination may include a test of the applicant's knowledge of safety rules, an actual demonstration of his ability to exercise ordinary and reasonable control in operating a vessel, and his mental and physical fitness. The examination may also include an inspection of the for-hire vessel.

766. Upon completion of the examination, the division may, with or without hearing, issue the operator's license or issue it for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted by the license such terms and conditions as, in its judgment, the public safety requires.

If the division refuses to grant an operator's license the proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and in all cases the division shall have all the powers granted therein.

767. An operator's license issued by the division pursuant to the provisions of this article shall be valid for five years from the date of issuance or renewal and may be renewed every five years thereafter unless suspended or revoked pursuant to Section 768. The commission may adopt rules and regulations establishing the requirements for renewal of any license issued under this article, including therein requirements for acuity of vision, color sense and general physical condition.

768. (a) The division may suspend or revoke any license issued pursuant to this article on a finding that the licensee has violated any of the provisions in Chapter 5 (commencing with Section 650) of Division 3 of the Harbors and Navigation Code, or has violated any of the regulations promulgated pursuant to carrying out the provisions of this article. The division may also revoke any license issued pursuant to this article upon any of the grounds which authorize the refusal to issue a license.

If the division suspends or revokes an operator's license, the proceedings shall be in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and in all cases the division shall have all the powers granted therein.

(b) The period of time for suspension during which the person may not apply for his license shall be determined by the division. The division shall not renew an operator's license which has been revoked until the expiration of one year after the date of such revocation unless the revocation was for a cause which has been removed.

769. The division shall be responsible for administering the licensing of operators of for-hire vessels and for enforcing the provisions of this article.

770. The commission may make rules and regulations to carry out the provisions of this article.

771. It is unlawful and constitutes a misdemeanor for any person to violate, or to fail to comply with, any provision of this article after April 1, 1964.

772. The authority and power granted to the division in this article shall not be construed to conflict with or diminish in any manner the jurisdiction of the Public Utilities Commission over for-hire vessels or common carriers, as those terms are defined in the Public Utilities Code.

SEC. 2. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 3. This act shall be operative on January 1, 1964.

CHAPTER 1338

An act to amend Section 15853 of the Government Code, relating to state public works.

[Approved by Governor July 9, 1963. Filed with Secretary of State July 11, 1963.]

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

SECTION 1. Section 15853 of the Government Code is amended to read:

15853. The board shall select and acquire, in the name and on behalf of the State, suitable and adequate real property for such purposes as may be specified in the legislation making funds available for such acquisition. Where moneys are appropriated by the budget act for any fiscal year or by any other act for the acquisition of land or other real property, subject to the provisions of the Property Acquisition Law, such moneys and acquisitions shall be subject to the provisions of this part and said moneys shall be expended in accordance herewith, notwithstanding any other provisions of law.

The board may acquire any interest in real property pursuant to this part which it deems advisable.

The board may acquire furnishings which the owner thereof agrees to sell and which are contained within improvements acquired by the board. Cost of acquisition of such furnishings shall be charged to the appropriation available for acquisition of the real property.

CHAPTER 1339

An act to amend Sections 5009, 5020, 5020.3, 5022, and 5133 of the Business and Professions Code, relating to the practice of accountancy.

[Approved by Governor July 9, 1963. Filed with Secretary of State July 11, 1963.]

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

SECTION 1. Section 5009 of the Business and Professions Code is amended to read:

5009. The board may, from time to time, prepare a printed register which shall contain a copy of this chapter, and the rules and regulations of the board thereunder, followed by an alphabetical list of the names, certificate numbers, business connections and addresses of all certified public accountants whose permits are in full force and effect, an alphabetical list of the names of the partnerships of certified public accountants whose permits are in full force and effect, an alphabetical list of the names, permit numbers, business connections and addresses of all public accountants whose permits are in full

force and effect, and an alphabetical list of the partnerships practicing public accountancy whose permits are in full force and effect. A register shall be mailed to every person listed therein, and to such other persons or concerns as the board, in its discretion, may determine is for the public welfare.

SEC. 2. Section 5020 of said code is amended to read:

5020. The board shall appoint administrative committees of not less than three nor more than five members who shall be public accountants, to perform any of the following duties, and such committees shall be vested with the full powers of the board for such purposes:

(a) To receive and investigate complaints and to initiate and conduct investigations or hearings, with or without the filing of any complaint, and to obtain information and evidence relating to any matter involving the conduct of public accountants.

(b) To receive and investigate complaints and to initiate and conduct investigations or hearings, with or without the filing of any complaint, and to obtain information and evidence relating to any matter involving any violation or alleged violation of any of the provisions of this chapter by public accountants.

The board shall prescribe the units or sections of such committees and designate the areas or localities in which they may act.

SEC. 3. Section 5020.3 of said code is amended to read:

5020.3. The board shall appoint administrative committees of not less than three nor more than five members, who shall be certified public accountants to perform any of the following duties, and such committees shall be vested with the full powers of the board for such purposes:

(a) To receive and investigate complaints and to initiate and conduct investigations or hearings with or without the filing of any complaint, and to obtain information and evidence relating to any matter involving the conduct of certified public accountants.

(b) To receive and investigate complaints and to initiate and conduct investigations or hearings, with or without the filing of any complaint, and to obtain information and evidence relating to any matter involving any violation or alleged violation of any of the provisions of this chapter by certified public accountants.

The board shall prescribe the units or sections of such committees and designate the areas or localities in which they may act.

SEC. 4. Section 5022 of said code is amended to read:

5022. Each administrative committee shall make recommendations and forward its report to the board for action on any matter on which it is authorized to act. Any applicant for registration as a certified public accountant who is aggrieved by any action taken by an administrative committee with respect to his qualifications may appeal to the board in accordance

with rules or regulations prescribed by the board. The board on such appeal may give an oral or written examination as an aid in determining whether the applicant is qualified under the terms of this chapter.

SEC. 5. Section 5133 of said code is amended to read:

5133. All money in the Accountancy Fund is hereby appropriated to the State Board of Accountancy to carry out the provisions of this chapter. Each member of the board, the secretary-treasurer of the board, whether or not he is a member of the board, and each member of a committee shall receive a per diem and expenses as provided in Section 103.

CHAPTER 1340

An act to amend the heading of Chapter 6 (commencing with Section 12550) of Title 2 of Part 4, and Section 12550 of, and to add Section 12551 to, the Penal Code, relating to sale of firearms and other guns to minors.

[Approved by Governor July 9, 1963. Filed with Secretary of State July 11, 1963.]

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

SECTION 1. The heading of Chapter 6 (commencing with Section 12550) of Title 2 of Part 4 of the Penal Code is amended to read:

CHAPTER 6. SALE OF GUNS TO MINORS

SEC. 2. Section 12550 of said code is amended to read:

12550. No person shall sell any firearm to any minor who is at least 16 years of age but not over the age of 18 years without the written consent of a parent or legal guardian of the minor.

Violation of this section is a misdemeanor.

SEC. 3 Section 12551 is added to said code, to read:

12551. Every person who sells to a minor under the age of 16 years any firearm, air gun, or gas-operated gun is guilty of a misdemeanor.

CHAPTER 1341

An act to amend Section 40302 of the Vehicle Code, relating to mandatory appearance for traffic violations.

[Approved by Governor July 9, 1963. Filed with Secretary of State July 11, 1963.]

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

SECTION 1. Section 40302 of the Vehicle Code is amended to read:

40302. Whenever any person is arrested for any violation of this code, not declared to be a felony, the arrested person shall be taken without unnecessary delay before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where the arrest is made in any of the following cases:

(a) When the person arrested fails to exhibit his driver's license or other satisfactory evidence of his identity.

(b) When the person arrested refuses to give his written promise to appear in court.

(c) When the person arrested demands an immediate appearance before a magistrate.

(d) When the person arrested is charged with violating Section 23102 or 23106.

CHAPTER 1342

An act to amend Sections 25760 and 25761 of the Health and Safety Code, relating to the Advisory Council on Atomic Energy Development and Radiation Protection.

[Approved by Governor July 9, 1963. Filed with Secretary of State July 11, 1963.]

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

SECTION 1. Section 25760 of the Health and Safety Code is amended to read:

25760. There is in the state government an Advisory Council on Atomic Energy Development and Radiation Protection, consisting of the Co-ordinator of Atomic Energy Development and Radiation Protection and 11 members appointed by the Governor. One member shall be appointed from each of the following fields: industry, labor, medicine, dentistry, hospital, education, science and technology, agriculture, insurance, city government, and county government.

SEC. 2. Section 25761 of said code is amended to read:

25761. Of the members first appointed four shall be appointed by the Governor to serve a term which shall expire on October 1, 1960, and five shall be appointed to serve a term which shall expire on October 1, 1961. The first member appointed from the field of dentistry shall serve a term which shall expire on October 1, 1962. The first member appointed from the hospital field shall serve a term which shall expire on October 1, 1964. Thereafter all members shall be appointed for terms of two years, except that members appointed to fill vacancies prior to the expiration of a term shall be appointed for the remainder of such term. The chairman shall be selected by the Governor, and the co-ordinator shall act as secretary to the council.

CHAPTER 1343

An act to amend Sections 33700, 33711, 33738, and 33747 of, and to add Section 33750 to, the Health and Safety Code, and to amend Sections 33349 and 33452 of, repeal Section 33413 of, and to add Section 33375 to, Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code as proposed by Assembly Bill No. 1734, and to repeal Sections 4, 5, 6, 7, and 9 of Chapter 832 of the Statutes of 1963, relating to community redevelopment.

[Approved by Governor July 9, 1963. Filed with Secretary of State July 11, 1963.]

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

SECTION 1. Section 33700 of the Health and Safety Code is amended to read:

33700. Each agency shall prepare or cause to be prepared, or adopt, a redevelopment plan for each project area and for that purpose may hold hearings and conduct examinations, investigations, and other negotiations.

Before the adoption of a redevelopment plan by the agency, the agency shall conduct a public hearing on it. The agency shall publish notice of the hearing not less than once a week for four successive weeks prior to the hearing. The notice shall be published in a newspaper of general circulation, printed and published in the community, or if there is none, in a newspaper selected by the agency. The notice of hearing shall include a legal description of the boundaries of the area or areas designated in the proposed redevelopment plan and a general statement of the scope and objectives of the plan. Copies of the notices shall be mailed to the last known assessee of each parcel of land in the area designated in the redevelopment plan, at his last known address as shown on the last equalized assessment roll of the county; or where a city assesses, levies, and collects its own taxes, as shown on the last equalized assessment roll of the city. The notice shall be mailed by certified mail with return receipt requested.

Each assessee whose property would be subject to acquisition by purchase or condemnation under the plan shall be sent a statement to that effect attached to his notice of the hearing. Alternatively, a list or map of all properties which would be subject to acquisition by purchase or condemnation under the plan may be mailed to assessees with the notices of hearing.

SEC. 2. Section 33711 of said code is amended to read:

33711. Upon the formulation or adoption of a redevelopment plan, the agency shall submit it to the legislative body.

SEC. 3. Section 33738 of said code is amended to read:

33738. If a plan may result in the temporary or permanent displacement of any occupants of housing facilities in the project area the legislative body shall not approve the plan

except upon a finding that the agency has a feasible method or plan for the relocation of families and persons displaced from the project area. The legislative body shall determine that there are or are being provided in the project area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons displaced from the project area, decent, safe, and sanitary dwellings equal in number to the number of and available to such displaced families and persons and reasonably accessible to their places of employment.

SEC. 4. Section 33747 of said code is amended to read:

33747. If at any time after the adoption of a redevelopment plan for a project area by the legislative body, it becomes necessary or desirable to amend or modify such plan, the legislative body may amend such plan upon the recommendation of the agency.

Before recommending amendment of the plan the agency shall hold a public hearing on the proposed amendment. Notice of such hearing shall be published pursuant to Section 6063 of the Government Code prior to the date of hearing in a newspaper of general circulation, printed and published in the community, or, if there is none, in a newspaper selected by the agency. The notice of hearing shall include a legal description of the boundaries of the project area by reference to the description recorded with the county recorder pursuant to Section 33748 and a general statement of the purpose of the amendment. Copies of the notices shall be mailed to the last known assessee of each parcel of land within such boundaries, at his last known address as shown on the last equalized assessment roll of the county; or where a city assesses, levies, and collects its own taxes, as shown on the last equalized assessment roll of the city, and to persons, firms, or corporations which have acquired property within such boundaries from the agency, at his last known address as shown by the records of the agency. The notice shall be mailed by certified mail with return receipt requested. If after the public hearings the agency recommends substantial changes in the plan which affect the master or community plan adopted by the planning commission or the legislative body, such changes shall be submitted to the planning commission for its report and recommendation to the legislative body within 30 days after such submission.

After receiving the recommendation of the agency concerning such changes in the plan, and not sooner than 30 days after the submission of changes to the planning commission, the legislative body shall hold a public hearing on the proposed amendment, notice of which hearing shall be published in a newspaper in the manner and at the times designated above for notice of hearing by the agency. If after such hearing the legislative body determines that the amendments in the plan, proposed by the agency, are necessary or desirable, the legisla-

tive body shall adopt an ordinance amending the ordinance adopting the plans thus amended.

Amendments to a plan adopted pursuant to this section shall be recorded in compliance with Section 27295 of the Government Code as promptly as practicable following adoption by the legislative body.

SEC. 5. Section 33750 is added to said code, to read:

33750. After the adoption by the legislative body of a redevelopment plan which contains the provision permitted by Section 33950, the clerk of the community shall transmit a copy of the ordinance adopting the plan to the auditor and tax assessor of the county in which the project is located; to the officer or officers performing the functions of auditor or assessor for any taxing agencies which, in levying or collecting its taxes, do not use the county assessment roll or do not collect its taxes through the county; and to the governing body of each of the taxing agencies which levies taxes upon any property in the project area.

SEC. 6. Section 33349, as added to the Health and Safety Code by Assembly Bill No. 1734, is amended to read:

33349. The agency shall publish notice of the hearing not less than once a week for four successive weeks prior to the hearing. The notice shall be published in a newspaper of general circulation, printed and published in the community, or if there is none, in a newspaper selected by the agency. The notice of hearing shall include a legal description of the boundaries of the area or areas designated in the proposed redevelopment plan and a general statement of the scope and objectives of the plan. Copies of the notices shall be mailed to the last known assessee of each parcel of land in the area designated in the redevelopment plan, at his last known address as shown on the last equalized assessment roll of the county; or where a city assesses, levies, and collects its own taxes, as shown on the last equalized assessment roll of the city.

SEC. 7. Section 33413, added to said code by Assembly Bill No. 1734, is repealed.

SEC. 8. Section 33452, as added to said code by Assembly Bill No. 1734, is amended to read:

33452. Notice of such hearing shall be published pursuant to Section 6063 of the Government Code prior to the date of hearing in a newspaper of general circulation, printed and published in the community, or, if there is none, in a newspaper selected by the agency. The notice of hearing shall include a legal description of the boundaries of the project area by reference to the description recorded with the county recorder pursuant to Section 33373 and a general statement of the purpose of the amendment. Copies of the notices shall be mailed to the last known assessee of each parcel of land within such boundaries, at his last known address as shown on the last equalized assessment roll of the county; or where a city assesses, levies, and collects its own taxes, as shown on the last equalized assessment roll of the city, and to persons, firms, or corpora-

tions which have acquired property within such boundaries from the agency, at his last known address as shown by the records of the agency. The notice shall be mailed by certified mail with return receipt requested.

SEC. 9. Section 33375 is added to Part 1 (commencing with Section 33000), Division 24 of said code as proposed by Assembly Bill No. 1734, to read:

33375. After the adoption by the legislative body of a redevelopment plan which contains the provision permitted by Section 33670, the clerk of the community shall transmit a copy of the ordinance adopting the plan to the auditor and tax assessor of the county in which the project is located; to the officer or officers performing the functions of auditor or assessor for any taxing agencies which, in levying or collecting its taxes, do not use the county assessment roll or do not collect its taxes through the county; and to the governing body of each of the taxing agencies which levies taxes upon any property in the project area.

SEC. 10. Section 4 of Chapter 832 of the Statutes of 1963 is repealed.

SEC. 11. Section 5 of Chapter 832 of the Statutes of 1963 is repealed.

SEC. 12. Section 6 of Chapter 832 of the Statutes of 1963 is repealed.

SEC. 13. Section 7 of Chapter 832 of the Statutes of 1963 is repealed.

SEC. 15. Section 9 of Chapter 832 of the Statutes of 1963 is repealed.

SEC. 16. Sections 6, 7, 8, and 9 of this act shall become operative only if Assembly Bill No. 1734 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as Assembly Bill No. 1734 takes effect; at which time Sections 33700, 33711, 33738, 33747, and 33750 of the Health and Safety Code as amended and added by Sections 1, 2, 3, 4, and 5 of this act are repealed.

CHAPTER 1344

An act to amend Section 265 of the Revenue and Taxation Code, relating to property tax exemptions.

[Approved by Governor July 9, 1963. Filed with Secretary of State July 11, 1963.]

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

SECTION 1. Section 265 of the Revenue and Taxation Code is amended to read:

265. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1962 on property owned by an educational institution of collegiate grade, acquired by it during that fiscal year and of a kind that might

qualify for the college exemption, shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

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

Some educational institutions of collegiate grade purchased property during the 1962-63 fiscal year, after the lien date thereof, which property was taxed for that fiscal year, although now within the scope of the college exemption. If required to meet such tax obligations, the ability of such institutions to function effectively will be seriously impaired, to the great detriment of our educational system. This act will remedy that situation, and in doing so the public policy of the State for the exemption of property owned by educational institutions of collegiate grade, as expressed in Section 1a of Article XIII of the Constitution, will be subserved and the State as a whole will benefit.

CHAPTER 1345

An act to amend Sections 11503, 11885, 12813, 12843, 12921, 13451, 13452, 13454, 13456, 13481, 13511, 13565, 13591, 13593, 13621, 13652, and 14055 of, to add Section 13566 to Article 5 of Chapter 8 of Division 6 of, and to add Article 11 (commencing with Section 13010) to Chapter 6 of Division 6 of, to amend the title of Chapter 8 (commencing with Section 13451) of Division 6 of the Public Utilities Code, relating to municipal utility districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 9, 1963. Filed with Secretary of State July 11, 1963.]

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

SECTION 1. Section 11503 of the Public Utilities Code is amended to read:

11503. "District" means a municipal utility district formed under this division or under Chapter 218 of the Statutes of 1921, as originally enacted or subsequently amended; "special district" means a special district for sewage disposal and other purposes created under this division or under Chapter 218 of the Statutes of 1921, as originally enacted or subsequently amended; and "board" means the board of directors of a district.

SEC. 2. Section 11885 of said code is amended to read:

11885. The board shall supervise and regulate every utility and facility owned and operated by the district, including the fixing of rates, rentals, charges, and classifications, and the making and enforcement of rules, regulations, contracts, practices, and schedules, for or in connection with any service, product, or commodity owned or controlled by the district.

SEC. 3. Section 12813 of the Public Utilities Code is amended to read:

12813. Notwithstanding any of the provisions of this article, the board may, in its discretion, finance any special district enterprise, the interest on and retirement of any bonded indebtedness therefor, and provide for the maintenance and operation thereof entirely by the levy and collection of taxes upon the property within the special district for which the enterprise is constructed or operated, or by rates and charges imposed upon the users of the facilities of the enterprise, or by both taxes, rates, and charges, apportionment of expenses among public agencies served, or any combination of the foregoing.

SEC. 4. Section 12843 of said code is amended to read:

12843. Indebtedness which has been incurred for the construction and operation of a public utility, where the revenue from the utility for three years or more next preceding has been sufficient to pay the interest and principal due on any bonds issued for its construction or acquisition, in addition to the cost of operation and maintenance, shall not be counted and included in ascertaining the limit of indebtedness, and any indebtedness incurred for the acquisition, construction or operation of any works or facilities within any special district shall be excluded in ascertaining the aggregate indebtedness specified in Section 12842.

SEC. 5. Section 12921 of said code is amended to read:

12921. The Improvement Act of 1911 may be used by a district formed pursuant to this division for the construction of any district or special district facilities. In the application of said improvement act to proceedings instituted by such district, the terms used in said improvement act shall have the following meanings:

(a) "City council" and "council" mean the board of the district.

(b) "Municipality" and "city" mean district.

(c) "Clerk" and "city clerk" mean secretary of the board.

(d) "Superintendent of streets," "street superintendent" and "city engineer" mean the engineer appointed by the district to perform the engineering work for the assessment district.

(e) "Tax collector" means county tax collector.

(f) "Treasurer" and "city treasurer" mean the person or officer who has charge of and makes payment of the funds of the district.

(g) "Right-of-way" shall mean any parcel of land over which the district shall have an easement for the purpose of constructing or maintaining district facilities.

SEC. 7. Article 11 (commencing with Section 13010) is added to Chapter 6 of Division 6 of said code, to read:

Article 11. Municipal Improvement Act of 1913

13010. The Municipal Improvement Act of 1913 may be used by a district formed pursuant to this division for any purpose or purposes which a district or special district may carry out.

SEC. 8. The title of Chapter 8 (commencing with Section 13451) of Division 6 of said code is amended to read:

CHAPTER 8 SPECIAL DISTRICTS

SEC. 9. Section 13451 of said code is amended to read:

13451. One or more special districts for sewage disposal, public recreation or any of the purposes in which the district is authorized to engage may be created within the boundaries of a district as provided in this chapter

SEC. 10. Section 13452 of said code is amended to read:

13452. Resolutions shall first be passed by the legislative bodies of half or more, but of not less than two, of the public agencies, all or any part of the area of which it is intended to include in the proposed special district, declaring that the public interest or necessity demands the creation of a special district and describing its boundaries. The boundaries of the proposed special district may include territory outside any such public agency if the territory is within the area of the municipal utility district. When the entire area of any public agency is to be included in the special district it may be described in the resolutions by name. Certified copies of the resolutions shall be filed with the secretary of the district.

SEC. 11. Section 13454 of said code is amended to read:

13454. The petition shall declare that the public interest or necessity demands the creation of a special district within the area of the district described in the petition. The petition may be on separate papers, but each paper shall contain the affidavit of the party who circulated it, certifying that each name signed thereto is the true signature of the person whose name it purports to be.

SEC. 12. Section 13456 of said code is amended to read:

13456. The board may initiate proceedings for the creation of a special district within the area of the district by passing a resolution declaring that the public interest or necessity demands the creation of a special district, and describing its boundaries, which shall include all or any part of two or more public agencies. A public agency to be included may be described by name. No certified copy of the resolution need be filed with the secretary of the district.

SEC. 13. Section 13481 of said code is amended to read:

13481. Within 60 days after receipt of the resolutions of the public agencies or receipt of the certification of the sufficiency of a petition by the secretary of the district, or the passage of the resolution of the board, the board shall, by resolution, designate the special district as "_____ (here insert name) Municipal Utility District, Special District No. _____ (here insert number)" (all such special districts shall be numbered consecutively) and shall fix a time and place for a hearing on the proposed creation of the special district and shall publish notice thereof.

SEC. 14. Section 13511 of said code is amended to read:

13511. At any time after the board has approved the creation of the proposed special district, and fixed its boundaries, the board shall call and publish notice of an election within the proposed special district for the purpose of determining whether the proposed special district will be created and, if the board so determines, for the submission of a proposition for incurring a bonded indebtedness for the acquisition, construction, or completion by the district of any works, lands, structures, rights, or any other property necessary or convenient for the purposes of the special district. If the board determines that a bonded indebtedness is presently necessary the provisions of Chapter 7, except as otherwise provided herein, shall substantially govern as to all matters pertaining to the issuance of bonds under this article, including among other things, and without limiting the generality of the foregoing, the calling and holding of the bond election, the designating of the purposes for which the bonds are to be issued, the form, execution, issuance, maturity, redemption, refunding, validation, the payment of interest from bond funds and the status of the bonds as investments. If the board determines that no bonded indebtedness is presently necessary, the board may call the election for the creation and establishment of the special district only, and a bond election may later be called.

SEC. 15. Section 13565 of said code is amended to read:

13565. Each facility which a district is authorized to acquire, construct, own, operate, control, or use pursuant to this division shall be considered to be a facility owned and operated by the district even though service therefrom is limited to a special district created as provided in this division.

SEC. 16. Section 13566 is added to Article 5 of Chapter 8, Division 6 of said code, to read:

13566. A special district may, through contract or otherwise, construct, maintain, improve and operate public recreational facilities and expend funds therefor. Notwithstanding any other provision in this chapter, the district shall have no power to condemn property outside of the boundaries of a special district for the purposes of public recreation within the special district.

SEC. 17. Section 13591 of said code is amended to read:

13591. The board may use temporarily any district funds for the payment of any costs or expenses incident to the proposed or actual creation of a special district or the acquisition, construction, or completion of any works, lands, structures, rights, or other property necessary or convenient for the purposes of the special district or incident to the operation or maintenance of the special district.

SEC. 18. Section 13593 of said code is amended to read:

13593. Nothing in this article limits the general powers of a district.

SEC. 19. Section 13621 of said code is amended to read:

13621. At any time after the creation of a special district a proposition of incurring bonded indebtedness for the acquisition, construction, or completion by the district of any works, lands, structures, rights, or any other property necessary or convenient for the purposes of the special district may be submitted.

SEC. 20. Section 13652 of said code is amended to read:

13652. The board shall by resolution determine that the annexation of the territory will facilitate the acquisition or operation of a public utility or facility for the special district, describe therein the territory, declare its intention to annex the territory to the special district, set forth the terms and conditions upon which the territory shall be annexed, fix the time and place for hearing on the question of the annexation, and provide for the giving of notice of the hearing.

SEC. 21. Section 14055 of said code is amended to read:

14055. If the board determines that the annexation of the territory would facilitate the acquisition or operation of any public utility or facility for the district, or be of advantage to the district, then the board shall also determine the terms and conditions upon which the annexation should be made.

SEC. 22. This is an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act will provide the necessary revisions to enable municipal utility districts to proceed with the furnishing of necessary municipal-type services in rapidly growing special districts within their boundaries which services are required at the earliest possible time to protect the public health and safety.

CHAPTER 1346

An act to amend Sections 22950 and 22951 of, and to add Section 22952 to, the Vehicle Code, relating to parking lots.

[Approved by Governor July 10, 1963. Filed with Secretary of State July 11, 1963.]

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

SECTION 1. Section 22950 of the Vehicle Code is amended to read:

22950. Every person engaged in the operation of offstreet parking facilities is guilty of a misdemeanor under Section 42002, who:

(a) Fails to keep a schedule of his parking charges prominently displayed so as to be readily ascertainable by his patrons. Charges shall be for an hourly or half-hourly period and for half-hour or greater periods after the first hour or half-hour.

(b) Charges or attempts to charge a patron an additional fee for the use of his facilities for a period of six minutes or less in excess of the period for which a particular fee is charged. The half-hour fee shall be charged for the use of the facilities for a period of more than six minutes and less than 30 minutes in excess of the period for which a particular fee is charged.

This subdivision does not apply unless the charges exceed twenty-five cents ($0.25) per hour or portion thereof.

(c) Increases or attempts to increase the fee charged a patron for the use of his parking facilities within the period during which the patron is using the parking facilities, unless the schedule of parking charges displayed at the time the patron commences to use the facilities indicates the increased charges and the periods during which they are in effect.

(d) Fails to post the closing hour of his parking facilities.

SEC. 2. Section 22951 of said code is amended to read:

22951. The provisions of this Section 22950 shall be applicable only in cities having a population of over 2,000,000 inhabitants.

SEC. 3. Section 22952 is added to said code, to read:

22952. Every person engaged in the operation of offstreet parking facilities is guilty of a misdemeanor under Section 42002, who:

(a) Tows or removes or authorizes the towing and removal of any vehicle within 24 hours of the expiration of the period for which a particular fee is charged. This subdivision shall not affect or limit any parking lot operator from charging parking fees in accordance with his posted schedule for the additional time such vehicle is parked.

(b) Tows or removes or authorizes the towing and removal of any vehicle when such parking facilities are held open for

public use and there was no attendant on duty or other facilities permitting the patron to pay or remit the parking charges at the time such vehicle was first parked. This subdivision shall not affect or limit any parking lot operator from charging parking fees in accordance with his posted schedule for the time such vehicle is parked.

The provisions of this section shall be applicable only in cities having a population of over 700,000 inhabitants.

CHAPTER 1347

An act to amend Section 5006 of the Public Resources Code, relating to state parks and monuments.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 5006 of the Public Resources Code is amended to read:

5006. The department, with the consent of the Department of Finance, may acquire by purchase or by condemnation proceedings brought in the name of the people of the State of California title to or any interest in real and personal property which the department deems necessary or proper for the extension, improvement, or development of the state park system. The department shall attempt to purchase property by negotiation with the owner before it commences condemnation proceedings.

Proceedings for the condemnation of any real or personal property or any interest therein shall be taken under the provisions of the Code of Civil Procedure relating to eminent domain. The department shall not commence any such proceedings unless the director first issues a declaration declaring that public interest and necessity require acquisition by the State of the property or interest therein, described in the declaration, and that such acquisition is necessary and proper for the extension, improvement, or development of the state park system.

CHAPTER 1348

An act to amend Section 35201.5 of the Government Code, relating to the annexation of territory to cities.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 35201.5 of the Government Code is amended to read:

35201.5. Pursuant to this article, a city may annex noncontiguous territory not exceeding one hundred acres in area which lies in the same county as that in which the city is situated and which is owned by the city and used for a municipal purpose except that no territory may be annexed under the provisions of this article if, at the time the territory is proposed for annexation, one or more registered voters reside in the territory. If after the completion of such annexation, the city sells such territory or any part thereof or one or more registered voters reside thereon, such territory or part thereof ceases to be a part of the city.

If territory is annexed pursuant to this section, the annexing city may not annex any territory not owned by it and not contiguous to it although such territory is contiguous to the territory annexed pursuant to this section.

Notwithstanding any other provision of this section to the contrary, a city which annexes territory pursuant to this section may annex pursuant to this article additional territory which is owned by the State of California and which is contiguous to such first annexed territory if the total acreage of the first annexed and the subsequently annexed territory together does not exceed 100 acres in area. If after the completion of such subsequent annexation, the city sells all of such first annexed territory or one or more registered voters reside thereon, the subsequently annexed territory ceases to be part of the city.

CHAPTER 1349

An act to amend Sections 17283, 17674, 17854, 18410.6 and 19281 of the Revenue and Taxation Code, relating to personal income taxes.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 17283 of the Revenue and Taxation Code is amended to read:

17283. No deduction shall be allowed for—

(a) Any amount paid out for new buildings or for permanent improvements or betterments made to increase the value of any property or estate. This subsection shall not apply to—

(1) Expenditures for the development of mines or deposits deductible under Section 17690;

(2) Soil and water conservation expenditures deductible under Section 17224;

(3) Expenditures for farmers for fertilizer, etc., deductible under Section 17232; or

(4) Research and experimental expenditures deductible under Section 17223.

(b) Any amount expended in restoring property or in making good the exhaustion thereof for which an allowance is or has been made.

(c) Notwithstanding subsection (a) or (b), regulations shall be prescribed by the Franchise Tax Board under this part corresponding to the regulations which granted the option to deduct as expenses intangible drilling and development costs in the case of oil and gas wells and which were recognized and approved by the United States Congress in House Concurrent Resolution 50, 79th Congress.

SEC. 2. Section 17674 of the said code is amended to read:

17674. The taxable income of a common trust fund shall be computed in the same manner and on the same basis as in the case of an individual, except that—

(a) There shall be segregated the gains and losses from sales or exchanges of capital assets;

(b) After excluding all items of gain and loss from sales or exchanges of capital assets, there shall be computed—

(1) An ordinary taxable income which shall consist of the excess of the gross income over deductions; or

(2) An ordinary net loss which shall consist of the excess of the deductions over the gross income;

(c) The deductions provided by Section 17214 (relating to charitable, etc., contributions and gifts) shall not be allowed;

(d) The deduction provided by Section 17234 (relating to political contributions) shall not be allowed; and

(e) The standard deduction provided in Section 17171 shall not be allowed.

SEC. 3. Section 17854 of the said code is amended to read:

17854. (a) The taxable income of a partnership shall be computed in the same manner as in the case of an individual except that—

(1) The items described in Section 17852 shall be separately stated; and

(2) The following deductions shall not be allowed to the partnership:

(A) The standard deduction provided in Section 17171;

(B) The deductions for personal exemptions provided in Section 17181;

(C) The deduction for taxes provided in Section 17204(a) with respect to taxes, described in Section 18006, paid to another state;

(D) The deduction for charitable contributions provided in Section 17214 to 17216, inclusive;

(E) The deduction for political contributions provided in Section 17234; and

(F) The additional itemized deductions for individuals provided in Article 7 of Chapter 3.

(b) Any election affecting the computation of taxable income derived from a partnership shall be made by the partnership.

SEC. 4. Section 18410.6 of said code is amended to read:

18410.6. For the purposes of Sections 18586 to 18589, inclusive (relating to period of limitations upon assessment and collection), and for the purposes of Section 18681 (relating to delinquent returns), a joint return made under Section 18410 shall be deemed to have been filed:

(a) Where both spouses filed separate returns prior to making the joint return, on the date the last separate return was filed (but not earlier than the last date prescribed by this part for filing the return of either spouse).

(b) Where one spouse filed a separate return prior to the making of the joint return, and the other spouse had less than one thousand five hundred dollars ($1,500) of net income and less than five thousand dollars ($5,000) of gross income for such taxable year, on the date of the filing of such separate return (but not earlier than the last date prescribed by law for the filing of such separate return).

(c) Where only one spouse filed a separate return prior to the making of a joint return and the other spouse had a net income of more than one thousand five hundred dollars ($1,500) or a gross income of more than five thousand dollars ($5,000) for such taxable year, on the date of the filing of such joint return.

SEC. 5. Section 19281 of said code is amended to read:

19281. The Franchise Tax Board shall preserve reports and returns for four years from the due dates thereof and thereafter until it orders them to be destroyed. Returns filed pursuant to Sections 18802, 18802.1, and 18803 shall be preserved until the Franchise Tax Board orders them to be destroyed.

CHAPTER 1350

An act to amend Section 5088 of the Penal Code, relating to the Correctional Industries Commission.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 5088 of the Penal Code is amended to read:

5088. The members of the Correctional Industries Commission other than the chairman shall receive a per diem of twenty-five dollars ($25) for each day they are engaged in the official business of the commission, including time spent in traveling, for not more than 20 days in each fiscal year. All members, including the chairman, shall also receive their actual and necessary expenses of travel incurred in attending meetings of the commission and in making investigations, either as a commission or individually as members of the commission at the request of the chairman.

CHAPTER 1351

An act to amend Section 19601 of the Education Code, relating to state school building aid.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 19601 of the Education Code is amended to read:

19601. The following definitions apply to the computation and determinations required to be made under Sections 19602, 19603, and 19604 of this code, and they apply with respect to each grade level of a district for which grade level an apportionment has become final during any preceding fiscal year.

(a) "Forty-cent tax amount" means the amount that would be produced by a tax of forty cents ($0.40) on each one hundred dollars ($100) of assessed valuation, excluding the assessed valuation of solvent credits and other intangible property, for the current fiscal year within the district;

(b) "Thirty-cent tax amount" means the amount that would be produced by a tax of thirty cents ($0.30) on each one hundred dollars ($100) of such assessed valuation; and

(c) "Ten-cent tax amount" means the amount that would be produced by a tax of ten cents ($0.10) on each one hundred dollars ($100) of such assessed valuation.

(d) "Eligible bonded debt service" means the amount raised and to be raised by the district during the current fiscal year for the repayment of principal and interest on the portion of the bonded indebtedness of the district that was incurred for each such grade level prior to the making of the first apportionment for such grade level to said district under the provisions of this chapter computed as provided in Section 19602 plus the amount of the annual repayment under Chapter 8 (Section 19401 to 19486, inclusive), provided that for the purposes hereof the first apportionment made to a district for a grade level after all previous apportionments to said district for that grade level have been repaid in full shall be deemed to be the "first apportionment for such grade level."

CHAPTER 1352

An act to amend Sections 1711.5 and 1723 and to amend and renumber Section 1725 of, and to add Sections 1711.4 and 1723.1 to, the Welfare and Institutions Code, relating to the Youth Authority.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 1711.5 of the Welfare and Institutions Code is amended to read:

1711.5. The Youth Authority Board shall formulate general policies governing the performance of its functions by the full board, or, pursuant to delegation, by panels, or referees.

Case hearing representatives may be employed to participate with the board in the hearing of cases and to whom authority may be delegated as provided below in this section.

The board may delegate its authority to hear, consider, and act upon cases to members or case hearing representatives, sitting either on a panel or as a referee. A panel may consist of two or more members, or a member and a case hearing representative, or two case hearing representatives. Two members of a panel shall constitute a quorum, and no action of the panel shall be valid unless concurred in by a majority vote of those present.

When delegating its authority, the board may, in its discretion, condition finality of the decision of the panel or referee to whom authority is delegated on concurrence of a member or members of the board. In determining whether, in any case, it shall delegate its authority and the extent of delegation, the board shall take into account the degree of complexity of the issues presented by the case.

The board shall adopt rules under which a person under the jurisdiction of the Youth Authority or other persons, as specified in the rules, may appeal any decision of a case hearing representative. The board shall consider and act upon the appeal in accordance with such rules.

SEC. 2. Section 1723 of said code is amended to read:

1723. The Governor shall appoint a Director of the Department of the Youth Authority, and the director shall be Chairman of the Youth Authority Board. He shall receive an annual salary provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code in lieu of the salary received by members of the authority. He shall continue to serve as such during his term of office and until the appointment and qualification of his successor.

SEC. 3. Section 1723.1 is added to said code, to read:

1723.1. The Chairman of the Youth Authority Board shall be the administrative head of the board and shall exercise all duties and functions necessary to insure that the responsibilities of the board are successfully discharged. He shall be the appointing authority for all civil service positions of employment in the board.

SEC. 4. Section 1725 of said code is amended and renumbered to read:

1711.3. The Youth Authority Board shall meet with the Director of the Department of the Youth Authority not less than four times a year for the purpose of discussing policy and offering advice on policy pertaining to care and treatment of wards. The director may advise the Youth Authority

Board in the establishment of general policies relating to the functions and duties of the Youth Authority Board.

The following powers and duties shall be exercised and performed by the Youth Authority Board as such, or may be delegated to a panel, member, or case hearing representative as provided in Section 1711.5 of this code: return of persons to the court of commitment for redisposition by the court, discharge of commitment, orders to parole and condition thereof, revocation or suspension of parole, recommendation for treatment program, determination of the date of next appearance, return of nonresident persons to the jurisdiction of the state of legal residence.

The case of each ward shall be heard immediately after the case study of the ward has been completed and at such other times as is necessary to exercise the powers and duties listed above.

All other powers, duties, and functions pertaining to the care and treatment of wards provided by any provision of law shall be exercised and performed by the director. The director may make and enforce all rules appropriate to the proper accomplishment of his functions.

The director may delegate the powers and duties vested in him by this section, in accordance with Section 7 of this code.

SEC. 5. Section 1711.4 is added to said code, to read:

1711.4. Until October 1, 1965, the director may also designate any qualified officer employed by the Department of the Youth Authority as his representative at meetings of the Youth Authority Board, to exercise his powers and perform his duties as chairman or a member of the authority (other than his powers and duties as director).

CHAPTER 1353

An act to amend Section 68895, and to repeal Sections 68892, 68893, 68894, 68896, and 68897, of the Government Code, relating to publication of judicial opinions.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 68895 of the Government Code is amended to read:

68895. Such opinions of the Supreme Court, of the district courts of appeal, and of the appellate departments of the superior courts as the Supreme Court may deem expedient shall be published in the official reports. The reports shall be published under the general supervision of the Supreme Court.

SEC. 2. Sections 68892, 68893, 68894, 68896, and 68897 of said code are repealed.

CHAPTER 1354

An act to amend Sections 73972, 73973 and 73974 of the Government Code, relating to the Ontario Municipal Court.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 73972 of the Government Code is amended to read:

73972. There shall be one chief clerk who may appoint one municipal court clerk, one supervising clerk, one municipal court clerk assistant, three deputy municipal court clerks, one of whom may qualify as a steno, and one municipal court clerk typist.

SEC. 2. Section 73973 of said code is amended to read:

73973. There shall be one marshal who may appoint one deputy marshal, one deputy bailiff marshal and one deputy marshal clerk.

SEC. 3. Section 73974 of said code is amended to read:

73974. The monthly salaries for the following positions shall be according to the schedule set forth below:

	A	B	C	D	E
Chief clerk	545	575	608	641	677
Supervising clerk	417	440	464	489	516
Municipal court clerk	417	440	464	489	516
Municipal court clerk assistant	375	395	417	440	464
Deputy municipal court clerk steno	355	375	395	417	440
Deputy municipal court clerk	337	355	375	395	417
Municipal court clerk typist	288	303	319	337	355
Marshal	641	641	641	641	641
Deputy marshal	440	464	489	516	545
Deputy bailiff marshal	395	417	440	464	489
Deputy marshal clerk	337	355	375	395	417

The hiring salary for each position shall be the salary in column "A." A service period of six months shall be required for a salary increase from column "A" to column "B" and one additional year's service for a salary increase from column "B" to column "C." A service period of 18 additional months shall be required for a salary increase from column "C" to column "D" and two additional years' service for a salary increase from column "D" to column "E."

Notwithstanding any other provision of law, the salaries of municipal court employees may, upon approval of the board of supervisors, be increased or decreased by an amount not to exceed eleven percent (11%) in order to provide compensation that is comparable to county employees of similar qualifications and experience holding equal or comparable positions in the San Bernardino County classified service, as the comparability is determined by the board.

CHAPTER 1355

An act to amend Section 1297 of the Penal Code, relating to bail.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 1297 of the Penal Code is amended to read:

1297. When money has been deposited, a receipt shall be issued in the name of the depositor. If the money remains on deposit at the time of a judgment for the payment of a fine, the clerk must, under the direction of the court, if the defendant be the depositor, apply the money in satisfaction thereof, and after satisfying the fine and costs, must refund the surplus, if any, to the defendant. If the person to whom the receipt for the deposit was issued was not the defendant, the deposit after judgment shall be returned to him within 10 days after he claims it by submitting the receipt, and, if a claim is not made within 10 days of the exoneration of bail, the clerk shall immediately notify the depositor of the exoneration of bail.

CHAPTER 1356

An act to amend Section 24002, and to repeal Section 24754, of the Education Code, relating to state colleges.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 24002 of the Education Code is amended to read:

24002. (a) All money received from the sale of publications pursuant to Section 23616, all money received under an agreement entered into pursuant to Section 23608 except recovery of contributions to the State Employees' Retirement Fund, and all money collected as fees from students in any state college and from other persons under Section 23604, Sections 23608 to 23612, inclusive, and Sections 23751, 23754, 23759, 23760, and 24000, is hereby appropriated for the support of the California State Colleges in addition to such other amounts as may be appropriated therefor by the Legislature. Such money shall augment such support appropriation of the California State Colleges current at the date of issuance of the State Controller's receipt therefor as may be designated by the trustees prior to their deposit in the State Treasury.

(b) All money received from the sale or the disposition of real property acquired by or on behalf of a particular state

college by gift, devise, or donation pursuant to Section 24000 or pursuant to the predecessor of that section is hereby appropriated to the trustees for expenditure for capital outlay for, or the acquisition and improvement of real property for, such particular state college, in addition to such other amounts as may be appropriated therefor by the Legislature. All money received from the sale or other disposition of personal property, other than money, acquired by or on behalf of a particular state college by gift, bequest, or donation pursuant to Section 24000 or pursuant to the predecessor of that section is hereby appropriated to the trustees for expenditure for capital outlay for, or the acquisition and improvement of real or personal property for, such particular state college, in addition to such other amounts as may be appropriated therefor by the Legislature. No money shall be expended by the trustees under this subdivision without the approval of the Director of Finance. Such money shall augment such support or capital outlay appropriation of the California State Colleges current at the date of issuance of the State Controller's receipt therefor as may be designated by the trustees prior to their deposit in the State Treasury.

SEC. 2. Section 24754 of said code is repealed.

CHAPTER 1357

An act to amend Section 7651 of the Revenue and Taxation Code, relating to motor vehicle fuel license taxes.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 7651 of the Revenue and Taxation Code is amended to read:

7651. Each distributor shall prepare and file with the board on forms prescribed by the board a return showing the total number of gallons of motor vehicle fuel distributed by him within this State during each calendar month, or such monthly period ended during that calendar month as the board may authorize, the amount of license tax due for the month covered by the return, and such other information as the board deems necessary for the proper administration of this part. The distributor shall file the return on or before the first day of the second calendar month following the monthly period to which it relates, together with a remittance payable to the Controller for the amount of license tax due for that period less whatever amounts may have been paid theretofore for the same period because of returns and payments made on a weekly basis.

CHAPTER 1358

An act to amend Sections 58034, 58091 and 58856 of the Government Code, relating to districts.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 58034 of the Government Code is amended to read:

58034. The petition shall:

(a) State the proposed name for the district.

(b) Set forth the district boundaries or describe the land situated in the district.

(c) Request that the district be formed pursuant to the principal act.

(d) Describe generally the nature of the proposed project and, based upon the functions proposed to be performed by the district, an estimate verified by the proponents of the first year's estimated income and expenses and estimated expenditures for capital improvements.

(e) Comply with any additional requirements of the principal act.

SEC. 2. Section 58091 of said code is amended to read:

58091. The notice of final hearing shall state:

(a) The name and nature of the district.

(b) That the petition may be inspected at the clerk's office.

(c) The boundaries of the proposed district and the estimated initial annual special ad valorem tax rate to the taxable property within the proposed district as computed based on the verified information provided pursuant to subdivision (d) of Section 58034 of this code.

(d) The time and place for the final hearing.

(e) That protests will be considered at the hearing.

(f) That written requests for exclusion from or inclusion of land in the proposed district will be heard and considered.

SEC. 3. Section 58856 of said code is amended to read:

58856. In considering the proposal, the county boundary commission shall:

(a) Compare the proposed boundaries of the district with those of other districts within the county.

(b) Ascertain the extent to which overlapping or conflicting boundaries may result from the proposal.

(c) Ascertain other factors that the commission regards inimical to the public interest.

If the adoption of the proposal would result in two or more districts possessing, in any common territory, the authority to perform the same or similar functions, the county boundary commission report shall contain a statement describing such facts and such area, and shall also include a statement of the provisions of Section 53064 of this code.

CHAPTER 1359

An act to amend Sections 18602, 18606, 18654, 18670, 18672, 18673, 18674, 18675, 18676, 18677, 18678, 18679, 18690, 18710, 18711, 18712, 18713, 18714, 18731, 18732, 18733, 18734, 18742, 18747, 18748, 18748.5, 18750, 18751, 18760, 18761, 18762, 18780, and 18783 of, to add Section 18607 to, and to add Article 7.5 (commencing with Section 18755) to Chapter 2, Division 8 of, the Business and Professions Code, and to amend Sections 337b, 337c, 337d and 337e of the Penal Code, relating to boxing and wrestling.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 18602 of the Business and Professions Code is amended to read:

18602. A professional boxer or professional wrestler is one who competes for a money prize or purse in any boxing or wrestling contest or match, or who teaches or pursues or assists in the practice of boxing or wrestling, as a means of obtaining a livelihood or pecuniary gain. The term "professional wrestler" also includes any person who for any compensation participates as a wrestler in any wrestling exhibition.

SEC. 2. Section 18606 of said code is amended to read:

18606. As used in this chapter, "contest" and "match" include "boxing exhibition" but do not include any "wrestling exhibition."

SEC. 3. Section 18607 is added to said code, to read:

18607. As used in this chapter, "wrestling exhibition" means a performance of wrestling skills and techniques by two or more professional wrestlers, to which any admission is charged or which is broadcast or televised, in which the participating wrestlers are not required to use their best efforts in order to win, and for which the winner may have been selected before the performance commences.

SEC. 4. Section 18654 of said code is amended to read:

18654. This chapter does not apply to any amateur boxing contests or sparring or wrestling matches at which no admission fees are charged or collected which may be conducted by any recreation department or similar agency of any city or of any county or any city and county, or by any public district of the State organized for recreational purposes, when each contestant in such contests or matches is a bona fide student who is regularly attending a school during the academic year or who, if such contests or matches are conducted during any school vacation, has regularly attended a school during the next preceding 100 days.

SEC. 5. Section 18670 of said code is amended to read:

18670. The commission has the sole direction, management, and control of and jurisdiction over all boxing contests, spar-

ring and wrestling matches, and wrestling exhibitions which are conducted, held, or given within this State, and no boxing contest, sparring or wrestling match, or wrestling exhibition shall be conducted, held, or given within the State except in accordance with this chapter.

SEC. 6. Section 18672 of said code is amended to read:

18672. The commission has the sole direction, management, and control of and jurisdiction over all licenses issued to any person who participates in boxing contests, sparring or wrestling matches, or wrestling exhibitions.

SEC. 7. Section 18673 of said code is amended to read:

18673. The commission may license clubs to conduct, hold, or give, and may license referees, matchmakers, assistant matchmakers, announcers, ticket sellers, doormen, ushers, corporation treasurers, box-office employees, and timekeepers to participate in, or be employed in connection with, professional or amateur boxing contests, sparring or wrestling matches, or wrestling exhibitions.

No club may conduct, hold, or give, and no referee, matchmaker, assistant matchmaker, announcer, ticket seller, doorman, usher, corporation treasurer, box-office employee, or timekeeper may participate in, or be employed in connection with, any such boxing contest, sparring or wrestling matches, or wrestling exhibitions unless the club or person has been licensed for that purpose by the commission.

SEC. 8. Section 18674 of said code is amended to read:

18674. The commission may license professional boxers, professional wrestlers, and booking agents, managers, trainers, and seconds of each.

No such person shall participate in any boxing contest, sparring or wrestling match, or wrestling exhibition or serve in the capacity of a booking agent, manager, trainer, or second, unless he has been licensed for that purpose by the commission.

For the purpose of this section, the term "manager" means any person who does any of the following:

(a) By contract, agreement, or other arrangement with any person undertakes or has undertaken to represent in any way the interest of any professional boxer in procuring or with respect to the arrangement or conduct of, any professional boxing contest in which such boxer is to participate as a contestant; except that the term "manager" shall not be construed to mean any attorney licensed to practice in this State whose participation in such activities is restricted to his representing the interest of a professional boxer as his client.

(b) Directs or controls the professional boxing activities of any professional boxer.

(c) Receives or is entitled to receive more than 10 percent of the gross purse of any professional boxer for any services relating to such boxer's participation in a professional boxing contest.

(d) Is an officer, director, or stockholder of any corporation which receives or is entitled to receive more than 10 percent of the gross purse of any professional boxer for any services relating to such boxer's participation in a professional boxing contest.

SEC. 9. Section 18675 of said code is amended to read:

18675. The commission shall not issue any license to conduct, hold, or give boxing contests, sparring or wrestling matches, or wrestling exhibitions to any club which has not complied with the conditions of this chapter.

The commission may revoke any such license at any time if the licensee does not comply with the conditions of this chapter.

SEC. 10. Section 18676 of said code is amended to read:

18676. The commission shall not issue any license to conduct, hold, or give boxing contests, sparring or wrestling matches, or wrestling exhibitions, where an admission fee is received, to any club unless the club holds a lease for a term of at least six months of the premises in which the contest, match, or exhibition is to be held, except where such matches, contests, or exhibitions are to be conducted, held, or given in an armory or publicly owned auditorium or hall and the club presents a statement in writing from the duly authorized body or official in control of the building that the club has permission to use the building.

SEC. 11. Section 18677 of said code is amended to read:

18677. Any application for a license to conduct, hold, and give a boxing contest, sparring or wrestling match, or wrestling exhibition shall be in writing, addressed to the commission, and verified by some officer of the club on whose behalf the application is made.

SEC. 12. Section 18678 of said code is amended to read:

18678. Any application for a license to conduct, hold or give a boxing contest, sparring or wrestling match, or wrestling exhibition shall contain a recital of facts showing compliance with this chapter and, in addition thereto, such other facts and recitals as the commission may by rule require.

SEC. 13. Section 18679 of said code is amended to read:

18679. Any application for a license to conduct, or give a boxing contest, a sparring or wrestling match, or a wrestling exhibition shall be accompanied by an annual fee, which shall be:

(a) Twenty-five dollars ($25) in cities of not more than 5,000 inhabitants.

(b) Forty dollars ($40) in cities of not more than 50,000 inhabitants.

(c) Fifty dollars ($50) in cities of not more than 75,000 inhabitants.

(d) Seventy-five dollars ($75) in cities of not more than 150,000 inhabitants.

(e) One hundred dollars ($100) in cities having a population of more than 150,000 inhabitants.

The total annual fee shall be paid for any license issued between January 1st and March 31st, both dates inclusive; three-fourths of the annual fee shall be paid for any license issued between April 1st and June 30th, both dates inclusive; one-half the total annual fee shall be paid for any license issued between July 1st and September 30th, both dates inclusive; one-fourth of the total annual fee shall be paid for any license issued between October 1st and December 31st, both dates inclusive. Every license shall expire at midnight on December 31st of the year in which such license is issued.

SEC. 14. Section 18690 of said code is amended to read:

18690. Before any license is granted to any club to conduct, hold, or give a boxing contest or a sparring match, other than an amateur boxing contest or sparring match, or to conduct, hold, or give a wrestling match or a wrestling exhibition, the applicant therefor shall file a bond of two thousand dollars ($2,000) with good and sufficient surety with the commission, conditioned for the faithful performance by the club of the provisions of this chapter and the payment of the taxes herein imposed.

Before any license is granted to any club to conduct, hold, or give an amateur boxing contest, sparring or wrestling match for which an admission fee is received the applicant therefor shall file a bond of not less than one thousand dollars ($1,000) with good and sufficient surety with the commission, conditioned for the faithful performance by the club of the provisions of this chapter and the payment of taxes herein imposed.

SEC. 15. Section 18710 of said code is amended to read:

18710. All tickets of admission to any boxing contest, sparring or wrestling match, or wrestling exhibition shall have printed clearly upon the face thereof the purchase price of the ticket and no such tickets shall be sold for more than that price. Such tickets shall also have the number of the ticket printed clearly on both ends of the ticket.

SEC. 16. Section 18711 of said code is amended to read:

18711. Except as provided in Section 18713, every club licensed under this chapter shall, within 72 hours after the determination of every contest, match, or exhibition for which an admission fee is charged and received, furnish to the commission a written report duly verified by one of its officers, showing the number of tickets issued or sold for such contest, match, or exhibition, the amount of the gross receipts or value thereof, and the gross price charged directly or indirectly and no matter by whom received, for the sale, lease, or other exploitation of broadcasting and television rights of such contest, match, or exhibition, and without any deductions whatsoever for commissions, brokerage, distribution fees, advertising, or any other expenses, charges, and recoupments in respect thereto and such other matters as the commission may prescribe.

Such club shall also, within the same time, pay to the commission a tax, exclusive of any federal taxes paid thereon, of one cent ($0.01) for each twenty cents ($0.20), or fraction thereof, of the amount paid for admission to such contest, match, or exhibition, and of the gross price as described above for the sale, lease, or other exploitation of broadcasting or television rights thereof, except that in no case shall such tax be less than twenty-five dollars ($25). Said tax shall apply uniformly at the same rate to all clubs subject to the tax. In the case of persons (except bona fide employees, municipal, or county officers on official business, members and employees of the commission) admitted free or at reduced rates to any boxing contest, wrestling match, or wrestling exhibition at a time when and under circumstances under which an admission charge is made to other persons, an equivalent tax based on the price so charged to such other persons for the same or similar accommodations shall be collected by the club, holding such contest, match, or exhibition from the person so admitted and paid to the commission at the same time and in the same manner as other taxes are paid to the commission.

SEC. 17. Section 18712 of said code is amended to read:

18712. An inspector or other employee duly authorized by the commission shall be present at all contests, matches and exhibitions and see that the rules are strictly observed, and also be present at the counting of the gross receipts of all such contests, matches, and exhibitions. The inspector or other employee duly authorized by the commission are authorized to assist in the counting of tickets and in the computation of the tax due thereon, and to take any other action necessary for the administration and enforcement of this chapter. The inspector or other employee duly authorized by the commission shall immediately mail to the commission the official statement of gross receipts received by him from the officers of the club.

SEC. 18. Section 18713 of said code is amended to read:

18713. No tax shall be levied or collected under this chapter on the receipts of a boxing contest, sparring or wrestling match, or wrestling exhibition all the proceeds or net earnings of which inure exclusively to the benefit of any post of the American Legion or any other duly recognized organization of veterans of any war of the United States and not to the benefit of any individual member thereof.

SEC. 18.5. Section 18714 of said code is amended to read:

18714. Whenever any club fails to make a report of any contest, match, or wrestling exhibition within the period prescribed by this chapter or whenever such report is unsatisfactory to the commission the executive officer may examine or cause to be examined the books and records of the club and subpoena and examine under oath its officers and other persons as witnesses for the purpose of determining the total amount of its gross receipts for any contest, match, or

wrestling exhibition and the amount of tax due pursuant to this chapter, which tax he may upon and as the result of such examination fix and determine.

SEC. 19. Section 18731 of said code is amended to read:

18731. All boxing contests, sparring or wrestling matches, or wrestling exhibitions may be held in any building for which the commission in its discretion may issue a license. Where the contest, exhibition, or match is authorized to be held in a state- or city-owned armory the provisions of the military law in respect thereto shall be complied with.

SEC. 20. Section 18732 of said code is amended to read:

18732. All buildings or structures used or intended to be used for holding or giving boxing contests, sparring or wrestling matches, or wrestling exhibitions shall be properly ventilated and provided with fire exits and fire escapes, and shall in all manner conform to the laws, ordinances, and regulations pertaining to buildings in the city or unincorporated county area where the building or structure is situated.

SEC. 21. Section 18733 of said code is amended to read:

18733. No person under the age of 16 years shall be admitted to a boxing contest, a sparring or wrestling match, or a wrestling exhibition unless he is accompanied by his parent or guardian.

SEC. 22. Section 18734 of said code is amended to read:

18734. No person under the age of 18 years shall participate as a contestant in any boxing contest, sparring or wrestling match, or wrestling exhibition, except that any person of the age of 17 years or over, who is a registered amateur boxer in any state or territory where a person who has attained the age of 17 years may box legally, may participate in an amateur boxing contest held by the United States Olympic Association for the purpose of selecting contestants for Olympic games.

Every contestant in an amateur boxing contest or sparring match shall be a registered amateur in the district in which he resides, and shall be examined by a physician immediately before the contest.

SEC. 23. Section 18742 of said code is amended to read:

18742. Every club holding a license to conduct boxing contests, sparring or wrestling matches, or wrestling exhibitions shall have at its own expense in attendance at every boxing contest, sparring or wrestling match, or wrestling exhibition, a physician approved by the commission who has had not less than three years' medical practice, who shall observe the physical condition of the boxers and wrestlers, and advise the referee with regard thereto

One hour before the boxers or wrestlers enter the ring such physician shall certify in writing over his signature, as to the boxers' or wrestlers' physical condition to engage in such contest, match, or exhibition. A report of the medical examinations shall be filed with the commission not later than 24 hours after the termination of a contest, match, or exhibition.

The physician's report of the examination shall include specific mention as to the condition of the boxer's or wrestler's heart, nerves, and brain.

The services of the club physician or physicians shall be paid according to a schedule of fees adopted by the commission. These fees shall be paid by the club to the commission and the commission shall remit the payment to the physician.

SEC. 24. Section 18747 of said code is amended to read:

18747. The commission or the executive officer or any other employee duly authorized by the commission shall have the power to order the promoter to withhold any purse, or any part thereof, or any receipts or other funds belonging to or payable to any contestant or for which any contestant is competing or the share thereof of any manager, if, in his judgment, it should appear that such contestant is not competing honestly, or is intentionally not competing to the best of his ability and skill, or if it should appear that the contestant, his manager or any of his seconds has violated any provisions of this chapter or the rules and regulations promulgated hereunder. This section does not, however, authorize the withholding of any compensation which is payable to any wrestler in any wrestling exhibition because it appears that such wrestler is not competing honestly, or is intentionally not competing to the best of his ability and skill.

SEC. 24.1. Section 18748 of said code is amended to read:

18748. No boxer or wrestler shall be paid for service before a contest or wrestling exhibition, except that a club may, with the permission of the commission, pay to a boxer or wrestler before services are rendered necessary transportation and living expenses. However, such payment must not be more than ten percent (10%) of such boxer's or wrestler's purse and in no case can such payment exceed the sum of five hundred dollars ($500).

SEC. 24.2. Section 18748.5 of said code is amended to read:

18748.5. No boxer or wrestler or his manager shall be paid for the services of the boxer or wrestler except in the presence of an inspector or other authorized representative of the commission and the authorized representative of the commission shall report to the commission any payment not in accordance with the provisions of the contract on file with the commission.

SEC. 25. Section 18750 of said code is amended to read:

18750. No club nor any member or stockholder thereof, shall have, either directly or indirectly, any financial interest in a boxer or wrestler competing, or in any wrestler participating in any wrestling exhibition, on premises owned or leased by the club or on premises in which such club, member, or stockholder thereof is otherwise interested.

SEC. 26. Section 18751 of said code is amended to read:

18751. This article where not otherwise indicated applies to wrestling matches and wrestling exhibitions except that the commission shall by rule and regulation prescribe the length or

duration of such matches and exhibitions, the manner in which the contestants or participants shall engage in such matches and exhibitions and, in the case of wrestling matches such further safeguards and conditions as shall insure fair, sportsmanlike, and scientific wrestling matches.

SEC. 27. Article 7.5 (commencing with Section 18755) is added to Chapter 2, Division 8 of said code, to read:

Article 7.5. Additional Regulations for Wrestling Exhibitions

18755. Any signs, posters, or other printed advertising for, and every ticket of admission to, any wrestling exhibition shall contain on the face thereof the following statement, or words of similar import, in type which is clearly legible and not less than half as large as the largest type which is used in such advertising matter or on such ticket of admission, but in no event shall this require that the notice be printed in larger than 12-point type:

NOTICE

This will be a wrestling exhibition.

18756. Before the commencement of any wrestling exhibition, the referee or announcer shall give the same notice verbally as is required by Section 18755 to be printed on advertising matter and tickets for wrestling exhibition to the audience which is attending the exhibition and, if it is being broadcast or telecast, shall also give the same notice to the radio or television audience.

18757. Neither the term "contest" or "match" shall be used in any advertising or on any tickets for any wrestling exhibition nor shall such terms be used in any announcement regarding any wrestling exhibition by the club or person that is presenting the exhibition or by any person participating in the exhibition.

SEC. 28. Section 18760 of said code is amended to read:

18760. Any contestant who participates in any sham or fake boxing contest or sparring or wrestling match shall be penalized in the following manner: He may be permanently disqualified from further participation in any boxing contest or sparring or wrestling match held or given under this chapter, but he must be suspended by the commission for not less than 12 months from the date of such offense from further participation in any boxing contest or sparring or wrestling match held or given under this chapter. This section does not apply to the participants in any wrestling exhibitions.

SEC. 29. Section 18761 of said code is amended to read:

18761. Any club which holds or participates in, any sham or fake boxing contest or sparring or wrestling match shall thereby forfeit its license under this chapter, which shall there-

upon be canceled and declared void by the commission. Such club may not thereafter receive any license under this chapter. No license shall be issued to any club which has among its members any member who belonged to or who was an official of a club which had its license revoked. The license of a club is not subject to forfeiture pursuant to this section because the club holds or participates in any wrestling exhibition.

SEC. 30. Section 18762 of said code is amended to read:

18762. Every officer of any club, and any referee, timekeeper, boxer, wrestler, manager, trainer, second or person who conducts, gives, or participates in any sham or collusive boxing contest, or sparring or wrestling match, shall be deprived of his license by the commission and shall be disqualified from receiving a new license or a renewal of a license. A person shall not, however, be deprived of his license pursuant to this section or be disqualified from receiving a new license or a renewal of a license because he conducts, gives, or participates in any wrestling exhibition.

SEC. 31. Section 18780 of said code is amended to read:

18780. Every club or person to whom or which this chapter is otherwise applicable who directly or indirectly holds any boxing contest, sparring or wrestling match, or wrestling exhibition without first having procured a license is guilty of a misdemeanor.

SEC. 32. Section 18783 of said code is amended to read:

18783. Any club or person connected therewith who destroys any ticket or ticket stub sold or unsold to a boxing contest, sparring or wrestling match, or wrestling exhibition within six months after the contest, match, or exhibition without previous authorization by the commission is guilty of a misdemeanor.

SEC. 33. Section 337b of the Penal Code is amended to read:

337b. Any person who gives, or offers or promises to give, or attempts to give or offer, any money, bribe, or thing of value, to any participant or player, or to any prospective participant or player, in any sporting event, contest, or exhibition of any kind whatsoever, except a wrestling exhibition as defined in Section 18607 of the Business and Professions Code, and specifically including, but without being limited to, such sporting events, contests, and exhibitions as baseball, football, basketball, boxing, horseracing, and wrestling matches, with the intention or understanding or agreement that such participant or player or such prospective participant or player shall not use his best efforts to win such sporting event, contest, or exhibition, or shall so conduct himself in such sporting event, contest, or exhibition that any other player, participant or team of players or participants shall thereby be assisted or enabled to win such sporting event, contest, or exhibition, or shall so conduct himself in such sporting event, contest, or exhibition as to limit his or his team's margin of

victory in such sporting event, contest or exhibition, is guilty of a felony, and shall be punished by imprisonment in the state prison for a period not exceeding five years, or by a fine not exceeding five thousand dollars ($5,000), or by both such fine and imprisonment.

SEC. 34. Section 337c of said code is amended to read:

337c. Any person who accepts, or attempts to accept, or offers to accept, or agrees to accept, any money, bribe or thing of value, with the intention or understanding or agreement that he will not use his best efforts to win any sporting event, contest, or exhibition of any kind whatsoever, except a wrestling exhibition as defined in Section 18607 of the Business and Professions Code, and specifically including, but without being limited to, such sporting events, contests, or exhibitions as baseball, football, basketball, boxing, horseracing, and wrestling matches, in which he is playing or participating or is about to play or participate in, or will so conduct himself in such sporting event, contest, or exhibition that any other player or participant or team of players or participants shall thereby be assisted or enabled to win such sporting event, contest, or exhibition, or will so conduct himself in such sporting event, contest, or exhibition as to limit his or his team's margin of victory in such sporting event, contest, or exhibition, is guilty of a felony, and shall be punished by imprisonment in the state prison for a period not exceeding five years, or by a fine not exceeding five thousand dollars ($5,000), or by both such fine and imprisonment.

SEC. 35. Section 337d of said code is amended to read:

337d. Any person who gives, or offers to give, or promises to give, or attempts to give, any money, bribe or thing of value to any person who is umpiring, managing, directing, refereeing, supervising, judging, presiding or officiating at, or who is about to umpire, manage, direct, referee, supervise, judge, preside or officiate at any sporting event, contest, or exhibition of any kind whatsoever, and specifically including, but without being limited to, such sporting events, contests, and exhibitions as baseball, football, boxing, horseracing, and wrestling matches, with the intention or agreement or understanding that such person shall corruptly or dishonestly umpire, manage, direct, referee, supervise, judge, preside, or officiate at, any such sporting event, contest, or exhibition, or the players or participants thereof, with the intention or purpose that the result of the sporting event, contest, or exhibition will be affected or influenced thereby, is guilty of a felony and shall be punished by imprisonment in the state prison for a period not exceeding five years, or by a fine not exceeding five thousand dollars ($5,000), or by both such fine and imprisonment.

SEC. 36. Section 337e of said code is amended to read:

337e. Any person who as umpire, manager, director, referee, supervisor, judge, presiding officer or official receives or agrees to receive, or attempts to receive any money, bribe or

thing of value, with the understanding or agreement that such umpire, manager, director, referee, supervisor, judge, presiding officer, or official shall corruptly conduct himself or shall corruptly umpire, manage, direct, referee, supervise, judge, preside, or officiate at, any sporting event, contest, or exhibition of any kind whatsoever, and specifically including, but without being limited to, such sporting events, contests, and exhibitions as baseball, football, boxing, horseracing, and wrestling matches, or any player or participant thereof, with the intention or purpose that the result of the sporting event, contest, or exhibition will be affected or influenced thereby, is guilty of a felony and shall be punished by imprisonment in the state prison for a period not exceeding five years, or by a fine not exceeding five thousand dollars ($5,000), or by both such fine and imprisonment.

CHAPTER 1360

An act to amend Section 16627 of the Education Code, relating to school district personnel.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 16627 of the Education Code is amended to read:

16627. Any city, county, or city and county charter provision to the contrary notwithstanding, each person employed by a school district on July 1, 1955, and each person employed by a school district on September 11, 1957, who was theretofore excluded, solely by reason of the provisions of the predecessor of Section 16626 in effect prior to July 1, 1955, or who was theretofore excluded solely by reason of the provisions of the predecessor of this section prior to September 11, 1957, from membership in any retirement system in which the district participates or to which it contributes for the purpose of providing retirement rights and benefits for employees of the district not employed in a status requisite for membership in the State Teachers' Retirement System, shall become a member of the retirement system from which he was excluded, on July 1, 1955, or on September 11, 1957, if theretofore excluded solely by reason of the provisions of the predecessor of this section in effect prior to that date. Every such member shall be entitled to credit for service in child care centers rendered prior to July 1, 1955, or prior to September 11, 1957, if therefore excluded, and before he became a member of the system, in the same manner as if he had not theretofore been excluded from membership in the retirement system, except that he

shall not be required to make any contributions to the retirement system in respect to such service rendered prior to his membership, and all contributions necessary to provide benefits on account of such service shall be paid to the retirement system by the school district by which the member is employed. For the purpose of computing benefits for services rendered prior to July 1, 1955, as provided in this section, the average monthly salary earned by such employee in the fiscal year 1954-55 shall be used and for the purpose of computing benefits for service rendered between July 1, 1955, and September 11, 1957, for members receiving credit for service between those dates under the provisions of the predecessor of this section as amended by Chapter 1238 of the Statutes of 1957, the average monthly salary earned by such employees in the fiscal year 1956-57 shall be used.

Notwithstanding any other provisions of this section, for the purpose of computing benefits for any person retired on and after January 1, 1958, for services rendered prior to July 1, 1955, as provided in this section, and for the purpose of computing benefits for service rendered between July 1, 1955, and September 11, 1957, for members receiving credit for service between those dates under the provisions of this section, the "final compensation" of such person shall be computed in the same manner as for other employees who are included in the same retirement system and in the same class of retirement system members and who are not affected by this section. The amendment to this section enacted at the 1963 session shall be applied to increase the allowances, payable subsequent to October 1, 1963, in respect to those members who retired on or after July 1, 1955.

Notwithstanding any other provision of this section no increased allowance shall be paid, as authorized by this section, to any person who has retired between July 1, 1955, and October 1, 1963, unless the person to whom the increase would otherwise be payable mails written application for the increase to the appropriate retirement system prior to April 1, 1964.

SEC. 2. This act shall be operative on October 1, 1963.

CHAPTER 1361

An act to amend Section 73433.5 of the Government Code, relating to salaries of municipal court clerks.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 73433.5 of the Government Code is amended to read:

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

(a)

Title of position	No. of positions	Salary range A	B	C	D	E
Clerk of the municipal court	1	$641	$673	$707	$742	$779
Assistant clerk	1	502	527	553	581	610
Department court clerk	4	392	412	433	455	478
Clerk II	1	292	307	322	338	355
Municipal legal clerk II	3	412	433	455	478	502
Municipal legal clerk I	5	373	392	412	433	455
Typist-clerk II	7	292	307	322	338	355
Typist-clerk I	4	252	265	278	292	307

(b) Within the positions set out in subdivision (a), there shall be five step levels which shall be designated as "step A," "step B," "step C," "step D," and "step E," which are defined as follows:

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

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

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

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

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

(c) Notwithstanding any other provision of this article:

(1) The minimum salary for each position shall normally be "step A" for the position. If it is difficult to secure qualified personnel at that step or if a person of unusual qualifications is engaged, the court or the clerk, as the case may be, may hire at any step of the salary range applicable to the position.

(2) A majority of the judges of the court may place the clerk in the step of the salary range to which he would be entitled if he had been placed in "step C" of such salary range on the effective date of his appointment as clerk.

(3) If a deputy clerk changes his position to another position of higher salary range, he shall receive the lowest amount provided in the salary range for the new position which is at

least equal to the amount he would have received if he had been advanced one step higher in the salary range applicable to his old position. If at the time such deputy clerk changes his position to another of higher salary range he is receiving the salary provided in "step E" of the salary range applicable to his old position, he shall receive the lowest amount provided in the salary range for the newer position which is at least equal to the salary provided in "step E" of such old position plus the difference between the salaries provided in "step D" and in "step E" of such old position.

CHAPTER 1362

An act to amend Sections 757, 2152 and 2603 of, and to add Sections 759, 760, 761 and 762 to, and to repeal Article 2 (commencing with Section 791) of Chapter 4 of Part 2 of Division 1 of, the Revenue and Taxation Code, relating to property tax assessments.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 757 of the Revenue and Taxation Code is amended to read:

757. The board shall also immediately transmit to the auditor of each city which has not elected to transfer its assessment and tax collection functions to the assessor and tax collector of the county a roll showing the assessments made by the board in the city and in each district for which the city assesses property and collects taxes or assessments.

SEC. 2. Section 759 is added to said code, to read:

759. In lieu of complying with the provisions of Section 756, the board may, upon receipt by July 1 of a written request from a county auditor who has the approval of the board of supervisors, transmit to the auditor immediately after the first Monday in August an estimate of the total assessed value of state assessed property in the county and in each revenue district in the county. Such an estimate need not be made for a revenue district that did not levy a tax or assessment during the preceding year unless the board receives a notice in writing of a proposed levy, in which case the board shall furnish, as part of the original estimate or by way of a statement of changes, an estimate of the total assessed value of state assessed property in the district.

The estimates shall be regarded as establishing the total assessed value of state assessed property in the county and district for the purpose of determining the tax rate of such county and district, subject only to changes transmitted immediately after the third Monday in August. If there are no changes, the board shall at that time confirm its estimates.

SEC. 3. *Section 760 is added to said code, to read:*

760. When proceeding under Section 759, the board shall transmit to the tax collector, on or before October 1, a roll which shows assessments made by it and which has been extended, by the use of the rates of taxes and ad valorem special assessments forwarded to the board by the county auditor under Section 2152, to show the amount of tax or special assessment due with respect to each assessment. The board shall reject fractions of a cent and shall reject any cent not evenly divisible by two when dividing a tax or special assessment into equal installments. Upon delivery of the board roll to the tax collector, the secretary of the board shall certify to the auditor the total amount of the taxes and ad valorem special assessments set forth therein.

On or before November 1 the board may, upon receipt by July 1 of a written request from a county tax collector who has the approval of the board of supervisors, prepare and deliver or mail to assessees on a board roll which it has extended appropriate tax bills in the name of the local taxing agency. Each tax bill shall indicate the name and address of the official to whom the tax should be remitted.

SEC. 4. Section 761 is added to said code, to read:

761. Whenever locally assessable property in a city is not assessed by the county assessor for city purposes but a separate city roll is used, the board, upon receipt by July 1 of a written request from a city auditor who has the approval of the city legislative body, may, in lieu of complying with the provisions of Section 757, transmit to the auditor immediately after the first Monday in August the estimate of the total assessed value of state assessed property in the city that is supplied to the county auditor under Section 759. Immediately after the third Monday in August, the board shall confirm or modify any such estimate and shall certify to the city auditor the total value at which it has assessed property for city tax purposes in the city and in each area within the city wherein a separate city tax or ad valorem special assessment rate is applicable.

As soon as the city tax rate or rates are fixed by the city legislative body, the city auditor shall certify them to the board and the board shall then proceed with the computation and entry of the taxes and ad valorem special assessments. The board shall reject fractions of a cent and shall reject any cent not evenly divisible by two when dividing a tax or special assessment into equal installments. On or before October 1 the board shall deliver an extended roll to the city tax collector, and the secretary of the board shall certify to the city auditor the total amount of the taxes and ad valorem special assessments set forth therein.

On or before November 1 the board may, upon receipt by July 1 of a written request from a city tax collector who has the approval of the city legislative body, prepare and deliver or mail to assessees on a board roll which it has extended ap-

propriate tax bills in the name of the local taxing agency. Each tax bill shall indicate the name and address of the official to whom the tax should be remitted.

SEC. 5. Section 762 is added to said code, to read:

762. To a roll delivered by the board under the provisions of Section 760 or 761, the secretary of the board shall affix an affidavit, subscribed by him, as follows:

"I, _____, Secretary of the State Board of Equalization, swear that this board roll sets forth the assessments of all state-assessed property for the purpose of taxation in the _____ of _____ as of noon of the first Monday in March, _____, made by the State Board of Equalization in accordance with the requirements of Section 14 of Article XIII of the Constitution of California and Division 1 of the Revenue and Taxation Code of said State; I further swear that said board has reckoned on said roll in accordance with the rates certified by the auditor the respective sums due as taxes and ad valorem special assessments and has added the columns of valuations and taxes or ad valorem special assessments, as required by law."

SEC. 6. Article 2 (commencing with Section 791) of Chapter 4 of Part 2 of Division 1 of said code is repealed.

SEC. 7. Section 2152 of said code is amended to read:

2152. The auditor shall then:

(a) Compute and enter in a separate column on the roll the respective sums in dollars and cents, rejecting the fractions of a cent, to be paid as a tax on the property listed. Notwithstanding any contrary provisions elsewhere set forth in the law, all rates applicable to any assessment may be combined into a single figure for purposes of computation and extension of the roll.

(b) Place in other columns the respective amounts due in installments.

(c) Foot each column, showing the totals.

Provided, however, that if the assessment roll is a machine-prepared roll the above prescribed computations and entries may be made and entered upon a newly prepared roll which shall incorporate the adjustments authorized by the local board of equalization.

(d) When appropriate because of the provisions of Section 759, certify to the board the rates of taxes and ad valorem special assessments which have been fixed by the local board and which he is using to extend the local roll.

SEC. 8. Section 2603 of said code is amended to read:

2603. At the time the auditor delivers the local assessment roll to the tax collector, he shall charge the collector with the taxes extended thereon, together with the taxes extended on the board roll, whether delivered by him under Section 2601 or by the board under Section 760.

CHAPTER 1363

An act to amend Sections 74842, 74843, 74844 and 74845 of the Government Code, relating to salaries of municipal court attachés.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963]

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

SECTION 1. Section 74842 of the Government Code is amended to read:

74842. There shall be one clerk who shall receive a minimum salary of five hundred thirty dollars ($530) monthly with increments of twenty-six dollars ($26), twenty-eight dollars ($28), twenty-nine dollars ($29), thirty-one dollars ($31), thirty-two dollars ($32) and thirty-four dollars ($34) to a maximum of seven hundred ten dollars ($710) monthly.

SEC. 2. Section 74843 of said code is amended to read:

74843. The clerk may appoint:

(a) One chief deputy clerk who shall receive a minimum salary of three hundred ninety-five dollars ($395) monthly with increments of twenty dollars ($20), twenty-one dollars ($21), twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24) and twenty-five dollars ($25) to a maximum of five hundred thirty dollars ($530) monthly.

(b) Four senior deputy clerks each of whom shall receive a minimum salary of three hundred forty-one dollars ($341) monthly with increments of seventeen dollars ($17), eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21) and twenty-two dollars ($22) to a maximum of four hundred fifty-eight dollars ($458) monthly.

(c) Six deputy clerks each of whom shall receive a minimum salary of two hundred ninety-five dollars ($295) monthly with increments of fifteen dollars ($15), fifteen dollars ($15), sixteen dollars ($16), seventeen dollars ($17), eighteen dollars ($18) and nineteen dollars ($19) to a maximum of three hundred ninety-five dollars ($395) monthly.

SEC. 3. Section 74844 of said code is amended to read:

74844. There shall be one marshal who shall receive six hundred seventy-six dollars ($676) monthly, provided, subject to the provisions of 74848, he may receive seven hundred ten dollars ($710) or seven hundred forty-five dollars ($745) monthly.

SEC. 4. Section 74845 of said code is amended to read:

74845. The marshal may appoint:

(a) One chief deputy marshal-office supervisor who shall receive a minimum salary of four hundred thirty-six dollars ($436) monthly with increments of twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), twenty-

five dollars ($25), twenty-six dollars ($26) and twenty-eight dollars ($28) to a maximum of five hundred eighty-four dollars ($584) monthly.

(b) Four deputy marshals each of whom shall receive a minimum salary of four hundred thirty-six dollars ($436) monthly with increments of twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), twenty-five ($25), twenty-six dollars ($26) and twenty-eight dollars ($28) to a maximum of five hundred eighty-four dollars ($584) monthly.

(c) Three deputy marshals-clerical each of whom shall receive a minimum salary of three hundred forty-one dollars ($341) monthly with increments of seventeen dollars ($17), eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21) and twenty-two dollars ($22) to a maximum of four hundred fifty-eight dollars ($458) monthly.

(d) One intermediate clerk who shall receive a minimum salary of two hundred ninety-five dollars ($295) monthly with increments of fifteen dollars ($15), fifteen dollars ($15), sixteen dollars ($16), seventeen dollars ($17), eighteen dollars ($18) and nineteen dollars ($19) to a maximum of three hundred ninety-five dollars ($395) monthly

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CHAPTER 1364

An act to amend Sections 13976, 13978, 14002, and 14005 of the Government Code, and to amend Sections 70, 30050, and 30051 of the Streets and Highways Code, relating to the organization of the executive branch of the state government.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 13976 of the Government Code is amended to read:

13976. The agency is under the supervision of an executive officer known as the Administrator of Highway Transportation. The administrator shall be appointed by the Governor, subject to confirmation by the Senate, and shall hold office at the pleasure of the Governor. The annual salary of the administrator is twenty-five thousand dollars ($25,000). As used in this part "agency" and "administrator" refer to the Highway Transportation Agency and the Administrator of Highway Transportation, respectively, unless the context otherwise requires.

SEC. 2. Section 13978 of said code is amended to read:

13978. The administrator has the power of general supervision over, and is directly responsible to the Governor for, the operations of each department, office, and unit within the agency. He may issue such orders as he deems appropriate to

exercise any power or jurisdiction, or to assume or discharge any responsibility, or to carry out or effect any of the purposes vested by law in any department in the agency.

SEC. 3. Section 14002 of said code is amended to read:

14002. The director is appointed by the Governor, subject to confirmation by the Senate, and holds office at the pleasure of the Governor. The annual salary of the director is provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 4. Section 14005 of said code is amended to read:

14005. For the purpose of administration, the director shall organize the department with the approval of the Governor in the manner that he deems necessary properly to segregate and conduct the work of the department. The work of the department shall be divided into at least four divisions known as the Division of Highways, the Division of Aeronautics, the Division of Contracts and Rights of Way, and the Division of Bay Toll Crossings.

SEC. 5. Section 70 of the Streets and Highways Code is amended to read:

70. There is in the department the California Highway Commission, consisting of seven members. The Administrator of Highway Transportation shall be an ex officio member and chairman of the commission. The Governor shall nominate and, with the advice and consent of the Senate, shall appoint the other six members of the commission. Except as provided in Section 70.1, the members shall hold office for terms of four years and until their successors are appointed and qualify. The members shall receive their actual and necessary traveling expenses incurred in the discharge of their duties and a per diem of fifteen dollars ($15) per day while in attendance at the meetings of the commission. Each member of the commission shall take the oath of office prescribed for other state officers. The Director of Public Works shall not be a member of the commission but shall serve as administrative officer thereof. The divisions shall transmit their recommendations affecting the activities of the commission directly to the commission and to the administrative officer.

SEC. 6. Section 30050 of said code is amended to read:

30050. There is in the state government a board known as California Toll Bridge Authority, composed of the Governor, Lieutenant Governor, the Administrator of Highway Transportation, Director of Finance, and a person or officer of the State appointed by the Governor. The Director of Public Works shall not be a member of the authority but shall serve as administrative officer thereof.

SEC. 7. Section 30051 of said code is amended to read:

30051. If the office of Administrator of Highway Transportation, or Director of Finance, is discontinued or abolished by law, the Governor shall appoint any person or officer of the State to fill any vacancy resulting from the abolition or discontinuance of the office.

CHAPTER 1365

An act to amend Sections 1615 and 1658.1 of the Business and Professions Code, relating to dentistry.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 1615 of the Business and Professions Code is amended to read:

1615. Each member of the board shall receive a per diem and expenses as provided in Section 103.

Each member shall receive one per diem for the review of each 20 examination papers or fraction thereof and for each set of examination questions prepared.

The secretary shall receive such compensation as may be fixed by the board, with the approval of the Director of Finance, which shall be in addition to his per diem as a member of the board. He shall be entitled to traveling and other expenses necessary in the performance of his duties.

SEC. 2. Section 1658.1 of said code is amended to read:

1658.1. On or after September 21, 1963, no dentist shall be granted permission for an additional place of practice, except that a dentist may be granted permission for more than one place of practice if he is in personal attendance at each place of practice at least 50 percent of the time during which such places of practice are open for the practice of dentistry.

CHAPTER 1366

An act to amend Sections 5001 and 6028.2 of, and to add Section 6024 to, the Penal Code, and to amend Section 12804 of the Government Code, relating to the Youth and Adult Corrections Agency.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 5001 of the Penal Code is amended to read:

5001. The Department is composed of the Director of Corrections, the Adult Authority, the Board of Trustees of the California Institution for Women, and the Correctional Industries Commission.

SEC. 2. Section 6024 is added to Chapter 5 of Title 7 of Part 3 of said code, to read:

6024. There is in the Youth and Adult Corrections Agency a Board of Corrections.

SEC. 3. Section 6028 2 of said code is amended to read:

6028.2. The Administrator of the Youth and Adult Corrections Agency may furnish for the use of any such commission such facilities, supplies, and personnel as may be available therefor.

SEC. 4. Section 12804 of the Government Code is amended to read:

12804. The Youth and Adult Corrections Agency consists of the Board of Corrections and the following departments: Corrections; and Youth Authority.

CHAPTER 1367

An act to amend Section 730 of the Welfare and Institutions Code, relating to the Juvenile Court Law.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 730 of the Welfare and Institutions Code is amended to read:

730. When a minor is adjudged a ward of the court on the ground that he is a person described by Section 601, the court may order any of the types of treatment referred to in Section 727, and as an additional alternative, may commit the minor to a county juvenile home, ranch, camp, or forestry camp. Until the 91st day after final adjournment of the 1965 Regular Session of the Legislature, if there is no county juvenile home, ranch, camp, or forestry camp within the county, the court may commit the minor to the county juvenile hall for a period not to exceed three months.

When such ward is placed under the supervision of the probation officer or committed to his care, custody and control, the court may make any and all reasonable orders for the conduct of such ward including the requirement that he go to work and earn money for the support of his dependents or to effect reparation and in either case that he keep an account of his earnings and report the same to the probation officer and apply such earnings as directed by the court. The court may impose and require any and all reasonable conditions that it may determine fitting and proper to the end that justice may be done and the reformation and rehabilitation of the ward enhanced.

Such ward may be committed to the Youth Authority only upon a proceeding for the modification of an order of the court conducted pursuant to the provisions of Section 777.

CHAPTER 1368

An act to add Sections 6664, 6665, 6666, and 6667 to, and to repeal Chapter 4 (commencing with Section 7050) of Part 4 of Division 6 of, the Welfare and Institutions Code, relating to defective or psychopathic delinquents.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 6664 is added to the Welfare and Institutions Code, to read:

6664. The county from which each person has been committed to an institution for defective or psychopathic delinquents shall pay the State the cost of the care of such person, for the time the person committed remains an inmate of the institution, at the monthly rate therefor fixed as provided in Section 6665.

SEC. 2. Section 6665 is added to said code, to read:

6665. The cost of such care shall be determined and fixed from time to time by the Director of Mental Hygiene, but in no case shall it exceed the rate of forty dollars ($40) per month.

SEC. 3. Section 6666 is added to said code, to read:

6666. Each county auditor shall include in his state settlement report rendered to the Controller in the months of January and June the amount due under the provisions of Section 6664, and the county treasurer, at the time of the settlement with the State in such months, shall pay to the State Treasurer, upon the order of the Controller, the amounts so due.

SEC. 4. Section 6667 is added to said code, to read:

6667. Any person who has been committed as a defective or psychopathic delinquent may be paroled or granted a leave of absence by the medical superintendent of the institution wherein the person is confined whenever the medical superintendent is of the opinion that the person has improved to such an extent that he is no longer a menace to the health and safety of others or that the person will receive benefit from such parole or leave of absence, and after the medical superintendent and the Director of Mental Hygiene have certified such opinion to the committing court.

If within 30 days after the receipt of such certification the committing court orders the return of such person, the person shall be returned forthwith to await further action of the court. If within 30 days after the receipt of such certification the committing court does not order the return of the person to await the further action of the court, the medical superintendent may thereafter parole the person under such terms and conditions as may be specified by the superintendent. Any such paroled inmate may at any time during the parole period be recalled to the institution. The period of parole shall in no case be less

than five years, and shall be on the same general rules and conditions as parole of the mentally ill.

When any person has been paroled for five consecutive years, if in the opinion of the medical superintendent and the Director of Mental Hygiene the person is no longer a menace to the health, person, or property of himself or of any other person, the medical superintendent, subject to the approval of the Director of Mental Hygiene, may discharge the person. The committing court shall be furnished with a certified copy of such discharge and shall thereupon make such disposition of the court case as it deems necessary and proper.

When, in the opinion of the medical superintendent, a person heretofore committed as a defective or psychopathic delinquent will not benefit by further care and treatment under any facilities of the department and should be returned to the jurisdiction of the court, the superintendent of the institution and the Director of Mental Hygiene shall certify such opinion to the committing court including therein a report, diagnosis and recommendation concerning the person's future care, supervision or treatment. Upon receipt of such certification, the committing court shall forthwith order the return of the person to the court. The person shall be entitled to a court hearing and to present witnesses in his own behalf, to be represented by counsel and to cross-examine any witness who testifies against him. After considering all the evidence before it, the court may make such further order or commitment with reference to such person as may be authorized by law.

SEC. 5. Chapter 4 (commencing with Section 7050) of Part 4 of Division 6 of said code is repealed.

CHAPTER 1369

An act to amend Section 160 of the Welfare and Institutions Code, relating to return of patients to states in which they have legal residence.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 160 of the Welfare and Institutions Code is amended to read:

160. The Department of Mental Hygiene shall investigate and examine all nonresident persons who are confined in, admitted, or committed to any state hospital or state home for the mentally deficient, and shall cause such persons, when found to be nonresidents as defined in this chapter, to be promptly and humanely returned under proper supervision to the states in which they have legal residence. The department may defer such action by reason of a patient's medical condition.

For the purpose of facilitating the prompt and humane return of such persons the Department of Mental Hygiene may enter into reciprocal agreements with the proper boards, commissions, or officers of other states or political subdivision thereof for the mutual exchange or return of such persons confined in, admitted, or committed to any state hospital in one state whose legal residence is in the other, and it may in such reciprocal agreements vary the period of residence as defined in this chapter to meet the requirements or laws of the other states.

The department may give written permission for the return of any resident of this State confined in a public institution in another state, corresponding to any state hospital for the mentally ill or to any state home for the mentally deficient of this State. When a resident is returned to this State pursuant to this chapter, he may be delivered to any institution of the department as designated by the Director of Mental Hygiene. Such person shall be admitted by the superintendent of the institution for care and treatment for a period not exceeding seven days during which time the person shall be released at the earliest possible time or committed in accordance with law.

CHAPTER 1370

An act to amend Section 27471 of the Government Code, relating to county coroners.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 27471 of the Government Code is amended to read:

27471. Whenever the coroner takes custody of a dead body pursuant to law, he may embalm the body, and charge and collect up to fifty dollars ($50) from the person entitled to its custody, except when the body is that of a child not more than 14 years of age or a person for whose burial there is available less than seventy-five dollars ($75), in which cases the expense of embalming is a county charge. In any county where the coroner is paid a salary, the fee shall be paid into the county treasury, except that the board of supervisors may order that the fee be paid to the coroner if he is the only funeral director in the county.

The board of supervisors shall by ordinance establish the fee to be charged pursuant to this section.

CHAPTER 1371

An act to amend Sections 13105.5, 13160, 13161, 13162, 13163, 13164, 13165, 13166, and 13168 of, and to add Sections 13161.5, 13163.5, 13164.5, 13165.5 and 13168.5 to, the Health and Safety Code, relating to fires and fire protection.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 13105.5 of the Health and Safety Code is amended to read:

13105.5. The State Fire Marshal shall compile and publish the laws relating to firemen and fire protection and control. Each legislative year, he shall publish amendments and additions thereto. Copies of the compilations and amendments shall be distributed at cost in accordance with the actual costs of printing and publication.

SEC. 2. Section 13160 of said code is amended to read:

13160. With the advice of the State Fire Advisory Board, the State Fire Marshal shall adopt, in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code, and administer such regulations and standards as he may deem necessary for the protection and preservation of life and property to control the servicing, including charging, repair and testing, of all portable fire extinguishers for controlling and extinguishing fires, and for controlling the sale and marketing of all such devices with respect to conformance with standards of their use, capacity, and effectiveness. In adopting such regulations, the State Fire Marshal shall consider as evidence of generally accepted safety standards the Fire Code of the National Fire Protection Association.

SEC. 3. Section 13161 of said code is amended to read:

13161. It is the legislative intention in enacting this article that the provisions of this article and the regulations and standards adopted by the State Fire Marshal pursuant to this article shall apply uniformly throughout the State of California and no county, city, or district shall adopt or enforce any ordinance or rule or regulation regarding portable fire extinguishers which is inconsistent with the provisions of this article or the regulations and standards adopted by the State Fire Marshal pursuant to this article.

SEC. 4. Section 13161.5 is added to said code, to read:

13161.5. No portable fire extinguisher shall be marketed, distributed, or sold in this State unless all of the following requirements are met:

(a) It complies with the regulations and standards adopted by the State Fire Marshal pursuant to Section 13160

(b) It bears the seal of approval of the Underwriters Laboratory, Factory Mutual Laboratory, or other testing laboratory which is approved by the State Fire Marshal as qualified to test portable fire extinguishers.

(c) Complete instructions regarding the types of fires which the portable fire extinguisher is designed to control and proper cautions regarding its use and care are firmly attached to it.

SEC. 5. Section 13162 of said code is amended to read:

13162. The State Fire Marshal shall be responsible for the issuance and renewal of annual licenses and certificates of registration for those natural persons, firms, corporations, and associations, that engage in the business of servicing, charging, testing, or repairing portable fire extinguishers, or who do so for a fee.

SEC. 6. Section 13163 of said code is amended to read:

13163. Any natural person, firm, corporation, or association that desires to engage in the business of servicing, charging, testing, or repairing of portable fire extinguishers, or to do so for a fee, shall first make a written verified application for a license for each separate location of such natural person, firm, corporation, or association to the State Fire Marshal on forms provided by him. Any employee of any of the foregoing that wishes to engage in the acts subject to this article shall first make a written application for a certificate of registration to the State Fire Marshal on forms provided by him. Such application shall be accompanied by a fee as prescribed in this article.

The application for a license or certificate of registration shall be signed by the applicant. If application is made by a partnership, it shall be signed by each partner of the partnership, and if application is made by a corporation or association other than a partnership, it shall be signed by an officer of the corporation and bear the seal of the corporation.

Application for renewal of a license or certificate of registration shall be made annually by every natural person, firm, corporation, or association holding an existing license or certificate of registration and accompanied by the annual fee as prescribed in this article.

If the State Fire Marshal finds, after reviewing the applicant's record, that the granting or renewing of such license or certificate of registration would not be contrary to the public safety or welfare, he shall issue or renew a license or certificate of registration authorizing the applicant to engage in the acts subject to this article upon the payment of the fee specified in Section 13164.

The authorization to engage in the particular act or acts conferred by license to any natural person, firm, corporation, or association shall extend to those employees of the licensee holding a valid certificate of registration issued by the State Fire Marshal.

SEC. 7. Section 13163.5 is added to said code, to read:

13163.5. Any portable fire extinguisher that is required by any governmental statute or ordinance to undergo periodic servicing, charging, testing, or repair, shall be recharged, serviced, tested, or repaired only by a qualified natural person, firm, corporation, or association that is a holder of a valid state license issued in accordance with the provisions of this article or by a person not engaged in the business of servicing, charging, testing, or repairing portable fire extinguishers and who has been approved by the local fire authority as being qualified to perform such acts; provided, however, that an exclusion from the above requirements of this section may be obtained from the State Fire Marshal by any of the above not engaged in the business of servicing, charging, testing or repairing portable fire extinguishers.

Any firm or corporation not engaged in the business of servicing, charging, testing or repairing portable fire extinguishers and that maintains its own fully equipped and specially staffed fire prevention and protection department is exempt from the provisions of this article.

Any state licensee that services, charges, tests, or repairs any portable fire extinguisher, shall affix a tag to the serviced unit that indicates the date upon which the service work was performed and that also bears the name and license or certificate of registration number of the natural person who actually serviced, charged, tested, or repaired the unit.

SEC. 8. Section 13164 of said code is amended to read:

13164. The original and annual renewal fee for any license or a certificate of registration issued pursuant to this article shall be as follows:

(a)	Any certificate of registration	$5
(b)	Any natural person, corporation, firm or association which services, recharges or inspects fire extinguishers	$35
(c)	Any natural person, corporation, firm or association which does hydrostatic testing of wet chemicals or of non-Interstate Commerce Commission-listed dry chemical cylinders	$10
(d)	Any natural person, corporation, firm or association which does hydrostatic testing of Interstate Commerce Commission-listed cylinders	$35

Beginning January 1, 1964, the original and annual renewal license or a certificate of registration fee for any license shall be for the calendar year from January 1 to December 31, or for the remaining portion thereof.

A penalty fee equal to 50 percent of the required annual renewal license or certificate of registration fee shall be added to such fee in all cases where the fee for a renewal is not paid on or before March 1.

SEC. 9. **Section 13164.5 is added to said code, to read:**

13164.5. No special fee other than that charged for an ordinary business license shall be charged any natural person, corporation, firm, or association, by any city, county, or fire protection district, for the privilege of performing acts involving servicing, charging, testing or repairing of portable fire extinguishers.

SEC. 10. Section 13165 of said code is amended to read:

13165. The State Fire Marshal shall require applicants for an original certificate of registration pursuant to this article to take and to pass a written examination, which may be supplemented by practical tests when deemed necessary, to determine the applicant's knowledge of servicing, charging, testing, and repairing of portable fire extinguishers.

A written report of the State Fire Marshal, the chief fire official of any local fire authority, or their authorized representatives, disclosing that the applicant for a license or a certificate of registration or for a renewal thereof does not meet the qualifications or conditions for a license or a certificate of registration shall constitute grounds for the denial of any application for any of the foregoing.

SEC. 11. Section 13165.5 is added to said code, to read:

13165.5. Any firm, corporation, or association engaged in the business of servicing, charging, testing, or repairing portable fire extinguishers, shall report the name, address, and number of the state license or a certificate of registration issued pursuant to this article of any and all employees, agents, servants, or lessees performing acts subject to the provision of this article on behalf of such firm, corporation, or association, to the State Fire Marshal's office annually on forms provided by that office.

The State Fire Marshal's office shall maintain a record of the number of convictions for violations of this article of the employees, agents, servants, or lessees of each licensed firm, corporation, or association subject hereto, and shall make an annual report to the State Fire Advisory Board of such convictions.

SEC. 12. Section 13166 of said code is amended to read:

13166. Any license or certificate of registration issued pursuant to this article may be suspended or revoked by the State Fire Marshal pursuant to Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code for any one, or a combination thereof, of the following reasons:

(a) A licensee has failed to pay the original or annual renewal license or certification fee provided in this article.

(b) The licensee or certificate holder has violated any provisions of this article or any rule or regulations made by the State Fire Marshal under and with the authority of this article.

(c) The licensee or certificate holder is operating without due concern and regard for the health and safety of the people of this State.

(d) The licensee or certificate holder has been convicted of three separate misdemeanors under the provisions of this article.

(e) Material misrepresentation or false statements by a licensee or certificate holder.

SEC. 13. Section 13168 of said code is amended to read:

13168. The State Fire Marshal shall annually notify the chief fire official of each local fire authority of the name and address and license number of each natural person, corporation, firm, or association that is licensed pursuant to this article and of any change of the name or address of any such natural person, corporation, firm, or association.

Upon request, the State Fire Marshal shall, without cost, furnish a single copy of such list to each natural person, firm, corporation, or association licensed by him and to all California fire officials.

SEC. 14. Section 13168.5 is added to said code, to read:

13168.5. The provisions of this article and the rules and regulations promulgated hereunder shall be enforced in every area of this State by the chief fire official of the appropriate local fire authority having jurisdiction in that area, or in the event no such authority exists then the State Fire Marshal.

The chief fire official of every local fire authority shall report to the State Fire Marshal's office all citations and prosecutions for violations of the provisions of this article and shall so report the ultimate disposition thereof.

CHAPTER 1372

An act to amend Section 28137 of the Government Code, relating to compensation of county officers.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

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

28137. In a county of the 37th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, seven thousand dollars ($7,000) a year.

(b) The district attorney, seven thousand five hundred dollars ($7,500) a year. Effective January 1, 1963, the salary shall be thirteen thousand dollars ($13,000) a year, and he shall devote his entire time to the duties of his office and shall not engage in private practice of law during his term of office.

(c) Each supervisor shall receive six thousand dollars ($6,000) a year, and his actual expenses while attending to the business of the county by the order of the board of supervisors and mileage at the rate of fifteen cents ($0.15) a mile one way, for traveling from his residence to the county seat to attend regular, special and adjourned sessions of the board of supervisors.

(d) Grand jurors and jurors in the superior court shall receive ten dollars ($10) for each day's attendance and fifteen cents ($0.15) for each mile actually traveled in attending court as a juror, and for attending regularly called grand jury meetings and grand jury committee meetings, one way. Mileage shall be paid for each time a regularly empaneled jury or grand jury is called in separate session.

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

CHAPTER 1373

An act to amend Section 502.7 of the Penal Code, relating to criminal offenses involving telecommunications service.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 502.7 of the Penal Code is amended to read:

502.7. (a) Any person who, knowingly, willfully and with intent to defraud any telephone or telegraph corporation, obtains or attempts to obtain, or aids and abets another to obtain or attempt to obtain, any telephone or telegraph services by any of the following means is guilty of a misdemeanor:

(1) By charging such service to an existing telephone number or credit card number without the authority of the subscriber thereto or the lawful holder thereof; or

(2) By charging such service to a nonexistent telephone number or credit card number, or to a number associated with telephone service which is suspended or terminated, or to a revoked or canceled (as distinguished from expired) credit card number, notice of such suspension, termination, revocation or cancellation of such telephone service or credit card having been given to the subscriber thereto or the holder thereof; or

(3) By use of a code, prearranged scheme, or other similar stratagem or device whereby said person, in effect, sends or receives information; or

(4) By rearranging, tampering with, or making connection with any facilities or equipment of a telephone company.

(b) This section shall apply when the said telephone or telegraph service either originates or terminates, or both originates and terminates, in the State of California, or when

the charges for said service would have been billable, in normal course, by a person, firm or corporation providing telephone or telegraph service in California, but for the fact that said service was obtained, or attempted to be obtained by one or more of the means set forth in subdivision (a) of this section.

(c) Jurisdiction of an offense under this section is in the jurisdictional territory where the telephone call or telegram involved in the offense originates or where it terminates, or the jurisdictional territory to which the bill for the service is sent or would have been sent but for the fact that the service was obtained or attempted to be obtained by one or more of the means set forth in subdivision (a) of this section.

CHAPTER 1374

An act to amend Sections 16522 and 53651 of the Government Code, relating to deposits of public funds.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 16522 of the Government Code is amended to read:

16522. The following securities may be received as security for demand and time deposits:

(a) Treasury notes or bonds of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

(b) Notes or bonds or any obligations of a local public agency (as defined in the United States Housing Act of 1949) or any obligations of a public housing agency (as defined in the United States Housing Act of 1937) for which the faith and credit of the United States are pledged for the payment of principal and interest.

(c) Bonds of this State or of any county, city, town, metropolitan water district, municipal utility district, municipal water district, bridge and highway district, flood control district, school district, water district, water conservation district or irrigation district within this State.

(d) Registered warrants of this State.

SEC. 2. Section 53651 of said code is amended to read:

53651. To secure active or inactive deposits, the depositary shall deposit with the Treasurer:

(a) United States Treasury notes, bonds, bills or certificates of indebtedness.

(b) Notes or bonds or any obligations of a local public agency (as defined in the United States Housing Act of 1949) or any obligations of a public housing agency (as defined in

the United States Housing Act of 1937) for which the faith and credit of the United States are pledged for the payment of principal and interest.

(c) Bonds of this State or of any local agency or district of the State of California having the power, without limit as to rate or amount, to levy taxes to pay the principal and interest of such bonds upon all property within its boundaries subject to taxation by such local agency or district, in addition to bonds payable solely out of the revenues from a revenue-producing property owned, controlled or operated by such state, local agency or district or by a department, board, agency or authority thereof.

(d) Bonds of any public housing agency (as defined in the United States Housing Act of 1937, as amended) as are secured by a pledge of annual contributions under an annual contribution contract between such public housing agency and the Public Housing Administration if such contract shall contain the covenant by the Public Housing Administration which is authorized by subsection (b) of Section 22 of the United States Housing Act of 1937, as amended, and if the maximum sum and the maximum period specified in such contract pursuant to said subsection 22(b) shall not be less than the annual amount and the period for payment which are requisite to provide for the payment when due of all installments of principal and interest on such obligations.

(e) Registered warrants of this State.

CHAPTER 1375

An act to amend Section 18950 of the Government Code, relating to promotional examinations in the state civil service.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 18950 of the Government Code is amended to read:

18950. Vacancies in positions shall be filled insofar as consistent with the best interests of the State from among employees holding positions in appropriate classes, and appropriate promotional lists shall be established to facilitate this purpose.

The board may prescribe conditions under which state employees, persons on leave of absence, and persons whose names are on appropriate re-employment lists, may be permitted to compete in promotional examination and to attain eligibility for appointment.

The board may further prescribe conditions under which eligibility may be transferred from one subdivisional or departmental promotional list to another subdivisional or departmental promotional list or either when such lists are for the same class and have been established as a result of the same examination.

CHAPTER 1376

An act to add Article 3 (commencing with Section 43240) to Chapter 2, Division 4, Title 4 of the Government Code, relating to special assessments in chartered cities.

[Approved by Governor July 11, 1963 Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Article 3 (commencing with Section 43240) is added to Chapter 2, Division 4, Title 4 of the Government Code, to read:

Article 3. Chartered City Special Assessment Procedure

43240. A chartered city may provide, in a special assessment improvement procedure ordinance adopted pursuant to its charter, for the application of the supplemental remedy provisions of Part 13 (commencing with Section 8800) of Division 10 of the Streets and Highways Code.

CHAPTER 1377

An act to amend Sections 74702 and 74703 of, and to add Section 74703.1 to, the Government Code, relating to salaries of the Santa Rosa Municipal Court clerk and deputies.

[Approved by Governor July 11, 1963 Filed with Secretary of State July 12, 1963]

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

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

74702. There shall be one clerk who shall receive a salary of five hundred thirty-nine dollars ($539) monthly with annual increments of twenty-five dollars ($25), twenty-six dollars ($26), twenty-eight dollars ($28), and twenty-nine dollars ($29), to a maximum of six hundred forty-seven dollars ($647).

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

74703. The clerk may appoint:

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

(b) Four deputy clerks, grade III, each of whom shall receive a minimum salary of three hundred fifty-seven dollars ($357), with annual increments of seventeen dollars ($17), eighteen dollars ($18), eighteen dollars ($18), and nineteen dollars ($19), to a maximum of four hundred twenty-nine dollars ($429).

(c) Two deputy clerks, grade II, each of whom shall receive a minimum salary of three hundred twenty-six dollars ($326), with annual increments of fifteen dollars ($15), sixteen dollars ($16), seventeen dollars ($17), and eighteen dollars ($18), to a maximum of three hundred ninety-two dollars ($392).

(d) Four deputy clerks, grade I, each of whom shall receive a minimum salary of two hundred ninety-seven dollars ($297), with annual increments of fourteen dollars ($14), fifteen dollars ($15), fifteen dollars ($15), and sixteen dollars ($16), to a maximum of three hundred fifty-seven dollars ($357).

SEC. 3. Section 74703.1 is added to said code, to read:

74703.1. Certain classes of employment in the municipal courts are deemed to be equivalent in job and salary level to certain classes in the service of the County of Sonoma, and, whenever the salary of said classes in the service of the County of Sonoma is adjusted by the board of supervisors, the salary of the comparable classes in the municipal courts shall be adjusted a like extent. Such adjustment shall be effective on the same date as the effective date of the action by the board of supervisors, as it applies to the classes in the service of the county, but such adjustments shall be effective only until 90 days after the adjournment of the next regular session of the Legislature thereafter.

(a) The class of clerk of the municipal court is equivalent in job and salary level to the class of assistant county clerk.

(b) The class of assistant clerk, municipal court, is equivalent in job and salary level to the class of administrative secretary.

(c) The class of deputy clerk III is equivalent in job and salary level to the class of clerk typist IV.

(d) The class of deputy clerk II is equivalent in job and salary level to the class of clerk typist III.

(e) The class of deputy clerk I is equivalent in job and salary level to the class of clerk typist II.

CHAPTER 1378

An act to amend Section 28140 of the Government Code, relating to salaries of county officers.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 28140 of the Government Code is amended to read:

28140. In a county of the 40th class the annual salary of each supervisor is four thousand two hundred dollars ($4,200). Each supervisor shall receive, in addition, mileage at the rate of ten cents ($0.10) a mile for miles actually and necessarily traveled between his place of residence and the county courthouse, for the purpose of attending regular meetings of the board of supervisors. All other officers shall receive as compensation for the services required of them by law or by virtue of their offices the salaries and fees fixed pursuant to the charter of the county.

Grand jurors shall receive three dollars ($3) a day for each day's attendance and mileage at the rate of fifteen cents ($0.15) a mile for each mile necessarily traveled in attending court, in going only. Trial jurors in the superior and justice courts shall receive three dollars ($3) per day for the first day and six dollars ($6) per day thereafter during that particular trial, with mileage at the rate of eight cents ($0.08) per mile each way. In criminal cases the fees and mileage of the trial jurors in the superior court shall be paid by the treasurer out of the general fund of the county upon warrants drawn by the auditor on the written order of the judge of the court in which the jurors were in attendance, and the treasurer shall pay the warrants.

CHAPTER 1379

An act to add Section 5782.23 to the Public Resources Code, relating to recreation and park districts.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 5782.23 is added to the Public Resources Code, to read:

5782.23. The district board of any district which is located in any area where such services are not provided by any other public agency may provide garbage collection and disposal services and street lighting services within the district and may contract with any public agency for fire protection services for the property within the district.

CHAPTER 1380

An act to add Article 2 (commencing with Section 525) to Chapter 1 of Division 2 of the Business and Professions Code, relating to the dispensing, prescribing or sale of eyeglasses.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Article 2 (commencing with Section 525) is added to Chapter 1 of Division 2 of the Business and Professions Code, to read:

Article 2. Eyeglasses

525. No dispensing optician, optometrist, or physician and surgeon shall dispense, prescribe, or sell any eyeglasses for use of a person whose sight is limited to one eye, a person who is a member of the California Highway Patrol or of a county sheriff's office, a city policeman, or a person who is a fireman employed by the fire department of a city, county, or fire protection district and who normally wears such glasses for on-duty employment, unless such eyeglasses are made with case-hardened lenses, with lenses made of laminated glass, with lenses made of resin material, or with lenses made of any other material resistant to shattering.

526. A dispensing optician, optometrist, or physician and surgeon shall not be subject to disciplinary action under this article unless he is informed by the person obtaining the eyeglasses, or of his own personal knowledge knows, that the eyeglasses are for a person whose sight is limited to one eye, a person who is a member of the California Highway Patrol or of a county sheriff's office, a city policeman, or a fireman employed by the fire department of a city, county, or fire protection district.

A dispensing optician, optometrist or physician and surgeon is not required under this article to make any independent investigation of the occupation of the person for whom eyeglasses are intended or as to whether or not the sight of such person is limited to one eye.

527. Any dispensing optician, optometrist, or physician and surgeon who violates this article is subject to disciplinary action by the board which issues his certificate to engage in practice.

CHAPTER 1381

An act to add Section 73075.1 to the Government Code, relating to judges of municipal courts.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 73075.1 is added to the Government Code, to read:

73075.1 In any judicial district in Alameda County having a municipal court, in which only the incumbent municipal court judge has filed nomination papers for the office of municipal court judge, his name shall not appear on the ballot unless there is filed with the county clerk or registrar of voters, within 20 days after the final date for filing nomination papers for the office, a petition indicating that a write-in campaign will be conducted for the office and signed by 100 registered voters qualified to vote with respect to the office

If a petition indicating that a write-in campaign will be conducted for the office at the general election, signed by 100 registered voters qualified to vote with respect to the office, is filed with the county clerk or registrar of voters not less than 45 days before the general election, the name of the incumbent shall be placed on the general election ballot if it has not appeared on the direct primary election ballot.

If, in conformity with this section, the name of the incumbent does not appear either on the primary ballot or general election ballot, the county clerk or registrar of voters, on the day of the general election, shall declare the incumbent reelected.

CHAPTER 1382

An act to amend Sections 6, 7, and 12.2 of Chapter 994 of the Statutes of 1949, relating to the Sonoma County Flood Control and Water Conservation District.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 6 of Chapter 994 of the Statutes of 1949 is amended to read:

Sec. 6. The county administrator, county clerk, county assessor, county tax collector, county auditor, county treasurer, county counsel, county purchasing agent, district attorney, their successors in office, and their assistants, deputies, clerks, and employees shall be, unless otherwise provided by the board of directors, ex officio such officials of the district, and

shall respectively perform, without additional compensation, the same various duties for the district as for the county in order to carry out the provisions of this act.

SEC. 2. Section 7 of Chapter 994 of the Statutes of 1949 is amended to read:

Sec. 7. In carrying out the objectives and purposes of this act and exercising the powers of the district, the board may adopt ordinances, resolutions and take such other legislative action as is not in conflict with the Constitution and this act. All ordinances, resolutions and other legislative acts for said district shall be adopted by the board, and certified to, recorded and published in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the county.

If, prior to taking final action on adoption of an ordinance which would affect and include lands lying within the exterior boundaries of any chartered or incorporated city within the district, the board of directors of the district receives a resolution or ordinance adopted by a majority of the members of the governing body of such city requesting exclusion of such city territory from the ordinance, the board shall exclude such territory from the ordinance. Lacking such request for exclusion from an ordinance, an ordinance adopted by the board of directors of the district shall be equally effective within the incorporated and unincorporated areas of the district.

The initiative and referendum powers are hereby granted to the electors of the district to be exercised in relation to the enactment or rejectment of district ordinances in accordance with the procedure established by the laws of the State for the exercise of such powers in relation to counties.

SEC. 3. Section 12.2 of Chapter 994 of the Statutes of 1949 is amended to read:

Sec. 12.2. The board in any year shall have the power to levy a tax upon the taxable property in the district, which shall be in addition to other taxes of the district levied pursuant to Section 12 or Section 12.1 of this act and shall be in addition to other taxes of the district or any zone within the district levied pursuant to any other provision of this act. The tax shall be levied and collected at the same time and in the same manner, together with and not separately from taxes for county purposes, to pay or otherwise meet the district's contractual obligation or undertaking to the federal government or the federal government and the State of California of the project for Russian River, Dry Creek, California, as authorized by act of Congress approved October 23, 1962, Public Law 87-874, 87th Congress, 2d Session, 76 Stat. 1173, or to the State of California of the cost of construction, operation, and maintenance of elements of the California Water Plan to the extent that the elements of that plan may be constructed, operated and maintained, as a co-operative undertaking with Napa and Solano Counties and local retail water agencies in Sonoma County, to deliver water to the district.

CHAPTER 1383

An act to amend Section 27641.1 of the Government Code, relating to county counsel.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 27641.1 of the Government Code is amended to read:

27641.1. The residence qualifications for eligibility to a county or district office, required by Section 24001, may be waived by the board of supervisors as to any candidate or applicant for the office of county counsel in such county.

CHAPTER 1384

An act to amend Section 28112 of the Government Code, relating to compensation of county officers.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 28112 of the Government Code is amended to read:

28112. In a county of the 12th class the following shall receive as full compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, nine thousand six hundred dollars ($9,600) a year.

(b) The district attorney, sixteen thousand five hundred dollars ($16,500) a year and actual traveling expenses while away from his office on county business. He shall hold no other county office.

(c) Each supervisor, ten thousand five hundred dollars ($10,500) a year, and his actual traveling expenses from his residence to the place of meeting of the board at the county seat when attending board meetings and the necessary actual expenses incurred by him while engaged in county business. Each supervisor shall be available for the performance of the duties of his office at all times during county business hours. Each supervisor shall spend one day in each week, other than the day the board is officially in session, at the office of the board in the county courthouse. The particular day which each supervisor shall be on duty shall be determined by unanimous agreement of the board, or if they do not agree then by lot, so that a supervisor will be on duty on Tuesday, Wednesday, Thursday, and Friday of each week.

(d) For acting as a grand juror, each juror shall be paid for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of the grand jury to make individual investigations, six dollars ($6) a day and ten cents ($0.10) for each mile actually traveled in the performance of such duties, together with other actual and necessary expenses. No mileage shall be allowed for traveling outside of the county.

Trial jurors in the superior court, municipal court and justice courts shall receive for each day's required attendance in court, five dollars ($5), and eight cents ($0.08) for each mile from their residence to and from the place where the court is held, to be allowed only for each day the jurors are required to and do attend.

CHAPTER 1385

An act to add Section 802.8 to the Agricultural Code, relating to grapes, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 802.8 is added to the Agricultural Code, to read:

802.8. Container number 38 K shall be standard for grapes when the depth is $4\frac{1}{2}$ to $5\frac{3}{4}$ inches, the width is $14\frac{1}{2}$ to $14\frac{3}{4}$ inches, and the length is $16\frac{1}{8}$ inches.

This container shall be considered standard with or without a taper (up and in—down and in) at each corner.

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

Grapes are required to be shipped in standard containers. The standard container for grapes is presently specified by an emergency standard promulgated pursuant to Section 790.5 of the Agricultural Code.

It is essential because of refrigeration requirements that the grape industry use a different standard container for the 1963 season and thereafter.

It is therefore necessary that the change made by this act take effect immediately to be effective for the 1963 season.

CHAPTER 1386

An act to amend Sections 188.5, 188.7 and 191, and to repeal Section 188.4 of the Streets and Highways Code, relating to state highways.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 188.4 of the Streets and Highways Code is repealed.

SEC. 2. Section 188.5 of said code is amended to read:

188.5. The Legislature recognizes that the department is unable to expend the amount allocated to the City and County of San Francisco pursuant to paragraph (d) of Section 188.4 as it existed in 1961, for the period commencing on July 1, 1958, and ending on June 30, 1963, within that period, and that serious and compelling deficiencies exist on state highways in other counties. Therefore, the commission may allocate and the department may expend or cause to be expended in other counties in County Group No. 1 any of the amount so allocated to said city and county and remaining unexpended on the effective date of this section; provided, that in allocating funds after June 30, 1963, for the construction of state highways in County Group No. 1, the commission shall take into consideration the effect of the operation of this section upon the state highway needs of the City and County of San Francisco

SEC. 3. Section 188.7 of said code is amended to read:

188.7. Any expenses incurred in connection with any state highway under Articles 4 and 5 of Chapter 5 of Title 1 of Part 3 of the Penal Code shall be paid from money in the State Highway Fund available for the construction of state highways, but such expenditures shall not be subject to Sections 188 and 188.8 of this code.

SEC. 4. Section 191 of said code is amended to read:

191. Allocations for specific projects shall be deemed expenditures within the county in which the project is situated for the purpose of compliance by the department and the commission with Sections 188, 188.8 and 188.9 in the same manner as if such allocations had been expenditures upon state highways in that county.

CHAPTER 1387

An act to amend Section 40 of the Agricultural Code, and to amend Section 1001 of the Government Code, relating to the number of members of the State Board of Agriculture.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 40 of the Agricultural Code is amended to read:

40. The State Board of Agriculture consists of 13 members, who shall be appointed by the Governor. One member shall be appointed from the Agricultural Sciences Division of the University of California, another from the agricultural department of one of the state colleges offering agriculture as a part of the curriculum, two members from the State at large, and of the remaining nine members, not more than one such member shall be appointed from any one congressional district or from any one county. Except for the university and the state college members, each member of the board shall have a major interest in a separate branch of the agricultural industry.

The members of the board shall be residents and citizens of the State and shall be specially qualified for this service through actual farm business or economic agricultural training. The members shall serve without pay, but shall be allowed necessary traveling and incidental expenses incurred in the discharge of their duties, which expenses shall be paid from the appropriation for the support of the department.

The term of office of the members of the board shall be four years and such terms shall expire on January 15th of each year in the rotation heretofore established. Vacancies shall be filled by appointment for the unexpired term. On February 1 of each year the Governor shall designate one of the members of the board to serve as president

The board shall hold meetings at least once a month in the office of the director at Sacramento. Such meetings shall be held within the week preceding the regular monthly meeting of the Governor's Council Special or adjourned meetings may be held at the place of regular meeting, or at such other places in the State as the president may deem necessary. Special meetings of the board shall also be called by the president at any time upon the written request of four members of the board

SEC 2 Section 1001 of the Government Code is amended to read:

1001. The civil executive officers are: a Governor; a private secretary and an executive secretary for the Governor; a Lieutenant Governor; a Secretary of State; a Deputy Secretary of State; a Keeper of Archives of State for Secretary of State;

a bookkeeper for the Secretary of State; three recording clerks for the Secretary of State; a Controller; a Deputy Controller; a bookkeeper for the Controller; five clerks for the Controller; a Treasurer; a Deputy Treasurer; a bookkeeper for the Treasurer; a clerk for six months in each year for the Treasurer; an Attorney General and all assistant and deputy attorneys general; a Superintendent of Public Instruction; one clerk for the Superintendent of Public Instruction; an Insurance Commissioner; a deputy for the Insurance Commissioner; four port wardens for the Port of San Francisco; a port warden for each port of entry except San Francisco; five State Harbor Commissioners for San Francisco Harbor; six pilots for each harbor where there is no board of pilot commissioners; three members of the Board of Pilot Commissioners for Humboldt Bay and Bar; 13 members of the State Board of Agriculture; four members of the State Board of Equalization; a clerk of the Board of Equalization; three members of the State Board of Education; a librarian for the Supreme Court Library and the chief deputy clerk and the deputy clerks of the Supreme Court; five directors for the insane asylum at Stockton; five directors for the insane asylum at Napa; the manager, assistant manager, chief counsel and division chiefs, State Compensation Insurance Fund; the head of each department and all chiefs of divisions, deputies and secretaries of a department; such other officers as fill offices created by or under the authority of charters or laws for the government of counties and cities or of the health, school, election, road, or revenue laws.

CHAPTER 1388

An act to amend Section 1253 of the Code of Civil Procedure, relating to eminent domain.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 1253 of the Code of Civil Procedure is amended to read:

1253. When payments have been made and the bond given, if the plaintiff elects to give one, as required by Sections 1251 and 1252, the court shall make a final order of condemnation, which shall describe the property condemned, the estate or interest acquired therein, the purposes of such condemnation, and if possession is taken pursuant to Section 1243.5 or 1254 prior to the making and entry of the final order of condemnation, the date of such possession. For the purposes of this section, the date of possession shall be the date upon or after which the plaintiff is authorized by order of the court to take possession of the property. A certified copy of the order shall

thereupon be recorded in the office of the recorder of the county in which the property is located. The title to the property described in the final order of condemnation vests in the plaintiff for the purposes described therein upon the date that a certified copy of the final order of condemnation is recorded in the office of the recorder of the county.

CHAPTER 1389

An act to add Section 3 to Chapter 2309 of the Statutes of 1957, relating to the sale of a certain state publication.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 3 is added to Chapter 2309 of the Statutes of 1957, to read:

Sec. 3. Notwithstanding the provisions of Section 1, the Secretary of State, with the approval of the Department of Finance, may dispose of any remaining copies of such publication at less than cost.

CHAPTER 1390

An act to add Section 87.2 to the Agricultural Code, relating to taxation of district agricultural associations.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 87.2 is added to the Agricultural Code, to read:

87.2. No city may impose any tax, except sales or use tax, on any district agricultural association which represents more than one county and which association owns land in each of the counties it represents, nor may any city impose any tax, except sales or use tax, on any of the concessionaires or rental contractors of such an association as to events taking place on the property of such association without the consent of the board of directors of such association.

CHAPTER 1391

An act to amend Section 853.1 of the Penal Code, relating to citations for violations of ordinances.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 853.1 of the Penal Code is amended to read:

853.1. (a) A county, city, city and county, or regional park district may enact in its ordinances, violations of which are punishable as misdemeanors, clauses which provide that if any person is arrested for a violation of the ordinance, and such person is not immediately taken before a magistrate as is more fully set forth in this code, the arresting officer shall prepare in duplicate a written notice to appear in court, containing the name and address of such person, the offense charged, and the time and place where and when such person shall appear in court.

(b) The time specified in the notice to appear must be at least five (5) days after such arrest.

(c) The place specified in the notice to appear shall be the court of the magistrate before whom the person would be taken if the requirement of taking an arrested person before a magistrate were complied with, or shall be an officer authorized by such court to receive a deposit of bail.

(d) The officer shall deliver one copy of the notice to appear to the arrested person and the arrested person in order to secure release must give his written promise so to appear in court by signing the duplicate notice which shall be retained by the officer. Thereupon the arresting officer shall forthwith release the person arrested from custody.

(e) The officer shall, as soon as practicable, file the duplicate notice with the magistrate specified therein. Thereupon the magistrate shall fix the amount of bail which in his judgment, in accordance with the provisions of Section 1275 of the Penal Code, will be reasonable and sufficient for the appearance of the defendant and shall indorse upon the notice a statement signed by him in the form set forth in Section 815a of this code. The defendant may, prior to the date upon which he promised to appear in court, deposit with the magistrate the amount of bail thus set. Thereafter, at the time when the case is called for arraignment before the magistrate, if the defendant shall not appear, either in person or by counsel, the magistrate may declare the bail forfeited, and may in his discretion order that no further proceedings shall be had in such case.

Upon the making of such order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the county treasury for distribution pursuant to Section 1463 of this code.

(f) No warrant shall issue on such charge for the arrest of a person who has given such written promise to appear in court, unless and until he has violated such promise or has failed to deposit bail, to appear for arraignment, trial or judgment, or to comply with the terms and provisions of the judgment, as required by law.

CHAPTER 1392

An act to amend Section 1551 of the Labor Code, relating to private employment agencies.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 1551 of the Labor Code is amended to read:

1551. As used in this chapter, "employment agency" or "agency" means:

(a) The business of conducting, in any capacity, an intelligence office, employment agency, registry, other than a nurses' registry as defined in Chapter 5 (commencing with Section 1710) of Part 6 of Division 2 of this code, or any agency, business, or office which procures, offers, promises, or attempts to procure employment or engagements for others, or for the registration of persons seeking to procure or retain employment or engagement, or for giving information as to where and of whom such help, employment or engagement may be procured, or for providing employment or engagements, where a fee or other valuable consideration is exacted, or attempted to be collected, directly or indirectly, for such services, regardless of where such business is conducted.

(b) Any person, service, bureau, organization, club, or school, which by advertisement or otherwise offers, as one of its main objects or purposes, to procure employment for any person who will pay for its services, or that collects dues, tuition, or membership or registration fees of any sort, where the main object of the person paying the same is to secure employment.

(c) Any person who acts as a labor contractor

(1) A labor contractor is any person, who, for a fee or other compensation, employs an individual to render personal services to, for or under the direction of a third person.

(2) "Bona fide employees" or "employees," when used with reference to the employees of a labor contractor, refers to the employees rendering services to the labor contractor and not to the individuals employed by the labor contractor to render personal services to, for or under the direction of a third person.

(3) "Employer," when used with reference to an applicant for employment through a labor contractor, refers to the person to or for whom or under whose direction the personal services are rendered.

(4) A central hiring establishment, intelligence office, registry, agency or place maintained without cost to applicants for employment, by groups of employers or groups of employers and employees, or a person licensed under Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, does not constitute a labor contractor within the meaning of this chapter.

(5) A person employing individuals to render personal services to, for or under the direction of a third person is not a labor contractor within the meaning of this chapter if every individual, whom such person employs, receives for his services a remuneration in excess of two hundred dollars ($200) per month.

(6) A person employing individuals to render part-time or temporary personal services to, for or under the direction of a third person is not a labor contractor within the meaning of this chapter if the person employing the individuals, in addition to wages or salaries, pays federal social security taxes, state and federal unemployment insurance, carries workmen's compensation insurance as required by state law, and sustains responsibility for the acts of his employees while rendering services to, for or under the direction of a third person. The person employing individuals to render part-time or temporary personal services shall not send the employees to any place where a strike, lockout or labor dispute exists.

CHAPTER 1393

An act to amend Section 10506 of the Education Code, relating to schools.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 10506 of the Education Code is amended to read:

10506. The governing board of any school district may, with the approval of the county superintendent of schools, admit to the elementary and high schools of the district pupils living in an adjoining state which is contiguous to the school district. An agreement shall be entered into between the governing board and the governing board or authority of the school district in which the pupils reside providing for the payment by the latter of an amount sufficient to reimburse the district of attendance for the total cost of educating the pupil,

including the total of the amounts expended per pupil for the current expenses of education, the use of buildings and equipment, the repayment of local bonds and interest payments and state building loan funds, capital outlay, and transportation to and from school. The amount of the tuition for the current expenses of education per unit of average daily attendance of pupils from the adjoining state shall equal the average current expenditure, exclusive of all transportation expenditures, per unit of average daily attendance in the district of attendance,. The per pupil cost attributable to capital outlay shall be on the basis of an average expenditure for the preceding five years. The cost of transportation shall not exceed ten dollars ($10) per month. Tuition payments shall be made in advance for each month or semester during the period of attendance. If the amount paid is more or less than the total cost of education and transportation, adjustment shall be made for the following semester or school year. The attendance of the pupils shall not be included in computing the average daily attendance of the class or school for the purpose of obtaining apportionment of state funds. In lieu of entering an agreement with the governing board or authority of the school district in which the pupil from the adjoining state resides, the governing board of the school district in this State may enter an agreement with the parent or guardian of the pupil on the same terms as is provided in this section.

CHAPTER 1394

An act to amend Section 11501 of the Government Code, relating to administrative adjudication.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 11501 of the Government Code is amended to read:

11501. (a) The procedure of any agency shall be conducted pursuant to the provisions of this chapter only as to those functions to which this chapter is made applicable by the statutes relating to the particular agency.

(b) The enumerated agencies referred to in Section 11500 are:

Board of Dental Examiners of California.

Board of Medical Examiners of the State of California.

Board of Osteopathic Examiners of the State of California.

California Board of Nursing Education and Nurse Registration.

State Board of Optometry.

California State Board of Pharmacy.

State Department of Public Health.

State Board of Public Health.

Board of Examiners in Veterinary Medicine.
State Board of Accountancy.
California State Board of Architectural Examiners.
State Board of Barber Examiners.
State Board of Registration for Civil and Professional Engineers.
Registrar of Contractors.
State Board of Cosmetology.
State Board of Funeral Directors and Embalmers.
Structural Pest Control Board.
Yacht and Ship Brokers Commission.
Director of Professional and Vocational Standards.
Collection Agency Licensing Bureau.
State Fire Marshal.
State Geologist.
Director of Agriculture.
Labor Commissioner.
Real Estate Commissioner.
Commissioner of Corporations.
Department of Social Welfare
Social Welfare Board.
Department of Mental Hygiene.
Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun.
Board of Pilot Commissioners for Humboldt Bay and Bar.
Board of Pilot Commissioners for the Harbor of San Diego.
Fish and Game Commission.
State Board of Education.
Insurance Commissioner.
Savings and Loan Commissioner.
State Board of Dry Cleaners.
Board of Social Work Examiners of the State of California.
State Board of Chiropractic Examiners.
State Board of Guide Dogs for the Blind.
Division of Aeronautics.
Board of Administration, State Employees' Retirement System.
Department of Motor Vehicles.
Bureau of Furniture and Bedding Inspection.
Cemetery Board.
Department of Conservation.
Department of Water Resources acting pursuant to Section 414 of the Water Code.
Board of Vocational Nurse Examiners of the State of California.
Certified Shorthand Reporters Board.
Bureau of Private Investigators and Adjusters.
California State Board of Landscape Architects.
Department of Alcoholic Beverage Control.
California Horse Racing Board.
School districts under Section 13444 of the Education Code.
State Fair Employment Practice Commission.

CHAPTER 1395

An act to add Section 9409 to the Vehicle Code, relating to vehicle weight fees.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 9409 is added to the Vehicle Code, to read:

9409. Any forklift truck which is designed primarily for loading and unloading and for stacking materials and is operated or drawn along a highway unladen is exempt from the provisions of Section 9400.

CHAPTER 1396

An act to add Sections 23619.1 and 24202 to the Education Code, relating to state colleges.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 24202 is added to the Education Code, to read:

24202 The trustees shall make an annual report to the Governor and to each house of the Legislature on matters pertaining to and affecting the salaries, wages, hours of work, conditions of work and other matters relating to personnel under the jurisdiction of the trustees. The report shall be filed with the Governor and each house of the Legislature within five days after the opening day of the Legislature in each year.

CHAPTER 1397

An act to amend Sections 32202 and 32381 of, to amend and renumber Sections 32382 and 32383 of, and to add Sections 32382, 32383 and 32384 of, the Revenue and Taxation Code, relating to the Alcoholic Beverage Tax Law.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 32202 of the Revenue and Taxation Code is amended to read:

32202. An excise tax is levied on sales made in this State of distilled spirits by common carriers on board boats, trains, and airplanes, or by persons licensed to sell distilled spirits on board such boats, trains, and airplanes, at the same rates as set forth in Section 32201. On or before the first day of each month such common carriers and such other licensed persons shall forward to the board a report of the sales of distilled spirits so made in the calendar month preceding the previous calendar month, in such detail and form as the board may prescribe, together with a payment sufficient to pay the tax on the sales.

SEC. 1.5. Section 32381 of said code is amended to read:

32381. If any taxpayer is delinquent in the payment of any obligations imposed by this part, or in the event a determination has been made against such a taxpayer which remains unpaid, the board may, not later than three years after the payment becomes delinquent, or within three years after the last recording of an abstract or copy of judgment under Section 32362, give notice thereof, personally or by registered mail to all persons, including any officer or department of the State or any political subdivision or agency of the State, having in their possession or under their control any credits or other personal property belonging to the taxpayer, or owing any debts to the taxpayer. In the case of any state officer, department, or agency, the notice shall be given to such officer, department, or agency prior to the time it presents the claim of the delinquent taxpayer to the State Controller.

SEC. 2. Section 32382 of said code is amended and renumbered to read:

32385. The remedies of the State provided for in this chapter are cumulative, and no action taken by the board or Attorney General constitutes an election by the State or any of its officers to pursue any remedy to the exclusion of any other remedy for which provision is made in this part.

SEC. 3. Section 32383 of said code is amended and renumbered to read:

32386. Whenever any person liable for any tax is insolvent, whenever any person makes a voluntary assignment of his assets, whenever the estate of a deceased person in the hands of executors, administrators, or heirs is insufficient to pay all the debts due from the deceased, or whenever the estate and effects of an absconding, concealed, or absent person are levied upon by process of law, the tax, together with interest and penalties attaching thereto, shall be first satisfied. This section shall not be construed to give the State a preference over any recorded lien which attached prior to the date when the tax became a lien.

SEC. 4. Section 32382 is added to said code, to read:

32382. After receiving the notice the person so notified shall neither transfer nor make any other disposition of the credits, other personal property, or debts in their possession

or under their control at the time they receive the notice until the board consents to a transfer or disposition or until 60 days elapse after the receipt of the notice, whichever period expires the earlier.

SEC. 5. Section 32383 is added to said code, to read:

32383. All persons so notified shall forthwith after receipt of the notice advise the board of all credits, other personal property, or debts in their possession, under their control, or owing by them. If such notice seeks to prevent the transfer or other disposition of a deposit in a bank or other credits or personal property in the possession or under the control of a bank, the notice to be effective shall be delivered or mailed to the branch or office of such bank at which such deposit is carried or at which such credits or personal property is held.

SEC. 6. Section 32384 is added to said code, to read:

32384. If, during the effective period of the notice to withhold, any person so notified makes any transfer or disposition of the property or debts required to be withheld, to the extent of the value of the property or the amount of the debts thus transferred or paid he shall be liable to the State for any indebtedness due under this part from the person with respect to whose obligation the notice was given if solely by reason of such transfer or disposition the State is unable to recover the indebtedness of the person with respect to whose obligation the notice was given.

CHAPTER 1398

An act to amend Sections 1 and 5 of Chapter 29 of the Statutes of 1956, Extraordinary Session, relating to the tide and submerged lands conveyed in trust to the City of Long Beach and the revenues derived therefrom.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 1 of Chapter 29 of the Statutes of 1956, Extraordinary Session, is amended to read:

Section 1. As used in this act:

(a) "Long Beach tidelands" means those certain tide and submerged lands heretofore conveyed to the City of Long Beach upon certain trusts and conditions by Chapter 676, Statutes of 1911, Chapter 102, Statutes of 1925 and Chapter 158, Statutes of 1935.

(b) "Oil revenue" means the net proceeds received by the City of Long Beach from the sale of oil, gas and other hydrocarbon substances (other than dry gas) derived from the Long Beach tidelands, after deducting moneys expended for the extraction and sale thereof and for the satisfaction of obligations attributable to such extraction or sale; "oil reve-

nue" also includes the net receipts from the sale of property used in such extraction or sale, the cost of which has been or may be defrayed from proceeds from such hydrocarbon substances; "oil revenue" does not include an amount equal to the money expended by the State, as determined by the Director of the Department of Finance, in administering this act.

(c) "Dry gas" means the gas directly produced from wells, which contains one-half (½) of a gallon or less of recoverable gasoline per 1,000 cubic feet, or from which gasoline has been removed by processing.

(d) "Dry gas revenue" means the reasonable wholesale market value of dry gas derived from, or attributable to production from, said Long Beach tidelands and received into the system of the municipal gas department of said City of Long Beach, and the net receipts to the City of Long Beach from the sale of tideland dry gas as such and which is not received into said system.

(e) "Tideland trust funds" means the Public Improvement Fund, Harbor Revenue Fund, Tideland Oil Fund and Harbor Reserve Fund in the City Treasury of the City of Long Beach, as said funds are presently established by the charter of said city.

(f) "Subsidence costs" means costs expended by the City of Long Beach with the prior approval of the State Lands Commission to remedy and protect against the effects of subsidence of the land surface within the boundaries of the Long Beach Harbor District (as such boundaries are defined on April 1, 1956) and within the boundaries of the Long Beach tidelands situated outside of said harbor district. "Subsidence costs" shall not include moneys expended for the construction or reconstruction of bridges, nor any subsidence expense directly incurred for continued hydrocarbon production and deductible under subdivision (b) of this section.

SEC. 2. Section 5 of said act is amended to read:

Sec. 5. (a) In addition to the payment prescribed in the stipulation provided for in this act, the City of Long Beach has received and will continue to receive for the use and benefit of the State of California free from the public trust for navigation, commerce and fisheries and from such uses, trusts, conditions and restrictions as were imposed by the acts of 1911, 1925 and 1935, and shall account for and pay over monthly to the State of California the following sums:

(1) Fifty per centum (50%) of all oil revenue derived from the Long Beach tidelands, received by said city on and after February 1, 1956, less twenty-five per centum (25%) of all subsidence costs disbursed by said city on and after April 1, 1956, until such time as the sum total of subsidence costs disbursed on and after April 1, 1956, reaches the sum of thirty million dollars ($30,000,000);

(2) After the sum total of subsidence costs disbursed on and after April 1, 1956, shall have reached the sum of thirty

million dollars ($30,000,000), fifty per centum (50%) of all oil revenue thereafter derived from the Long Beach tidelands, less fifty per centum (50%) of all subsidence costs thereafter disbursed;

(3) All dry gas revenue received by said city on and after February 1, 1956;

(4) An amount equal to the money expended by the State, as determined by the Director of Finance, in administering this act.

(b) Upon receipt of said sums, the Controller shall cause the same to be deposited in the State Treasury.

CHAPTER 1399

An act to amend Section 70050.5 of the Government Code, relating to compensation for superior court reporters.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 70050.5 of the Government Code is amended to read:

70050.5. In each county with a population of 730,000 and under 850,000, as determined by the 1960 federal census, the annual salary of the regular official phonographic reporters shall be eleven thousand nine hundred four dollars ($11,904), and the compensation of the official phonographic reporters pro tempore shall be at the rate of forty-three dollars ($43) a day, or any fractional part thereof.

CHAPTER 1400

An act to amend Sections 2733.1 and 2815 of the Business and Professions Code, relating to nursing.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 2733.1 of the Business and Professions Code is amended to read as follows:

2733.1. (a) Upon the filing of a written application on the form prescribed by the board accompanied by the fee required by this chapter the board may issue a temporary license to practice professional nursing for a period of four months from the date of issuance to a person who submits proof satisfactory to the board that he is licensed or registered as a professional nurse under the laws of another state or foreign country.

(b) Upon written application, the board may reissue a temporary license to any person who in the judgment of the board has been excusably delayed in completing his application for or the minimum requirements for a regular renewable license, but the board may not reissue a temporary license more than twice to any one person.

SEC. 2. Section 2815 of said code is amended to read as follows:

2815. The amount of the fees prescribed by this chapter in connection with the issuance of licenses under its provisions is that fixed by the following schedule:

(a) The fee to be paid upon the filing of an application for license by any person who is a graduate of an accredited school of nursing in the State of California, is ten dollars ($10).

(b) The fee to be paid upon the filing of an application for license by any other person is twenty dollars ($20).

(c) The fee to be paid upon the filing of an application for a temporary license and for each reissuance of a temporary license is five dollars ($5).

(d) The biennial fee to be paid upon the filing of an application for renewal shall be set by the board at not more than six dollars ($6) nor less than two dollars ($2).

(e) The penalty fee for failure to renew a license within the prescribed time is two dollars ($2).

No further fee shall be required for a license or a renewal thereof other than as prescribed by this chapter.

CHAPTER 1401

An act to add Sections 20497.5, 22157 and 22214 to the Government Code, relating to retirement of public employees, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 22157 is added to the Government Code, to read:

22157. Notwithstanding Section 22009.1 of this part, the State Employees' Retirement System, with respect to employees of school districts whose employees who are members are not already covered under the federal system, in which the average daily attendance of all districts combined is in excess of 400,000, and which are governed by the same governing board in positions covered pursuant to the contract of said governing board, shall constitute a retirement system. The board shall divide said retirement system and each part thereof shall constitute a retirement system as defined in subdivision (*l*) of Section 22009.1 of this part.

The division shall be conducted in accordance with this article, except that election among members of the system shall not be required. It shall be conducted at a time to be determined by the board, so as to permit the division and modification of the agreement with the system to include members of the system, no later than December 31, 1963.

SEC. 2. Section 22214 is added to said code, to read:

22214. Notwithstanding any other provisions of this part (commencing with Section 22000), the board shall execute a modification of the agreement in conformity with the provisions of Section 218 of the Social Security Act and applicable federal regulations adopted pursuant thereto to include services in positions covered by the retirement system, as defined in subdivision *l*(1) of Section 22009.1 established by division of the retirement system, defined in Section 22157 of this part. The modification of the agreement shall be executed no later than December 31, 1963, and shall include all eligible members with coverage as of January 1, 1958.

The school districts whose employees are included in the agreement pursuant to the modification under this section shall be subject to all obligations, duties, and liabilities imposed, and shall have the powers conferred on a public agency under Article 2 (commencing at Section 22550), Chapter 2 of this part. The district shall also perform such function with respect to the division as the board may direct.

SEC. 3. Section 20497.5 is added to said code, to read:

20497.5. Notwithstanding the election given in Sections 20601.5, 20498 and 21251.14 of this part to contracting agencies, whether to subject themselves and their employees thereto, the contract of school districts in which the average daily attendance of all districts combined is in excess of 400,000 and which are governed by the same governing board, without action by the governing board, shall be subject to said sections and shall include all provisions authorized by Section 20498 to be included therein by contract amendment.

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

There are a number of older employees who will be able to receive benefits under the Federal Social Security Act if the public agency's retirement system can be integrated with the federal program, prior to the retirement of those older employees. Since compulsory retirement provisions make it impossible for some of these employees to delay retirement until these provisions take effect, it is necessary that this measure take effect immediately to allow these employees to receive benefits under the federal program.

CHAPTER 1402

An act to add Section 5221.5 to the Streets and Highways Code, relating to assessment protests.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 5221.5 is added to the Streets and Highways Code, to read:

5221.5. In lieu of hearing and passing upon protests as provided in Section 5221, the legislative body may continue the hearing of protests to a day certain and refer the protests to the superintendent of streets for investigation, report and recommendation as to the improvement and matters included in the protests. The report and recommendation of the superintendent of streets shall be in writing, and a copy thereof shall be mailed not less than five days prior to the continued hearing date for protests to each person owning property liable to be assessed who has made a written protest. At the time set for the continued hearing the legislative body shall hear and pass upon the report and recommendation of the superintendent of streets and its decision shall be final. The legislative body may adjourn the hearing from time to time. Protests may be withdrawn in the same manner as provided in Section 5221.

CHAPTER 1403

An act to add Section 53205.2 to the Government Code, relating to group insurance for public officers and employees.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 53205.2 is added to the Government Code, to read:

53205.2. In granting the approval specified in Sections 53202 and 53202.1 the local agency or governing board shall give preference to such health benefit plans as do not terminate upon retirement of the employees affected, and which provide the same benefits for retired personnel as for active personnel at no increase in costs to the retired person, provided that the local agency or governing board makes a contribution of at least five dollars ($5) per month toward the cost of providing a health benefits plan for the employee or the employee and the dependent members of his family.

CHAPTER 1404

An act to repeal Section 11828 of, and to add Section 11828 to, the Public Utilities Code, relating to the election of directors of municipal utility districts.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 11828 of the Public Utilities Code is repealed.

SEC 2. Section 11828 is added to said code, to read:

11828. Except as otherwise provided in this division, the provisions of the Elections Code prescribed for independent nominations shall substantially govern as to the manner of appointment of verification deputies, the form of nomination papers and the securing of signatures, the filing of the candidate's affidavit, and all other things necessary to get the name of the candidate upon the ballot; provided, however, that verification deputies may obtain signatures to the nomination paper of any candidate at any time not more than 85 days nor less than 60 days prior to the election, and all nomination papers shall be filed with the secretary of the district not more than 80 nor less than 60 days before the date of the election and shall be examined by him. Each candidate, at least 60 days prior to the election, shall file a sufficient candidate's affidavit. The secretary of the district shall certify the names of all candidates to be placed upon the ballot to the county clerk or county clerks within the territory affected at least 53 days prior to the date of the election.

CHAPTER 1405

An act to amend Sections 65549 and 65550 of the Government Code, relating to local planning.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 65549 of the Government Code is amended to read:

65549. At least three months before the end of each fiscal year each county or city officer, department, board, or commission, and each governmental body, commission, or board whose jurisdiction lies entirely within the county or city, whose functions include recommending, preparing plans for, or constructing, major public works, shall submit to the official agency, as designated by the respective county board of supervisors or

city council, a list of the proposed public works recommended for planning, initiation or construction during the ensuing fiscal year.

SEC. 2. Section 65550 of said code is amended to read:

65550. The official agency receiving the list of proposed public works shall list and classify all such recommendations and shall prepare a co-ordinated program of proposed public works for the ensuing fiscal year. This co-ordinated program shall be submitted to the county or city planning commission or planning department for review and recommendations before transmittal to the chief executive officer or to the legislative body of the county or city and to other bodies, officers, departments, boards or commissions which have jurisdiction over the recommending, planning, or constructing of the public works.

CHAPTER 1406

An act to amend Section 21755.1 of the Education Code, relating to school district bonds.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 21755.1 of the Education Code is amended to read:

21755.1. All absentee ballots cast under the provisions of this article shall, in order that they may be counted, be returned and received by the secretary of the school district or his designee not later than 5:00 o'clock p.m. on the day before the date of the election in order to be counted; and the provisions of the Elections Code pertaining to absentee ballots, insofar as they are in conflict herewith, shall not apply.

CHAPTER 1407

An act to amend Sections 540 and 559½ of the Code of Civil Procedure, relating to attachments.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 540 of the Code of Civil Procedure is amended to read:

540. The writ must be directed to the sheriff, or a constable, or marshal of any county in which property of such defendant may be, and must require him to attach and safely keep all the property of such defendant within his county not

exempt from execution, specifically excluding one-half of the earnings of such defendant received for his personal services rendered at any time within 30 days next preceding the levy of attachment, or so much of the property of such defendant as may be sufficient to satisfy the plaintiff's demand against such defendant, the amount of which must be stated in conformity with the complaint, unless such defendant give him security by the undertaking of at least two sufficient sureties, which must first be approved by a judge of the court issuing the writ, or if said writ of attachment is issued to another county then by a judge of a court, having jurisdiction in cases involving the amount specified in the writ, in the county where the levy shall have been, or is about to be, made, or deposit a sum of money with the sheriff, constable, or marshal in an amount sufficient to satisfy such demand against such defendant, besides costs, or in an amount equal to the value of the property of such defendant which has been or is about to be attached, in which case to take such undertaking or sum of money in lieu of the property which has been or is about to be attached; provided, however, that whenever a levy shall be made upon personal property, other than money, belonging to a going concern, and no undertaking is given as herein provided, then the officer making the levy must, if the defendant consents, place a keeper in charge of said attached property, at plaintiff's expense, for at least two days, and said keeper's fees must be prepaid by the attaching creditor. After the expiration of said two days, the sheriff, constable, or marshal shall take said property into his immediate custody, unless other disposition is made by the court or the parties to the action.

In the event that the action is against more than one defendant, any defendant whose property has been or is about to be attached in the action may give the sheriff, constable or marshal such undertaking which must first be approved by the judge as hereinabove provided, or deposit such sum of money, and the sheriff, constable, or marshal shall take the same in lieu of such property. Such undertaking, or the deposit of such sum of money, shall not subject such defendant to, or make him answerable for, any demand against any other defendant, nor shall the sheriff, constable, or marshal thereby be prevented from attaching or be obliged to release from attachment, any property of any other defendant; provided, however, that such defendant, at the time of giving such undertaking to, or depositing such sum of money with the sheriff, constable, or marshal shall file with the sheriff, constable, or marshal a statement, duly verified by his oath, wherein such defendant shall state the character of his title to the attached property and the manner in which he acquired such title, and aver and declare that the other defendant or defendants, in the action in which said undertaking was given or such sum

of money was deposited, has or have not any interest or claim of any nature whatsoever in or to said property.

Several writs may be issued upon the same affidavit and undertaking simultaneously or from time to time within 60 days after the filing of the affidavit and undertaking, to the sheriffs, constables, or marshals of any county or counties, whether or not any writ previously issued has been returned.

SEC. 2. Section 559½ of said code is amended to read:

559½. After the return and filing of the writ of attachment, or upon filing by the plaintiff of a verified affidavit setting forth the loss of the writ of attachment, the clerk, upon demand of the plaintiff at any time before judgment, may issue an alias writ which shall be in the same form as the original, without requirement of a new affidavit for attachment or of a new undertaking as provided in Section 539 of the Code of Civil Procedure.

The provisions of this section do not prohibit the issuance of several writs as provided for in Section 540.

CHAPTER 1408

An act to add Sections 32661.1, 32661.2, and 32661.3 to the Streets and Highways Code, relating to parking authorities.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 32661.1 is added to the Streets and Highways Code, to read:

32661.1. As an alternative to the appointment of five members of the parking authority, the legislative body may, at the time of the adoption of a resolution pursuant to Section 32651 of this part, declare itself to be the parking authority, in which case all the rights, powers, duties, privileges, and immunities vested by this part in the members of the parking authority shall be vested in the legislative body as the parking authority.

SEC. 2. Section 32661.2 is added to said code, to read:

32661.2. Whenever the mayor, with the approval of the legislative body, has appointed the members of a parking authority, as provided by Section 32656, the legislative body, after receipt from the parking authority of a resolution adopted by a majority vote of the parking authority consenting thereto, may adopt a resolution declaring itself to be the parking authority, in which case all the rights, powers, duties, privileges, and immunities vested by this part in the members of the parking authority appointed under Section 32656 shall be vested in the legislative body as the parking authority.

SEC. 3. Section 32661.3 is added to said code, to read:

32661.3. A legislative body which has declared itself to be the parking authority pursuant to Sections 32661.1 or 32661.2 may, at any time, by resolution, determine that it shall no longer function as the parking authority, in which event the mayor, with the approval of the legislative body, shall appoint five electors of the city as members of the parking authority, as provided in Sections 32656 and 32657.

CHAPTER 1409

An act to amend Section 2185 of the Civil Code, relating to common carriers.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 2185 of the Civil Code is amended to read:

2185. A common carrier of persons must provide every passenger with a seat. He must not overload his vehicle by receiving and carrying more passengers than its rated capacity allows. This section shall not apply, however, to any city, county, city and county that operates a transportation system, or to any passenger stage corporation or street railroad corporation, as defined in Sections 226 and 232, respectively, of the Public Utilities Code, which is subject to the jurisdiction of the Public Utilities Commission.

CHAPTER 1410

An act to add Section 25605 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 25605 is added to the Business and Professions Code, to read:

25605. No offsale licensee shall deliver any alcoholic beverages pursuant to orders received for such alcoholic beverage by telephone unless upon delivery the recipient shall be able to furnish proof of age and identity to indicate that he or she is 21 years of age or over.

CHAPTER 1411

An act to amend Section 19251 of the Government Code, relating to state employees.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 19251 of the Government Code is amended to read:

19251. A state officer or employee shall not engage in any employment, activity, or enterprise which is clearly inconsistent, incompatible, in conflict with, or inimical to his duties as a state officer or employee or with the duties, functions or responsibilities of his appointing power or the agency by which he is employed.

Each appointing power shall determine, subject to approval of the board, those activities which, for employees under his jurisdiction, are inconsistent, incompatible or in conflict with their duties as state officers or employees. Consideration shall be given to employment, activity or enterprise which: (a) involves the use for private gain or advantage of state time, facilities, equipment and supplies; or the badge, uniform, prestige or influence of one's state office or employment or, (b) involves receipt or acceptance by the officer or employee of any money or other consideration from anyone other than the State for the performance of an act which the officer or employee, if not performing such act, would be required or expected to render in the regular course or hours of his state employment or as a part of his duties as a state officer or employee or, (c) involves the performance of an act in other than his capacity as a state officer or employee which act may later be subject directly or indirectly to the control, inspection, review, audit or enforcement by such officer or employee or the agency by which he is employed, or, (d) involves such time demands as would render performance of his duties as a state officer or employee less efficient.

Each state officer and employee shall during his hours of duty as a state officer or employee and subject to such other laws, rules or regulations as pertain thereto, devote his full time, attention and efforts to his state office or employment.

The board may adopt rules governing the application of this section. Such rules may include provision for notice to employees prior to the determination of proscribed activities and for appeal by employees from such a determination and from its application to an employee.

CHAPTER 1412

An act to amend Sections 204 and 206 of the Code of Civil Procedure, relating to selection and listing of jurors.

[Approved by Governor July 11, 1963 Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 206 of the Code of Civil Procedure is amended to read:

206. The list of trial jurors made in a county of the first class shall contain the number of persons which has been designated by the court in its order. The names for the trial jury list shall be selected from the different wards or judicial districts of the respective counties in proportion to the number of inhabitants therein, as nearly as the same can be estimated by the persons making the lists. The trial jury list shall be kept separate and distinct from the grand jury list. In a county of the first class, where sessions of the superior court are held in cities other than the county seat, the names for such list to serve in the city shall all be selected from the district in which the city is located and no names from such district shall be selected to serve as trial jurors for any other part of the county, other than in the county seat.

SEC. 2. Section 204 of said code is amended to read:

204. During January in each year, the superior court of each county shall make an order designating the estimated number of trial jurors that will, in the opinion of the court, be required for the transaction of the business of the court, and the trial of causes therein, during the ensuing year. Immediately after such order is made, the board of supervisors shall select, pursuant to Sections 205 and 206, a list of men and women to serve as trial jurors in the superior court of the county during the ensuing year, or until a new list of jurors is provided.

In counties having a population of 80,000 inhabitants or over, such selection shall be made by a majority of the judges of the superior court; except that in counties of the first class, where a session or sessions of the superior court are held in cities other than the county seat, the judge presiding in each district may, during January of each year or in the December immediately preceding, make an order designating the estimated number of trial jurors that will, in his opinion, be required for the transaction of the business of the court within the district and the trial of causes therein during the ensuing year, or until new lists of jurors are provided. The judge shall make such selections and listings of men and women suitable and competent to serve as jurors from men and women residing in the judicial district in which the city is located.

In counties having a population of 300,000 inhabitants or over, a majority of the judges of the superior court shall, in January and July of each year or in the December or June immediately preceding, make the order designating the number of trial jurors and the selections and listings of men and women suitable and competent to serve as trial jurors.

CHAPTER 1413

An act to amend Section 231 of the Civil Code, relating to action to determine paternity.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 231 of the Civil Code is amended to read:

231. An action may be brought for the purpose of having declared the existence or nonexistence between the parties of the relation of parent and child, by birth or adoption.

The district attorney may also bring an action under this section in any other case in which he believes that the interests of justice will be served thereby.

CHAPTER 1414

An act to add Sections 19.6, 19.7, 19.8, 19.9, 19.10, 19.11, 19.12, 19.13, 19.14, 19.15, 19.16, 19.17, 19.18, 19.19 and 19.20 to the Water Conservation Act of 1931 (Chapter 1020 of the Statutes of 1931), relating to ground water extraction charges.

[Approved by Governor July 11, 1963. Filed with Secretary of State July 12, 1963.]

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

SECTION 1. Section 19.6 is added to the Water Conservation Act of 1931 (Chapter 1020 of the Statutes of 1931), to read:

Sec. 19.6. The board shall have the power, in addition to the powers enumerated elsewhere in this act, to levy and collect a ground water charge for the production of water from the ground water supplies within the district or within a zone or zones thereof.

The provisions of Sections 19.10, 19.11 and 19.12 shall apply only to districts or zones in which a ground water charge is levied.

SEC. 2. Section 19.7 is added to said act, to read:

Sec. 19.7. As used in connection with the ground water charge, the following words shall mean:

"Person" or "operator" means public agencies, federal, state, and local, private corporations, firms, partnerships, individuals, or groups of individuals, whether legally organized or not; "owner" or "operator" also means the person to whom a water-producing facility is assessed by the county assessor of the county or counties in which the district is organized, or, if not separately assessed, the person who owns the land upon which a water-producing facility is located.

"Ground water" means all water beneath the earth's surface, but does not include water which is produced with oil in the production of oil and gas, or in a bona fide mining operation, or during construction operations, or from gravity or artesian springs.

"Production" or "producing" means the act of extracting ground water by pumping or otherwise.

"Water-producing facility" means any device or method, mechanical or otherwise, for the production of water from the ground water supplies within the district.

"Accumulated overdraft" means the amount of water necessary to be replaced in the intake areas of the ground water basins within the district or any zone or zones thereof to prevent the landward movement of salt water into the fresh ground water body, or to prevent subsidence of the land within the district or any zone or zones thereof, as determined by the board from time to time.

"Annual overdraft" means the amount, determined by the board, by which the production of water from ground water supplies within the district or any zone or zones thereof during the water year exceeds the natural replenishment of such ground water supplies in such water year.

"Water year" means July 1st of one calendar year to June 30th of the following calendar year.

"Agricultural water" means water first used on lands in the production of plant crops or livestock for market.

SEC. 3. Section 19.8 is added to said act, to read:

Sec. 19.8. Prior to the establishment of any ground water charge the board shall establish a zone or zones within the district within which the ground water charge will be effective. Said zone or zones shall be established and may be amended to the extent and in the manner prescribed in this act. A zone may include the entire district.

Ground water charges levied pursuant to this act are declared to be in furtherance of district activities in the protection and augmentation of the water supplies for users within the district or a zone or zones thereof which are necessary for the public health, welfare and safety of the people of this State. The ground water charges are authorized to be levied upon the production of ground water from all water-producing

facilities, whether public or private, within the district or a zone or zones thereof for the benefit of all who rely directly or indirectly upon the ground water supplies of the district or a zone or zones thereof and water imported into the district or a zone or zones thereof.

The proceeds of ground water charges levied and collected upon the production of water from ground water supplies within the district or a zone or zones thereof are authorized and shall be used exclusively by the board for the district purposes authorized by this act.

SEC. 4. Section 19.9 is added to said act, to read:

Sec. 19.9. Within six months after the date of establishing such zone or zones all water-producing facilities located within the boundaries of such zone or zones shall be registered with the district and, if required by the board, measured with a water-measuring device satisfactory to the district, installed by the district, or at the district's option, by the operator thereof. Any new water-producing facility, constructed or re-established after such date, shall be registered with the district and, if required by the board, measured with a water-measuring device satisfactory to the district within 30 days after the completion or re-establishment thereof. Any water-measuring device required by and satisfactory to any other public agency or county or district or zone thereof, the boundaries of which substantially contain the area of the district may be declared by the board to be sufficient compliance herewith.

Failure to register any water-producing facility, as required by this section, is a misdemeanor punishable by a fine of not to exceed five hundred dollars ($500), or imprisonment in the county jail for not to exceed six months, or by both such fine and imprisonment.

In addition to other information which the district may determine is necessary and may require in the registration form provided, there shall also be given information as to the owner or owners of the land upon which each water-producing facility is located, a general description and location of each water-producing facility, the name and address of the person charged with the operation of each water-producing facility, and the name or names and addresses of all persons owning or claiming to own an interest in the water-producing facility.

SEC. 5. Section 19.10 is added to said act, to read:

Sec. 19.10. The district shall annually cause to be made an investigation and report upon ground water conditions of the district. The investigation and report shall include, among other information which the district may desire, information for the consideration of the board in its determination of the annual overdraft, information for the consideration of the board in its determination of the accumulated overdraft as of the last day of the preceding water year, a report as to the total production of water from the ground water supplies

of the district for the preceding water year, an estimate of the annual overdraft for the current water year and for the ensuing water year, the amount of water the district is obligated to purchase during the ensuing water year, and a recommendation as to the quantity of water needed for surface delivery and for replenishment of the ground water supplies of the district for the ensuing year.

SEC. 6. Section 19.11 is added to said act, to read:

Sec. 19.11. On the second Tuesday in March of each year the engineering investigation and report shall be delivered to the secretary of the district board in writing. Said secretary shall publish, pursuant to Section 6061 of the Government Code, a notice of the receipt of such report and of the public hearing to be held on the second Tuesday of April in a newspaper of general circulation printed and published within the district, at least 10 days prior to the date at which the public hearing regarding said engineering investigation and report shall be held. Said notice, among other information which the district may provide therein, shall contain an invitation to all operators of water-producing facilities within the district to call at the offices of the district to examine said engineering investigation and report.

There shall be held by the board on the second Tuesday of April of each year, in the regular meeting place of the board, a public hearing at which time any operator of a water-producing facility within the district, or any person interested in the condition of the ground water supplies or the surface water supplies of the district, may in person, or by representative, appear and submit evidence concerning the ground water conditions and the surface water supplies of the district. Appearances also may be made supporting or protesting said written engineering investigation and report. The board shall, before the levy of the ground water charge, find and determine the average annual overdraft for the immediate past 10 water years; the estimated annual overdraft for the current water year; the estimated annual overdraft for the ensuing water year; the accumulated overdraft as of the last day of the preceding water year; the estimated accumulated overdraft as of the last day of the current water year; the estimated amount of agricultural water to be withdrawn from the ground water supplies of the district for the ensuing water year; the amount of water other than agricultural water to be drawn from the ground water supplies of the district for the ensuing water year; the estimated amount of water necessary for surface distribution for the ensuing water year; the amount of water which is necessary for the replenishment of the ground water supplies of the district; and the amount of water the district is obligated by contract to purchase.

Said findings and determinations by the board shall be conclusive and binding upon all persons and parties.

SEC. 7. Section 19.12 is added to said act, to read:

Sec. 19.12. Prior to the end of the water year in which said hearing is held, and based upon the findings and determinations from said hearing, the board shall determine whether or not a ground water charge should be levied in any zone or zones. If the board determines that a ground water charge should be levied, it shall levy, assess, and affix such charge or charges against all persons operating ground water-producing facilities within such zone or zones during the ensuing water year. The charge shall be computed at a fixed and uniform rate per acre-foot for agricultural water, and at a fixed and uniform rate per acre-foot for all water other than agricultural water. Different rates may be established in different zones; provided, however, that in each zone the rate for agricultural water shall be fixed and uniform and the rate for water other than agricultural water shall be fixed and uniform.

In addition to the information required to be given by the board to the board or boards of supervisors and the auditor or auditors pursuant to Section 28 of this act the board shall at the same time annually furnish the board of supervisors and the auditor of the county where the district is situated, or if the district is not entirely within one county then, as in this act provided, to the supervisors and auditors of each county in which any portion of the district is situated, the estimated sum of a ground water charge which the board intends to levy in any zone or zones which sum shall be deducted from the assessments provided to be levied annually in any zone or zones pursuant to Section 30 of this act, first from the assessment of the amount reported to them as required for district purposes other than that required to pay principal and interest of district bonds and second from the assessment to raise the amount reported to them as required for bond service.

Any ground water charge in any year shall be established at a fixed and uniform rate for each acre-foot for water other than agricultural water which is not less than three times nor more than five times the fixed and uniform rate established for agricultural water; provided, that in any county which has a population of 503,000 and under 600,000, any ground water charge in any year shall be established at a fixed and uniform rate for each acre-foot for water other than agricultural water in such proportion to the fixed and uniform rate established for agricultural water as the board shall determine.

Any ground water charge levied pursuant to this section shall be in addition to any general tax or assessment levied within the district or a zone or zones thereof, provided, that the board shall by the 10th day of July of each year determine the amount of money needed for the purposes of the district for the ensuing fiscal year as provided in Section 28 of this act, and any ground water charge levied by the district in any zone or zones shall be fixed at rates which will, together with any sums raised in the ensuing fiscal year by any general tax or

assessment in such zone or zones, produce funds for district purposes not in excess of the maximum which the district could have raised by such general tax or assessment under this act in such zone or zones without the addition of any ground water charge. If in any fiscal year the sum of ground water charges and of any general tax or assessment levied and collected by the district shall in fact produce revenues from such zone or zones in excess of the maximum to which the district is limited under this act then the excess amount so collected shall be deducted by the board from the amount of money to be raised in the following fiscal year from such zone or zones.

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

SEC. 8. Section 19.13 is added to said act, to read:

Sec. 19.13. The district, after the levying of the ground water charge, shall give notice thereof to each operator of each water-producing facility in the zone or zones as disclosed by the records of said district, which notice shall state the rate for each class of water of the ground water charge for each acre-foot of water to be produced during the ensuing water year. Said notice may be sent by postal card or by other first-class mail and with postage prepaid by the district.

SEC. 9. Section 19.14 is added to said act, to read:

Sec. 19.14. After the establishment of a ground water charge, each operator of a water-producing facility within the affected zone or zones of the district, until such time as said water-producing facility has been permanently abandoned, shall file with the district, on or before the 31st day of January and on or before the 31st day of July in each year, a statement setting forth the total production in acre-feet of water for the preceding six-months period (excluding the month in which the statement is due), a general description or number locating each water-producing facility and the method or basis of the computation of such water production. If no water has been produced from said water-producing facility during the preceding six-months period, said statement shall be filed as provided for herein, setting forth that no water has been produced during said period. Said statement shall be verified by a written declaration that it is made under the penalties of perjury. The ground water charge is payable to the district on or before the last date upon which the water production statements shall be filed, and is computed by multiplying the production in acre-feet of water for each classification as disclosed in the statement by the ground water charge for each classification of water. At such time as any said water-producing

facility has been permanently abandoned, the operator thereof shall give written notice of such abandonment to the district. If any operator of a water-producing facility shall fail to pay the ground water charge when due, the district shall charge interest at the rate of one percent (1%) each month on the delinquent amount of the ground water charge.

Should any operator of a water-producing facility fail to register each water-producing facility, or fail to file the water production statements as required by this act, the district shall, in addition to charging interest as provided herein, assess a penalty charge against such operator in an amount of ten percent (10%) of the amount found by said district to be due.

The board may, at the time of fixing the ground water charge, establish a method or methods to be used in computing the amount of water produced from a water-producing facility which is not measured by a measuring device. Such methods may be based upon any or all or a combination of some of the following criteria: size of water-producing facility discharge opening, area served by the water-producing facility, number of persons served by the water-producing facility, use of land served by the water-producing facility, crops grown on land served by the water-producing facility, or any other criteria which may be used to determine with reasonable accuracy the amount of water produced from such water-producing facility.

SEC. 10. Section 19.15 is added to said act, to read:

Sec. 19.15. Upon good cause shown, an amended statement of water production may be filed or a correction of the records may be made at any time prior to the final date for filing the next semiannual water production statement.

SEC. 11. Section 19.16 is added to said act, to read:

Sec. 19.16. The superior court of the county in which a water-producing facility within the district lies may issue a temporary restraining order upon the filing by the district with said court of a petition or complaint setting forth that the person named therein as defendant is the operator of a water-producing facility which has not been registered with the district, or that such defendant is delinquent in the payment of a ground water charge. Such temporary restraining order shall be returnable to said court on or before 10 days after its issuance.

The court may issue and grant an injunction restraining and prohibiting the named defendant from the operation of any water-producing facility when it is established at the hearing that the defendant has failed to register such water-producing facility with the district, or that the defendant is delinquent in payment of ground water charges thereon. Such court may provide that the injunction so made and issued shall be stayed for a period not to exceed 10 days to permit the defendant to register the water-producing facility or to pay the delinquent ground water charge.

Service of process is completed by posting a copy of the summons and complaint upon the water-producing facility or the parcel of land upon which it is located and by personal service upon the named defendant.

The right to proceed for injunctive relief granted herein is an additional right to those which may be provided elsewhere in this act or otherwise allowed by law. The procedure provided in Chapter 3 (commencing with Section 525), Title 7, Part 2, of the Code of Civil Procedure, regarding injunctions shall be followed except insofar as it may herein be otherwise provided. The district shall not be required to provide an undertaking or bond as a condition to granting injunctive relief.

SEC. 12. Section 19.17 is added to said act, to read:

Sec. 19.17. If the district has probable cause to believe that the production of water from any water-producing facility is in excess of that disclosed by the sworn statements covering such water-producing facility, or if no statements are filed covering any water-producing facility, the district may cause an investigation and report to be made concerning the production of water from each such water-producing facility. The district may fix the amount of water production from any such water-producing facility at an amount not to exceed the maximum production capacity of such water-producing facility; provided, however, where a water-measuring device is permanently attached thereto, the record of production, as disclosed by such water-measuring device, shall be presumed to be accurate and the burden is upon the district to establish to the contrary.

After such determination has been made by the district, a written notice thereof shall be mailed to the person operating such water-producing facility at his address as shown by the district's records. Any such determination made by the district shall be conclusive on all persons having an interest in such water-producing facility, and the ground water charge, interest and penalties thereon, shall be paid forthwith, unless such person files with the board within 10 days after the mailing of such notice, a written protest setting forth the ground or grounds for protesting the amount of production so fixed. Upon the filing of such protest, the board thereafter shall hold a hearing at which time the total amount of the water production and the ground water charge thereon shall be determined, which shall be conclusive if based upon substantial evidence. A notice of such hearing shall be mailed to the protestant at least 10 days before the date fixed for the hearing. Notice of the determination by the board shall be mailed to each protestant, who shall have 10 days from the date of mailing to pay the ground water charge, interest or penalties provided by the provisions of this act.

Notice as required in this section shall be given by deposit thereof in any postal facility regularly maintained by the

government of the United States in a sealed envelope with postage paid, addressed to the person on whom it is served at his name and address as disclosed by the records of the district. The service is complete at the time of deposit.

SEC. 13. Section 19.18 is added to said act, to read:

Sec. 19.18. The district may bring a suit in the court having jurisdiction against any operator of a water-producing facility within the district for the collection of any delinquent ground water charge. The court having jurisdiction of said suit, may, in addition to allowing recovery of costs to said district as allowed by law, fix and allow as part of the judgment interest and penalties as provided in Section 19.14. Should the district, as a provisional remedy in bringing such suit, seek an attachment against the property of any named defendant therein, the district shall not be required to provide a bond or undertaking as is otherwise provided for in the Code of Civil Procedure of the State of California in Chapter 4 (commencing with Section 537), Title 7, Part 2, thereof.

SEC. 14. Section 19.19 is added to said act, to read:

Sec. 19.19. It shall be unlawful to produce water from any water-producing facility required to be registered pursuant to the terms of this act unless such water-producing facility has been registered with the district within the time required by the provisions of this act and, if required by the board, has a water-measuring device affixed thereto capable of registering the accumulated amount of water produced therefrom.

Violation of this provision shall be punishable by a fine not to exceed five hundred dollars ($500), or imprisonment in the county jail for not to exceed six months, or by both such fine and imprisonment. Each day of operation in violation thereof shall constitute a separate offense.

SEC. 15. Section 19.20 is added to said act, to read:

Sec. 19.20. Any person who injures, alters, removes, resets, adjusts, manipulates, obstructs or in any manner interferes or tampers with or procures or causes or directs any person to injure, alter, remove, reset, adjust, manipulate, obstruct or in any manner interfere or tamper with any water-measuring device affixed to any water-producing facility as required by this act, so as to cause said water-measuring device to improperly or inaccurately measure and record said water production, or any person who with intent to evade any provision or requirement of this act files with the district any false or fraudulent water production statement is guilty of a misdemeanor and is punishable by a fine not to exceed five hundred dollars ($500), or imprisonment in the county jail not to exceed six months, or by both such fine and imprisonment.

CHAPTER 1415

An act to validate certain acts of taxing agencies and revenue districts and of their officers relating to property taxation.

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

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

SECTION 1. As used in this act "taxing agency" includes the State, county, and city. "Taxing agency" also includes every district that assesses property for taxation purposes and levies taxes or assessments on the property so assessed.

SEC. 2. As used in this act "revenue district" includes every city and district for which the county officers assess property and collect taxes or assessments.

SEC. 3. Every act and proceeding heretofore taken by any taxing agency or revenue district or the officers thereof relative to the preparation, transmitting, computing, determining or fixing the budget or the tax rate or rates of any taxing agency or revenue district, or to the assessment or equalization of property or to the levy of taxes thereon or to tax sales or certificates of tax sales, tax deeds or other conveyances, are hereby confirmed, validated and declared legally effective.

SEC. 4. (a) This act is limited to the correction of defects, irregularities and ministerial errors which the Legislature originally could have omitted from the statutory requirements of law under which the acts hereby confirmed, validated and declared legally effective were taken.

(b) This act is limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

(c) This act shall not operate to confirm, validate, or legalize any act, proceeding or other matter the legality of which is being contested or inquired into in any legal proceeding, now pending and undetermined or which may be pending and undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

SEC. 5. If any provisions of this act or its application to any person or circumstances is held invalid, the remainder of the act and the application of its provisions to other persons or circumstances is not affected.

CHAPTER 1416

An act to validate certain acts of taxing agencies and revenue districts and of their officers, relating to property taxation, declaring the urgency thereof, to take effect immediately.

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

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

SECTION 1. As used in this act "taxing agency" includes the State, county, and city. "Taxing agency" also includes every district that assesses property for taxation purposes and levies taxes or assessments on the property so assessed.

SEC. 2. As used in this act "revenue district" includes every city and district for which the county officers assess property and collect taxes or assessments.

SEC. 3. Every act and proceeding heretofore taken by any taxing agency or revenue district or the officers thereof relative to the preparation, transmitting, computing, determining or fixing the budget or the tax rate or rates of any taxing agency or revenue district, or to the assessment or equalization of property or to the levy of taxes thereon or to tax sales or certificates of tax sales, tax deeds or other conveyances, are hereby confirmed, validated and declared legally effective.

SEC. 4. (a) This act is limited to the correction of defects, irregularities and ministerial errors which the Legislature originally could have omitted from the statutory requirements of law under which the acts hereby confirmed, validated and declared legally effective were taken.

(b) This act is limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

SEC. 5. If any provisions of this act or its application to any person or circumstances is held invalid, the remainder of the act and the application of its provisions to other persons or circumstances is not affected.

SEC. 6. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The peace, health and safety of the citizens of the State require the orderly and unhampered functioning of public bodies and such functioning depends on the validity of the acts and proceedings pertaining to the budgets, taxes, and assessments of public bodies, and it is therefore imperative and essential that such matters be validated.

CHAPTER 1417

An act to add Chapter 5 (commencing with Section 10600) to Part 2, Division 2, Title 2 of the Government Code, relating to creation of a Joint Legislative Retirement Committee.

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

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

SECTION 1. Chapter 5 (commencing with Section 10600) is added to Part 2, Division 2, Title 2 of the Government Code, to read:

CHAPTER 5. JOINT LEGISLATIVE RETIREMENT COMMITTEE

10600. The Legislature finds that the retirement of officers and employees of the State, school districts, and many cities, counties, and public jurisdictions in the State, is provided under several independently administered and highly complex and technical statutes, and that development and change in such systems are interrelated and have important long-range implications both with respect to cost and to the rights of public employees. The Legislature recognizes the need of coordination of such change and development and for continuing study and analysis of such systems and legislation affecting them.

Therefore, it is the desire of the Legislature to provide for such continuing study and analysis by a joint legislative committee.

10601. The Joint Legislative Retirement Committee is hereby created The committee shall study and review the benefits, programs, actuarial condition, practices, investments and procedures of, and all legislation relating to the retirement systems for public officers and employees in this State and the trends and developments in the field of retirement, and make reports and recommendations thereon to the Legislature and to the houses thereof. The committee has a continuing existence and may meet, act, and conduct its business at any place within this State during the sessions of the Legislature or any recess thereof, and in the interim period between sessions.

10602. The committee shall consist of three Members of the Senate and three Members of the Assembly who shall be selected in the manner provided for in the Joint Rules of the Senate and Assembly. The committee shall elect its own chairman. Vacancies occurring in the membership of the committee between general sessions of the Legislature shall be filled in the manner provided for in the Joint Rules of the Senate and Assembly. A vacancy shall be deemed to exist as to any member of the committee whose term is expiring whenever such member is not re-elected at the general election.

10603. The committee is authorized to make rules governing its own proceedings and to create subcommittees from its membership and assign to such subcommittees any study, inquiry, investigation, or hearing which the committee itself has authority to undertake or hold. The provisions of Rule 36 of the Joint Rules of the Senate and Assembly relating to investigating committees shall apply to the committee, and it shall have such powers, duties and responsibilities as the Joint Rules of the Senate and Assembly shall from time to time prescribe, and all the powers conferred upon committees by Section 37, Article IV, of the Constitution.

10604. The committee shall have authority to appoint and fix the salary of such professional and other employees as may be necessary. Funds for the support of the committee shall be provided from the Contingent Funds of the Assembly and the Senate in the same manner that such funds are made available to other joint committees of the Legislature.

CHAPTER 1418

An act to add Section 5006.2 to the Public Resources Code, relating to the state park system.

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

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

SECTION 1. Section 5006.2 is added to the Public Resources Code, to read as follows:

5006.2. The Director of Parks and Recreation with the consent of the Director of Finance may acquire by gift, purchase or condemnation any interest, including options, in those properties known as Aptos Forest, Santa Cruz County, more particularly described in that deed from Agnes K. Marks, et al., to the Nature Conservancy, a nonprofit corporation of District of Columbia, recorded August 3, 1962 in Book 1487, page 11, Official Records of Santa Cruz County, upon such terms and conditions he may see fit for proper development, use and control of the area as a state park.

When such properties are so acquired, they shall be included in the state park system under the exclusive control of the officers administering the state park system, provided that the Director of Parks and Recreation shall have no authority, under other provisions of law except by permission of the Legislature, to grant, give, or suffer easements, permits, leases, rights, or rights-of-way therein other than those necessary for the orderly development, use, and control of the park. Where under other provisions of law park property may be taken by

eminent domain, it shall not be deemed to include any part or interest in the above-described property except by specific permission of the Legislature.

Because of the uniqueness of the proposed park and the very generous gifts of the grantor in establishing this large state park to be preserved for posterity and notwithstanding restrictions hereinabove enumerated the Director of Parks and Recreation, with the consent of the Director of Finance, may within the Hinkley Basin Unit, some 2,500 acres, more or less, more particularly described as those lands deeded by the Santa Cruz County Title Company, a corporation, and Alzoe K. Marks, wife of Andrew P. Marks, to Agnes K. Marks, Herman H. Marks, and Andrew P. Marks, recorded June 13, 1951, Volume 827, page 66, in the Official Records of the County of Santa Cruz, lease to the grantor his heirs and assigns the right to explore for, extract, and remove oil and gas and hydrocarbons including the right to disturb the surface under such terms and conditions as he may prescribe. He may with the consent of the Director of Finance issue permits for access to any drill site as may be selected including easements for power, telephone, water, and pipe lines which are to be used exclusively by lessee in his exploration and extraction for oil, gas, and hydrocarbons and by the State as suits their needs for park purposes.

CHAPTER 1419

An act making an appropriation for the study of laws, relating to hide and brand inspection.

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

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

SECTION 1. There is hereby appropriated thirty-five thousand dollars ($35,000), or so much thereof as is necessary, to the Senate Rules Committee for the purpose of entering into a contract for the study of the administration of the laws relating to the inspection of hides and brands from those fees collected pursuant to Chapter 2 (commencing with Section 331), Division 3 of the Agricultural Code deposited in the Department of Agriculture Fund.

Any amount not necessary for such contract shall revert to the Department of Agriculture Fund.

CHAPTER 1420

An act to amend Section 31300 of the Vehicle Code, relating to transportation of dangerous commodities.

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

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

SECTION 1. Section 31300 of the Vehicle Code is amended to read:

31300. No person shall transport any explosive substance, flammable liquid, liquefied petroleum gas, or poisonous gas in a tank truck, trailer, or semitrailer which is equipped with an external shutoff valve unless the vehicle is also equipped with a shutoff valve inside each tank which is so constructed and placed that any damage, displacement, or removal of the external shutoff valve, whether by accident or otherwise, will not of itself release or cause the escape of any part of the contents of the tank truck, trailer, or semitrailer.

CHAPTER 1421

An act to amend Section 7666 of the Business and Professions Code, relating to funeral directing and embalming.

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

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

SECTION 1. Section 7666 of the Business and Professions Code is amended to read:

7666. Term of Apprenticeship. (a) Shall be two years except as provided in Section 7643 of this code; provided, however, that if an apprentice after having served his apprenticeship fails to pass the examination for an embalmer's license he may register for one additional term of apprenticeship, which shall be the maximum apprenticeship permitted and provided further that an apprentice may, upon filing an application therefor, be permitted to continue such apprenticeship for a period not to exceed six months, if approved, for any of the following reasons:

(1) While awaiting the processing of applications submitted to the board.

(2) While awaiting notification of grades of embalmers' examinations given by the board.

(3) While awaiting the commencement of a class of an embalming school or college when such apprentice intends to enroll in such school or college.

Applications filed for an extension of apprenticeship shall be filed by the applicant with the Sacramento office of the board not less than 15 days prior to the date the applicant requests such extension to commence.

(b) May be served before, after, or divided by the embalming college course at the option of the apprentice; provided, however, that the term of apprenticeship must be completed within five (5) years, excluding time spent in active military service, after an applicant for embalmer's license shall have successfully passed the examination required in Section 7646 of this code; and provided further, that if the term of apprenticeship is not completed within the five (5) year period, the board may require that the applicant serve such additional term of apprenticeship, not to exceed two (2) years, and pass such additional examination on the subjects listed in Section 7646 of this code as the board considers necessary.

(c) A student attending an embalming college may register as an apprentice during his college term but shall receive no credit for such apprenticeship on the term required by this code.

(d) An apprentice while serving his required term of apprenticeship shall be a full-time employee in the funeral establishment wherein he is employed.

CHAPTER 1422

An act to add Sections 9408 and 9409 to the Public Resources Code, relating to soil conservation districts.

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

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

SECTION 1. Section 9408 is added to the Public Resources Code, to read:

9408. The directors of the district may, at such times as they deem necessary, determine whether any portion of the money on deposit in the treasury of the principal county is not necessary for immediate use; and if so, it shall determine the amount, which amount shall thereupon be designated as "surplus money" and transferred to a "surplus money account" in the treasury of the principal county.

SEC. 2. Section 9409 is added to said code, to read:

9409. (a) "Surplus moneys," as determined pursuant to Section 9408, shall be invested exclusively in bonds or interest-bearing notes or obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

(b) Interest earned and other increment derived from any investment under this section shall be credited to the surplus money account for investment under this section.

CHAPTER 1423

An act to add Article 3.5 (commencing with Section 14070) to Chapter 1, Part 3, Division 12 of the Health and Safety Code, relating to fire protection districts.

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

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

SECTION 1. Article 3.5 (commencing with Section 14070) is added to Chapter 1, Part 3, Division 12 of the Health and Safety Code, to read:

Article 3.5. Establishment of Divisions

14070. Each district may be divided into as many divisions as there are commissioners of the district. The establishment of the divisions and the boundaries thereof shall be made by the board of supervisors, who shall make such division if requested by a resolution passed by a majority of the board of fire commissioners or upon a petition signed by a majority of eligible voters within the boundaries of the district. Said resolution or petition shall be filed with the board of supervisors at least 100 days before the next general election.

14071. Within 30 days after the filing of the petition or the resolution requesting the establishment of divisions with the board of supervisors, the board of supervisors shall hold a hearing and shall hear any evidence produced to establish the validity of the petition or resolution and such further evidence as may be necessary as to divide the district into divisions as nearly equal in area as may be practicable.

14072. Within 10 days after said hearing, the board of supervisors, if they determine that the resolution or petition is valid, shall forthwith order the establishment of divisions in the district as nearly equal in area as may be practicable and shall file a copy of said order with the board of fire commissioners of the district.

14073. After the entry of the order establishing divisions within a district, one commissioner shall be elected from each division and shall be a resident therein.

14074. The entry of the order dividing the district into divisions shall not affect the term of any commissioner until his term expires.

14075. At the next three district general elections following the entry of the order, the district board shall designate the divisions from which commissioners shall be elected. The number designated shall equal the number of commissioners to be elected at such elections.

14076. Divisions once established may be modified by the same procedure as set forth in this article for establishing divisions.

CHAPTER 1424

An act to add Section 1258 to the Welfare and Institutions Code, relating to the California Youth Training School.

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

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

SECTION 1. Section 1258 is added to the Welfare and Institutions Code, to read:

1258. The Director of the Youth Authority, in connection with industrial training at the California Youth Training School, Ontario, California, may provide suitable materials and facilities for use by persons confined in the school in the construction of houses which can be moved which, upon their completion, shall be sold to the public upon competitive bids. Proceeds derived from the sale of any such house shall be deposited in the General Fund. Construction shall be limited to not more than one each calendar year and the size shall not exceed one thousand two hundred fifty (1,250) square feet.

CHAPTER 1425

An act to amend Section 6308 of the Public Resources Code, relating to tidelands and submerged lands.

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

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

SECTION 1. Section 6308 of the Public Resources Code is amended to read:

6308. Whenever an action or proceeding is commenced by or against a county, city, or other political subdivision or agency of the State involving the title to or the boundaries of tidelands or submerged lands that have been or may hereafter be granted to it in trust by the Legislature, the State of California shall be joined as a necessary party defendant in such action or proceeding. Service of summons shall be made upon the chairman of the State Lands Commission and upon the Attorney General, and the Attorney General shall represent the State in all such actions or proceedings. If judgment is given against the State in any such action or proceeding, no costs can be recovered from the State thereunder.

CHAPTER 1426

An act to amend Sections 10450.6 and 10451.5 of, and to add Article 3 (commencing with Section 10470) to Chapter 6 of Part 1 of Division 4 of, the Business and Professions Code, relating to the Real Estate Education and Research Fund.

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

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

SECTION 1. Section 10450.6 of the Business and Professions Code is amended to read:

10450.6. One-fourth of the amount of any license fee collected by the commissioner under this part shall be paid into the Treasury of the State to the credit of the Real Estate Education, Research and Recovery Fund, which fund is hereby created. Of the amount in said fund as of January 1, 1964, six hundred thousand dollars ($600,000) is allocated for real estate education and research. The balance is allocated to carry out the provisions of Article 3 of Chapter 6 of this part. All moneys credited to said fund on and after January 1, 1964, shall be allocated 80 percent for education and research and 20 percent for carrying out the provisions of Article 3 of Chapter 6 of this part.

SEC. 2. Section 10451.5 of said code is amended to read:

10451.5. All money paid into the State Treasury and credited to the Real Estate Education, Research and Recovery Fund is available for appropriation by the Legislature to be used by the commissioner in carrying out the provisions of this part and Chapter 1 of Part 2 in the advancement of education and research in real estate at the University of California, state colleges and junior colleges and in carrying out the provisions of Article 3 (commencing with Section 10470) of Chapter 6 of this part.

SEC. 3. Article 3 (commencing with Section 10470) is added to Chapter 6 of Part 1 of Division 4 of said code, to read:

Article 3. Real Estate Education, Research and Recovery Fund

10470. If on June 30, 1965, or on June 30 of each four-year term thereafter, the balance remaining in the Real Estate Education, Research and Recovery Fund and allocated for purposes other than real estate education and research is less than four hundred thousand dollars ($400,000), every licensed broker, when renewing any such license, shall pay, in addition to the renewal fee, a fee of ten dollars ($10), and every licensed salesman, when renewing such license, shall pay, in addition to the license renewal fee, a fee of five dollars ($5). Said fees from both broker and saleman licensees shall be paid

into the State Treasury and credited to the Real Estate Education, Research and Recovery Fund, and said deposits shall be allocated solely for the purposes provided in this article.

10471. When any aggrieved person obtains a final judgment in any court of competent jurisdiction against any person licensed under this part, upon grounds of fraud, misrepresentation or deceit with reference to any transaction for which a license is required under this part and which cause of action occurred on or after July 1, 1964, the aggrieved person may, upon termination of all proceedings including reviews and repeals in connection with the judgment, file a verified application in the court in which the judgment was entered for an order directing payment out of the Real Estate Education, Research and Recovery Fund of the amount of actual damages up to the sum of ten thousand dollars ($10,000) of the amount unpaid upon the judgment.

A copy of the verified application must be served upon the commissioner and a certificate or affidavit of such service filed with the court.

10472. The court shall proceed upon such application 30 days after service of the application upon the Real Estate Commissioner, and, upon the hearing thereof, the aggrieved person shall be required to show:

(a) He is not a spouse of debtor, or the personal representative of such spouse.

(b) He has complied with all the requirements of this article.

(c) He has obtained a judgment as set out in Section 10471, stating the amount thereof and the amount owing thereon at the date of the application.

(d) He has caused to be issued a writ of execution upon said judgment and the officer executing the same has made a return showing that no personal or real property of the judgment debtor liable to be levied upon in satisfaction of the judgment could be found, or that the amount realized on the sale of them or of such of them as were found, under said execution, was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application thereon of the amount realized.

(e) He has obtained issuance of an order pursuant to Section 714 of the Code of Civil Procedure and examined the judgment debtor under oath concerning his property.

(f) He has made all reasonable searches and inquiries to ascertain whether the judgment debtor is possessed of real or personal property or other assets, liable to be sold or applied in satisfaction of the judgment.

(g) That by such search he has discovered no personal or real property or other assets liable to be sold or applied, or that he has discovered certain of them, describing them, owned by the judgment debtor and liable to be so applied, and that he has taken all necessary action and proceedings for the

realization thereof, and that the amount thereby realized was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application of the amount realized.

(h) That he is making said application no more than one year after the termination of all proceedings, including reviews and appeals, in connection with the judgment.

(i) That he has posted a bond to guarantee court costs, including reasonable attorney's fees, should his application be denied, in the amount of 10 percent of the actual damages he seeks from the Real Estate Education, Research and Recovery Fund.

10473. Whenever the court proceeds upon an application as set forth in Section 10471, the commissioner shall have the right to answer and defend any such action against the Real Estate Education, Research and Recovery Fund on behalf of the fund and in the name of the defendant and shall have recourse to any appropriate method of review on behalf of the fund to include examination of witnesses, introduction of evidence and such other action as may be appropriate before the court.

The judgment set forth in the application shall be considered the only prima facie evidence and the findings of fact therein shall not be conclusive for the purposes of this article.

The commissioner may, subject to court approval, compromise a claim based upon the application of an aggrieved party. He shall not be bound by any prior compromise of the judgment debtor.

10474. If the court finds after the hearing that said claim should be levied against the portion of the fund allocated for the purpose of carrying out the provisions of this article, the court shall enter an order directed to the commissioner requiring payment from the Real Estate Education, Research and Recovery Fund of whatever sum it shall find to be payable upon the claim pursuant to the provisions of and in accordance with the limitations contained in this article.

Notwithstanding any other provision of this article, the liability of that portion of the Real Estate Education, Research and Recovery Fund allocated for the purposes of this article shall not exceed twenty thousand dollars ($20,000) for any one licensee.

10475. Should the commissioner pay from the Real Estate Education, Research and Recovery Fund any amount in settlement of a claim or toward satisfaction of a judgment against a licensed broker or salesman, the license of the broker or salesman shall be automatically suspended upon the effective date of an order by the court as set forth herein authorizing payment from the Real Estate Education, Research and Recovery Fund. No such broker or salesman shall be granted reinstatement until he has repaid in full, plus interest at the rate of

4 percent a year, the amount paid from the Real Estate Education, Research and Recovery Fund on his account. A discharge in bankruptcy shall not relieve a person from the penalties and disabilities provided in this article.

10476. If, at any time, the money deposited in the Real Estate Education, Research and Recovery Fund and allocated for purposes other than real estate education and research is insufficient to satisfy any duly authorized claim or portion thereof, the commissioner shall, when sufficient money has been deposited in the Real Estate Education, Research and Recovery Fund, satisfy such unpaid claims or portions thereof, in the order that such claims or portions thereof were originally filed, plus accumulated interest at the rate of 4 percent a year.

10477. Any sums received by the commissioner pursuant to any provisions of this article shall be deposited in the State Treasury and credited to the Real Estate Education, Research and Recovery Fund, and said sums shall be allocated exclusively for the purposes provided in this article.

10478. It shall be unlawful for any person or the agent of any person to file with the Real Estate Commissioner any notice, statement, or other document required under the provisions of this article which is false or untrue or contains any willful, material misstatement of fact. Such conduct shall constitute a public offense punishable by imprisonment in the county jail for a period of not more than one year or a fine of not more than one thousand dollars ($1,000), or both.

10479. When, upon the order of the court, the commissioner has paid from the Real Estate Education, Research and Recovery Fund any sum to the judgment creditor, the commissioner shall be subrogated to all of the rights of the judgment creditor and the judgment creditor shall assign all his right, title and interest in the judgment to the commissioner and any amount and interest so recovered by the Real Estate Commissioner on the judgment shall be deposited to the fund.

10480. The failure of an aggrieved person to comply with all of the provisions of this article shall constitute a waiver of any rights hereunder.

10481. The bond referred to in Section 10472 shall be issued by an admitted corporate surety insurer approved by the commissioner and running to the commissioner and the Real Estate Education, Research and Recovery Fund of the State of California. The bond shall be conditioned that the applicant has complied with the provisions of this article and to guarantee court costs and reasonable attorney's fees required by the commissioner to defend the action. Recovery against said bond shall be authorized by the court if, after proceeding upon an application as provided herein, the court finds in favor of the commissioner on behalf of the Real Estate Education, Research and Recovery Fund.

10482. In lieu of the bond referred to in Section 10472, the applicant may post a cash bond in a like amount, or bonds

issued by the United States or the State of California in the principal amount of at least 15 percent in excess of that which would be required in cash; said cash or United States or California bonds shall be deposited with the court.

10483. Nothing contained herein shall limit the authority of the commissioner to take disciplinary action against any licensee for a violation of any of the provisions of the Real Estate Law, or of Chapter 1 of Part 2 of this division, or of the rules and regulations of the commissioner; nor shall the repayment in full of all obligations to the Real Estate Education, Research and Recovery Fund by any licensee nullify or modify the effect of any other disciplinary proceeding brought pursuant to the provisions of the Real Estate Law.

CHAPTER 1427

An act to amend Sections 17261 and 17265 of the Education Code, relating to property valuations for allocation of money to school districts.

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

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

SECTION 1. Section 17261 of the Education Code is amended to read:

17261. On the basis of computations made by the State Board of Equalization, the secretary of that board shall certify on or before October 1st of each year to the Superintendent of Public Instruction the factor, carried to two decimal places, by which the total assessed value of all tangible property on the current local roll of each county must be modified to conform to the statewide average assessment level of all such property.

SEC. 2. Section 17265 of said code is amended to read:

17265. The Legislature hereby declares that its sole motive in enacting this chapter is to provide a reasonable and equitable method for ascertaining the value of property located within school districts for use in connection with the administration of state laws providing for the allocation of state funds to such districts for school purposes on the basis of value The Legislature hereby further declares that in enacting this chapter it has no intention to affect in any way, whether directly or indirectly, any determination of the assessed value of property for tax purposes; and that it has no intention by such enactment to modify any phase or aspect of the process of property taxation in any respect whatsoever, except to the limited extent necessary for tax levy adjustment purposes in accordance with this chapter.

CHAPTER 1428

An act to amend and renumber Sections 24406 (as added by Chapter 846 of the Statutes of 1961), 24407 and 24408 of, and to amend Sections 24611, 25432 and 25963 of, the Revenue and Taxation Code, relating to the taxation of banks, corporations, and Massachusetts trusts

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 24406 (as added by Chapter 846 of the Statutes of 1961) of the Revenue and Taxation Code is amended and renumbered to read:

24407. The organizational expenditures of a bank or corporation may, at the election of the bank or corporation (made in accordance with regulations prescribed by the Franchise Tax Board), be treated as deferred expenses. In computing net income, such deferred expenses shall be allowed as a deduction ratably over such period of not less than 60 months as may be selected by the bank or corporation (beginning with the month in which the bank or corporation begins business).

SEC. 2. Section 24407 of said code is amended and renumbered to read:

24408. The term "organizational expenditures" means any expenditure which—

(a) Is incident to the creation of the bank or corporation;

(b) Is chargeable to capital account; and

(c) Is of a character which, if expended incident to the creation of a bank or corporation having a limited life, would be amortizable over such life.

SEC. 3. Section 24408 of the said code is renumbered and amended to read:

24409. The election provided by Section 24407 may be made for any income year beginning after December 31, 1960, but only if made not later than the time prescribed by law for filing the return for such income year (including extensions thereof). The period so elected shall be adhered to in computing the income of the bank or corporation for the income year for which the election is made and all subsequent income years. The election shall apply only with respect to the expenditures paid or incurred on or after June 23, 1961.

SEC. 4. Section 24611 of the said code is amended to read:

24611. The amount of any unused deductions or contributions in excess of the deductible amounts for income years to which this article does not apply which under Sections 17324 to 17324.17, inclusive, of the Personal Income Tax Law of 1954 would be allowable as deductions in later years had such Sections 17324 to 17324.17, inclusive, of the Personal Income Tax Law of 1954 remained in effect, shall be allowable as deductions in income years to which this part applies as if such Sec-

tions 17324 to 17324.17, inclusive, of the Personal Income Tax Law of 1954 where continued in effect for such years. However, the deduction under the preceding sentence shall not exceed an amount which, when added to the deduction allowable under Sections 24601 to 24608, inclusive, for contributions made in income years to which this article applies, is not greater than the amount which would be deductible under Sections 24601 to 24608, inclusive, if the contributions which give rise to the deduction under the preceding sentence were made in an income year to which this article applies.

SEC. 5. Section 25432 of the said code is amended to read:

25432. If the amount of net income for any year of any taxpayer as returned to the United States Treasury Department is changed or corrected by the Commissioner of Internal Revenue or other officer of the United States or other competent authority, or where a renegotiation of a contract or subcontract with the United States results in a change in net income, such taxpayer shall report such change or corrected net income, or the results of such renegotiation, within 90 days after the final determination of such change or correction or renegotiation, or as required by the Franchise Tax Board, and shall concede the accuracy of such determination or state wherein it is erroneous. Any taxpayer filing an amended return with such department shall also file within 90 days thereafter an amended return with the Franchise Tax Board which shall contain such information as it shall require.

SEC. 6. Section 25963 of the said code is amended to read:

25963. The place of trial for the offenses enumerated in this article of Chapter 21 shall be in the county of residence or principal place of business of the defendant or defendants; provided, that if such defendant has no residence or principal place of business in this State, such trial shall be had in the County of Sacramento.

CHAPTER 1429

An act to add Sections 6815.1 and 6829.2 to the Public Resources Code, relating to oil and gas.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 6815.1 is added to the Public Resources Code, to read:

6815.1. Whenever the commission exercises a right to take oil, gas, or other hydrocarbons in kind pursuant to any lease the commission shall make and enter into contracts or agreements for the disposition and sale of such oil, gas, or other hydrocarbons only with the highest responsible bidder upon

competitive bidding, and in accordance with procedures set forth in rules and regulations adopted by the commission. All specifications and forms for the purpose of inviting bids in connection with such disposition and sale shall be adopted by the commission prior to publication of notice to bidders. Should no bids be received, or should the commission determine to reject any and all bids because of the insufficiency thereof, the commission may negotiate and enter into agreements for such disposition and sale under terms and conditions deemed by the commission to be in the best interests of the State.

SEC. 2. Section 6829.2 is added to said code, to read:

6829.2. The commission, in the interest of increasing the ultimate recovery of oil or gas, or of the protection of oil or gas from unreasonable waste, or of the possible arresting or amelioration of land subsidence, may include in any oil and gas lease executed under this chapter a provision requiring the lessee to enter into any unit or co-operative agreement with respect to the leased lands which is in effect when the commission gives notice of intention to lease such lands. For any of said purposes the commission, on behalf of the State as lessor or prospective lessor, may negotiate and enter into unit or co-operative agreements with respect to lands owned by the State, or lands in which the oil and gas deposits are reserved to the State, for the purpose of bringing about the unitized or co-operative development and operation of all or a part or parts of the oil and gas field in which such lands are located. Subject to the provisions of this section and notwithstanding any competitive bidding requirements or restrictions on term contained in this code or any other statute, the commission may negotiate and execute all agreements necessary to effectuate, implement, or modify any such unit or co-operative agreement, including the power to bind and commit lands, including tide and submerged lands, or any interest in lands, to the co-operative or unit agreement for the full term thereof, irrespective of whether the term thereof is for a period extending over the life of the field or for any other indefinite period. The power of the commission to enter into unit or co-operative agreements shall include the power to do such other acts or things and to incur on behalf of the State such other commitments and obligations as are customary in unit or co-operative agreements. The commission may designate a representative or representatives to attend unit meetings, vote, and otherwise represent and bind the interest of the State in accordance with the terms and conditions of any such unit or co-operative agreement.

CHAPTER 1430

An act to amend Section 20360.5 of the Government Code, relating to retirement of military personnel in the office of the Adjutant General of the State of California.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 20360.5 of the Government Code is amended to read:

20360.5. In lieu of the retirement benefits provided by the Military and Veterans Code, the Adjutant General or Assistant Adjutant General in office on October 1, 1961, and all officers, warrant officers, and enlisted men on full-time active duty with the office of the Adjutant General pursuant to the provisions of Sections 142, 167, 230, 321, 340, or 551 of the Military and Veterans Code on October 1, 1961, may irrevocably elect to become members of the State Employees' Retirement System and to contribute and receive credit for such full-time active duty prior to the date of election in the same manner and under the same conditions as provided by this article (commencing with Section 20360), except that, without regard to the person's employment status, such elections shall be made at any time prior to January 1, 1964. Persons appointed to the office of the Adjutant General or Assistant Adjutant General after October 1, 1961, shall have rights to membership as provided in this article for other persons appointed by the Governor and shall have no rights under the retirement benefit provisions of the Military and Veterans Code, except that persons entitled to retirement benefits under the Military and Veterans Code appointed to the office of the Adjutant General or Assistant Adjutant General shall continue to receive military retirement benefits during their term of office.

CHAPTER 1431

An act to amend Sections 5067, 6200, 6201, 6202, 6203, 6204, 6205, 6206, 6207, and 6208, and the heading of Chapter 9 (commencing with Section 6200) of Title 7, of Part 3 of, the Penal Code, relating to conservation facilities in the Department of Corrections.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 5067 of the Penal Code is amended to read:

5067. There is, in the Department of Corrections, a Correctional Conservation Camp Services Division, which shall be headed by a Deputy Director of Corrections, appointed by the Governor, on the recommendation of the Director of Corrections to serve at the pleasure of the Governor. The division shall operate the conservation centers, branches thereof, and permanent, temporary and mobile camps operating therefrom, and shall have charge, subject to the general direction of the Director of Corrections, of all other institutions in the department and activities of persons in the custody of the director relating to conservation work. The director shall appoint such personnel as are necessary to enable the division to carry out its functions.

SEC. 2. The heading of Chapter 9 (commencing with Section 6200) of Title 7 of Part 3 of said code is amended to read:

CHAPTER 9. CONSERVATION CENTERS

SEC. 3. Section 6200 of said code is amended to read:

6200. There are hereby established, under the jurisdiction of the Director of Corrections, the California Conservation Center, the Sierra Conservation Center, the North Coast Conservation Center and the Southern Conservation Center, hereafter referred to collectively as the "conservation centers."

SEC. 4. Section 6201 of said code is amended to read:

6201. The primary purpose of the conservation centers shall be the receiving, employment, care, custody and education of inmates in the custody of the Director of Corrections assigned thereto.

SEC. 5. Section 6202 of said code is amended to read:

6202. Work of inmates assigned to the conservation centers may be performed at the conservation centers or branches thereof or in or from permanent, temporary, and mobile camps established pursuant to this chapter or pursuant to Article 5 (commencing with Section 2780) of Chapter 5, Title 1, Part 3 of this code. The provisions of Sections 2780.1 to 2786, inclusive, and Sections 2788 to 2791, inclusive, are applicable to camps established pursuant to this article as well as those established pursuant to said Article 5. The Director of Corrections may, at such times as he deems proper and on such terms as he deems wise, enter into contracts or co-operative agreements with any public agency, state or federal, for the performance of other conservation projects which are appropriate for such public agencies under policies which shall be established by the Correctional Industries Commission.

Inmates and wards may be assigned to perform public conservation projects including, but not limited to, forest fire prevention and control, forest and watershed management, recreational area development, fish and game management, soil conservation and forest watershed revegetation.

No productive industrial enterprise subject to the jurisdiction of the Correctional Industries Commission shall be estab-

lished at any center or branch thereof or camp established pursuant to this chapter except in compliance with Chapter 3.5 (commencing with Section 5085) of Title 7 of Part 3.

SEC. 6. Section 6203 of said code is amended to read:

6203. The Director of Corrections shall, in accordance with law, construct and provide equipment for suitable buildings, structures, and facilities for the conservation centers, branches thereof, and permanent, temporary, and mobile camps operated therefrom. The director may, as necessary, lease equipment needed for the operation of mobile camps. The California Conservation Center shall be situated in the Lassen area. The Sierra Conservation Center shall be located in the Tuolumne area of California. The North Coast Conservation Center shall be located in the North Coast area of California. The Southern Conservation Center shall be located on the grounds of the California Institution for Men at Chino. The director may establish such branches of the conservation centers as may be necessary.

SEC. 7. Section 6204 of said code is amended to read:

6204. The Director of Corrections shall make rules and regulations for the government of the conservation centers in the management of their affairs.

SEC. 8. Section 6205 of said code is amended to read:

6205. Each conservation center shall be headed by a superintendent, appointed pursuant to Section 6050, and the Director of Corrections shall appoint, subject to civil service, such other officers and employees as may be necessary.

SEC. 9. Section 6206 of said code is amended to read:

6206. The supervision, management, and control of the conservation centers and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein or in branches thereof or in permanent, temporary, and mobile camps operating therefrom are vested in the Director of Corrections.

SEC. 10. Section 6207 of said code is amended to read:

6207. The provisions of Part 3 of this code, insofar as applicable, apply to the conservation centers and branches thereof and any permanent, temporary, and mobile camps operating therefrom and to the persons confined therein.

SEC. 11. Section 6208 of said code is amended to read:

6208. Any persons under the custody of the Director of Corrections may be transferred to the conservation centers in accordance with law.

SEC. 12. The heading of Chapter 9 (commencing with Section 6200) of Title 7 of Part 3 of said code, as amended by Assembly Bill No. 1060 of the 1963 Regular Session, is amended to read:

CHAPTER 9. CONSERVATION CENTERS

SEC. 13. Section 12 of this act shall become operative only if Assembly Bill No. 1060 is enacted by the Legislature at its 1963 Regular Session, in which event Section 2 of this act is repealed.

CHAPTER 1432

An act to add Section 26155 of the Government Code, relating to counties.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 26155 is added to the Government Code, to read:

26155. The board of supervisors may authorize and provide for contributions to nonprofit educational television stations, provided all of the following conditions exist:

(1) The purpose of the contribution is to enable the citizens of the county to enjoy greater educational and cultural advantages.

(2) A substantial number of the residents of the county live within the reception area of the station.

(3) The station regularly broadcasts programs which have educational or cultural significance.

(4) The contribution is to the general funds of the station and not for or in connection with any particular program.

(5) The contribution is not accompanied, directly or indirectly, by any direction of, sponsorship of, control of, or restriction of any program or the content of any program.

This section does not in any way restrict the power of the board of supervisors to provide for expenditures for other authorized purposes including, but not limited to, the purposes specified in Sections 26100, 26103, 26106, 26152, or 26153.

CHAPTER 1433

An act to amend Section 9260 of, and to add Sections 8008 and 8009 to, the Vehicle Code, relating to reciprocity permits.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 8008 is added to the Vehicle Code, to read:

8008. Whenever the commission has entered into agreements or arrangements regarding the administration and control of proportional registration in this State of fleets of vehicles registered in foreign states or jurisdictions which agreements or arrangements also grant registration reciprocity for vehicles from such states which are not included in fleets eligible for proportional registration, the commission may, by regulation, require that vehicles operated in this State under a claim of registration exemption by virtue of such reciprocity be identified by a reciprocity permit. Any reciprocity permit

regulation shall be administered by the department and shall be so designed as to enable the department to determine which vehicles operated in this State under such agreements or arrangements are validly entitled to reciprocal registration exemption. The *reciprocity permit*, when required, shall be carried in the cab of the motor vehicle for which it was issued or, if a nonmotor vehicle, may be carried thereon or in the cab of the vehicle supplying the motive power therefor. In default thereof the owner of the vehicle shall be guilty of a misdemeanor and the vehicle shall either be registered in this State or qualified under statutory provisions for temporary registration or trip permit.

Whenever the department has determined that a holder of a reciprocity permit or applicant therefor is not entitled to reciprocal registration exemption such permit shall either be canceled or the department shall refuse its issuance and vehicles of such permittee or applicant shall be required to comply with the vehicle registration laws of this State.

SEC. 2. Section 8009 is added to said code, to read:

8009. The commission may, by regulation, provide that any proportional registration applicant who is an authorized common carrier holding a certificate of public convenience and necessity issued by the United States Interstate Commerce Commission who is engaged in interchange of trailers to facilitate the through movement of freight under rules promulgated by said Interstate Commerce Commission may make application to the department to be permitted to operate interchanged trailers without adding such vehicles to his proportional registration application. Such permission shall not be granted by the department unless it is satisfied that an applicant is so qualified and that the permission to interchange equipment will not be used to augment or extend the operational privileges of any proportionally registered fleet without due payment therefor. To that end, each such permittee shall maintain records and shall upon annual renewal of fleet registration submit a report of the use of interchange trailers during the preceding year and make appropriate payment therefor as established by the commission in those cases where the annual average utilization of trailers exceeds the number of trailers for which registration is requested or where such utilization involves interchange with operations conducted exclusively within this State.

The department shall supply the commissioner of the California Highway Patrol with information identifying each applicant for which an interchange permit has been granted.

SEC. 3. Section 9260 of said code is amended to read:

9260. (a) The fee for a temporary registration issued under Section 4004 is one-tenth of the annual fees in Division 3 (commencing with Section 4000) of this code and Part 5 (commencing with Section 10701) of Division 2 of the Revenue

and Taxation Code, for each 30-day period that the vehicle is to be operated in this State.

(b) A fee of five dollars ($5) shall be paid for each reciprocity permit issued under Section 8008.

SEC. 4. Section 9260 of said code is amended to read:

9260. (a) The fee for a temporary registration issued under Section 4004 is one-tenth of the annual fees in Division 3 (commencing with Section 4000) of this code and Part 5 (commencing with Section 10701) of Division 2 of the Revenue and Taxation Code, for each 30-day period that the vehicle is to be operated in this State.

(b) The fee for a trip permit issued under Section 4004 is five dollars ($5) for each vehicle.

(c) A fee of five dollars ($5) shall be paid for each reciprocity permit issued under Section 8008.

SEC. 5. Section 4 of this act shall become operative only if the Section 9260 of the Vehicle Code as proposed by Senate Bill No. 1091 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as Senate Bill No. 1091 takes effect, at which time Section 9260 of the Vehicle Code as amended by Section 3 of this act is repealed.

CHAPTER 1434

An act to amend Section 23618 of the Education Code, relating to the state colleges.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 23618 of the Education Code is amended to read:

23618. The trustees may budget an amount to be expended in accordance with rules and regulations adopted by the State Board of Control for use in carrying out the community relation responsibilities of the president of each state college and of the chancellor, as defined by the trustees.

CHAPTER 1435

An act to authorize a loan from the California Water Fund to the Merced Irrigation District in connection with the Merced River Development, prescribing the terms and conditions upon which such loan shall be made, and making an appropriation therefor.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. The Legislature of the State of California finds that:

(a) The Board of Directors of Merced Irrigation District has over a period of years studied and investigated the feasibility of a proposed multipurpose project, including the proposed Bagby, New Exchequer and Snelling Dams and Reservoirs, for the further development, control and conservation of the water supply of the Merced River primarily for agricultural, flood control and power production purposes. Said project is designated by the district as the Merced River Development. This project involves the development of new basic water supplies which are a necessary and integral part of an overall water development without which the public health, safety and welfare may be jeopardized, both within the district and in adjoining areas subject to flooding by the Merced River.

(b) The State Water Rights Board of the State of California has duly authorized the issuance of permits to the district to appropriate and store water for the Merced River Development, and the district has applied to the Federal Power Commission for a permit to develop power from such water to assist in the payment of the cost of the Merced River Development.

(c) Full and adequate engineering reports, surveys, examinations and drawings have been prepared by Tudor Engineering Company, the Department of Water Resources of the State of California and the staff of the California Districts Securities Commission, from all of which full and adequate information has been obtained which is now available to or on file with the Department of Water Resources of the State of California covering all phases of the feasibility of the Merced River Development.

(d) The government of the United States has duly investigated the feasibility of the Merced River Development through the report of the Corps of Engineers and the Committee on Public Works of the Senate of the United States; and by Section 204 of the Flood Control Act of 1960 (Public Law 86-645) has authorized an appropriation of a currently estimated twelve million four hundred twenty thousand dollars ($12,420,000), and not exceeding nineteen million nine hundred thousand dollars ($19,900,000), to the Merced Irrigation District for the flood control benefits of said project.

(e) Merced Irrigation District duly called and held on June 20, 1961, an election for the issuance of revenue bonds in the principal amount of one hundred thirty million dollars ($130,000,000) for the purpose of financing the Merced River Development. Much more than a majority of the qualified electors of the Merced Irrigation District voting at said election voted in favor of the issuance of said revenue bonds. Said vote was 4,658 yes and 380 no. Said bonds were and now are duly authorized to be issued and sold in whole or in part for the purpose of financing the Merced River Development.

(f) The Merced River Development will be financed primarily by the above-mentioned bonds payable from revenues

received from the sale of electric power. The remainder of the cost will be covered by the above-mentioned flood control monetary contribution. However, since this federal flood control monetary contribution will not, under Section 204 of the Flood Control Act of 1960, be paid in advance, but will be paid as reimbursement for certain construction expenditures from time to time during the period of construction of the project, and since the Merced Irrigation District will be unable to market satisfactorily the revenue bonds without the amount of the federal flood control monetary contribution on hand, it is necessary for the district to obtain an authorization and a commitment for a loan as provided in this act. On the basis of a cash flow study recently completed by the Merced Irrigation District, it is estimated that the total amount which might be required from the State pursuant to a loan in the unlikely event that the federal government does not make the above-mentioned flood control monetary contribution in timely fashion, or in the full amount authorized, will not exceed eight million dollars ($8,000,000), and will not be required for expenditure until the 1966-67 and 1967-68 fiscal years. If the federal government makes said contribution in timely fashion, and in the full amount authorized, no money from the State will be required.

SEC. 2. The sum of eight million dollars ($8,000,000) is hereby appropriated from the California Water Fund to the Department of Water Resources for expenditure in making a loan to the Merced Irrigation District of such amount as may be needed by the district, but not exceeding the amount of eight million dollars ($8,000,000), for use in assisting in the financing of the Merced River development. Such loan shall be made pursuant to a contract between the Department of Water Resources and the Merced Irrigation District authorizing such loan, which contract shall be subject to approval by the Department of Finance and the California Districts Securities Commission. Money authorized to be loaned under such contract shall be available for advance to the district, if needed, at the time upon which the district shall deliver its first series of revenue bonds, in such amounts as may be required, together with the proceeds of said bonds, to assure payment of all project costs then approved by the California Districts Securities Commission; provided, that in no event shall said loan be made to the district until the district has entered into a contract with the United States pursuant to Section 204 of the Flood Control Act of 1960 (Public Law 86-645). Nothing herein contained shall prevent further advances within the limit of the maximum herein authorized, if required to meet additional project costs approved by the California Districts Securities Commission. Such advances shall be made in accordance with terms and conditions specified in the contract authorizing the loan. Money received by the district under such loan shall be expended by it only upon expenditure orders made by the California Districts Securities Commission.

The Department of Water Resources shall require the payment of interest on each advance made to the district at a rate equal to the net interest cost to the State on the last sale of general obligation bonds of the State that occurred prior to the time the advance was made; provided, that when the applicable net interest cost to the State is in a multiple of one-quarter of 1 percent, the interest rate on the loan shall be at the multiple of one-quarter of 1 percent next above the applicable net interest cost.

SEC. 3. The terms and conditions upon which said loan shall be made to Merced Irrigation District are hereby prescribed by the Legislature as follows:

(a) No additional feasibility report or other reports shall be required as a condition to the making of such loan.

(b) No additional election shall be required to be held in the Merced Irrigation District to authorize the execution of the contract for the loan hereby authorized.

(c) Merced Irrigation District need not take any action nor do any thing to qualify for the loan herein authorized other than to enter into a contract with the Department of Water Resources for the determination of the amount of the loan.

(d) Advances made to the Merced Irrigation District under said loan shall be secured, as to both principal and interest, by the moneys received by the Merced Irrigation District under flood control appropriations made pursuant to Public Law 86-645 and the Merced Irrigation District shall apply such receipts exclusively to the repayment of advances made under the loan herein authorized. After full payment of advances made under the loan herein authorized has been made the Merced Irrigation District may keep and retain any additional flood control appropriations for its own uses and purposes.

(e) In the event that the federal government does not make the flood control monetary contribution currently authorized in whole or in part, and, as a result thereof, the Merced Irrigation District does not have sufficient funds to repay the principal and interest on advances made under the loan herein authorized, the district shall be obligated to repay such principal and interest to the State, and the terms and conditions of such repayment shall be as specified in a supplemental contract thereafter to be entered into between the district and the Department of Water Resources and approved by the Department of Finance and the California Districts Securities Commission.

(f) The Department of Water Resources shall include such further terms and conditions in the contract with the Merced Irrigation District as may be determined to be necessary or desirable to implement the provisions of this act.

(g) All funds received by the Department of Water Resources in repayment of the principal and interest on advances made to the district under the loan herein authorized shall be deposited in the California Water Fund.

CHAPTER 1436

An act to amend Section 18810 of the Financial Code, relating to industrial loan companies.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 18810 of the Financial Code is amended to read:

18810. Each industrial loan company shall pay to the commissioner in advance its pro rata share of all costs and expenses, reasonably incurred in the administration of this division, as estimated by the commissioner for the ensuing year. The pro rata share shall be the proportion which a company's assets bear to the aggregate assets of all companies as shown by the latest annual reports of such companies to the commissioner. The pro rata share shall not include the costs of annual or special examinations provided for in Sections 18808 and 18809, unless they cannot be collected from the company examined.

Upon payment of such assessment, and if the company is otherwise in compliance with the requirements of this division with respect to the doing of business, the commissioner shall issue to the company an annual license, authorizing the company, subject to the provisions of this division, to transact business for the ensuing year. Said license is subject to revocation or modification for any of the reasons and upon the same terms and conditions as the authority of the company to transact business may be revoked or modified by the commissioner for cause according to the provisions of this division.

CHAPTER 1437

An act to amend Section 172 of the Penal Code, relating to alcoholic beverages.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 172 of the Penal Code is amended to read:

172. 1. Every person who, within one-half mile of the land belonging to this State upon which any state prison, or within 1,900 feet of the land belonging to this State upon which any reformatory, is situated, or within one mile of the grounds belonging to the University of California, at Berkeley, or within one mile of the grounds belonging to the University of

California at Santa Barbara, as such grounds existed as of January 1, 1961, or within one mile of the grounds belonging to Fresno State College, or within one and one-half miles of the exterior limits of the land on which is located the Veterans' Home at Yountville, Napa County, California, or within three miles of the University Farm at Davis, or within one and one-half miles of any building actually occupied as a home, retreat, or asylum for ex-soldiers, sailors, and marines of the Army and Navy of the United States, established or to be established by this State, or by the United States within this State, or within the State Capitol, or within the limits of the grounds adjacent and belonging thereto, sells gives away, or exposes for sale, any intoxicating liquor, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100), or by imprisonment for not less than 50 days or by both such fine and imprisonment, in the discretion of the court.

2. Except within the State Capitol or the limits of the grounds adjacent and belonging thereto, as mentioned in subdivision 1 of this section, the provisions of this section shall not apply to the sale, gift, or exposing or offering for sale of ale, porter, wine, similar fermented malt or vinous liquor or fruit juice containing one-half of 1 percent or more of alcohol by volume and not more than 3.2 percent of alcohol by weight nor the sale, gift, or exposing or offering for sale of beer.

3. Distances provided in this section shall be measured not by airline but by following the shortest highway or highways as defined in Section 360 of the Vehicle Code connecting the points in question. In measuring distances from the Folsom State Prison, the measurement shall start at the entrance gate of the prison.

CHAPTER 1438

An act to amend Section 12657 of the Water Code, relating to local co-operation in flood control projects.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 12657 of the Water Code is amended to read:

12657. Except as otherwise provided in Chapters 1 and 2 of this part, the Reclamation Board shall give assurances satisfactory to the Secretary of the Army that the local co-operation, required by Section 3 of the Act of Congress approved December 22, 1944 (Public Law 534, 78th Congress, Second Session), and Section 2 of the Act of Congress approved August 18, 1941 (Public Law 228, 78th Congress, First Session), will be furnished by the State in connection with the

flood control projects authorized and adopted in Sections 12648, 12648.1, 12648.2, 12648.3, 12648.4, 12648.5, 12648.6, 12649.1, 12650, 12651, 12652, 12654, and 12656.5 and on any flood control projects on any stream flowing into or in the Sacramento Valley or the San Joaquin Valley heretofore or hereafter approved and authorized by Congress.

CHAPTER 1439

An act to add Section 314 to the Fish and Game Code, relating to fishing.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 314 is added to the Fish and Game Code, to read:

314. The commission may at any time close any stream, lake, or other inland waters, or portions thereof, to the taking of any species or subspecies of fish to protect and properly conserve the fish, except for the taking of fish otherwise permitted by this code under a commercial fishing license, for such time as the commission may designate, or until such time as new legislation thereon enacted by the Legislature may become effective.

CHAPTER 1440

An act to add Section 21363.6 to the Government Code, relating to state employees' retirement.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 21363.6 is added to the Government Code, to read:

21363.6. The special death benefit is also payable if the deceased was the Administrator of the Youth and Adult Corrections Agency, or was a state member appointed by the Administrator of the Youth and Adult Corrections Agency, the Youth Authority, the Board of Trustees of the California Institution for Women, the Board of Corrections, or was a member of the Board of Corrections or the Youth Authority not already classified as a prison member, provided that his death occurred as a result of misconduct of an inmate of a

state prison, correctional school or facility of the Department of Corrections or the Youth Authority, or a parolee therefrom.

The special death benefit provided by this section is not payable unless the death of the member arose out of and was in the course of his official duties as determined by the Industrial Accident Commission, using the same procedure as in workmen's compensation hearings; and unless there is a child or wife who qualifies under subdivision (b) of Section 21364.

CHAPTER 1441

An act to amend Sections 256 and 2156 of the Streets and Highways Code, relating to reports to the Legislature on highways, streets and roads.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 256 of the Streets and Highways Code is amended to read:

256. The department shall review the California freeway and expressway system and the entire state highway system, and shall report to the Legislature at or prior to the 1965 Regular Session and each four years thereafter, through such interim committee or committees as may be designated by legislative resolution, as to the progress made in developing the systems and as to revisions that should be made in the systems. Such studies shall be made without regard to whether particular routes are included in either system. If provision is made by an interim committee or committees of the Legislature for an advisory committee of local officials to work with the department in connection with such studies, the department shall co-operate with such an advisory committee to the fullest extent.

SEC. 2. Section 2156 of said code is amended to read:

2156. (a) On or before May 1, 1964, and on or before May 1st of each four years thereafter, every county and city shall transmit to the department a report setting forth in such detail as the department may require the following:

(1) The progress it has made in the construction or improvement of its road or street system.

(2) An estimate of its road or street needs for the next five years.

(3) A projected estimate of its road or street needs for the next 10 years.

(b) The department shall review and audit the information and estimates contained in the reports submitted by the counties and cities. The department shall combine all of such in-

formation and estimates in a report which shall be submitted to the Legislature at or prior to the 1965 Regular Session and each four years thereafter, through such interim committee or committees as may be designated by legislative resolution.

(c) At the 1963 Regular Session of the Legislature and each four years thereafter, the Speaker of the Assembly and the President pro Tempore of the Senate are requested jointly to appoint a committee of 14 members, to consist of officials of cities and counties and others interested in street, road and highway problems, to act in an advisory capacity to the department, and the department is directed to co-operate and confer with the advisory committee so appointed. Each committee so appointed shall remain in existence for a period of two years from the date of adjournment of the session at which it was appointed.

CHAPTER 1442

An act to add Section 13114.1 to the Government Code, relating to motor vehicle parking facilities, and making an appropriation.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 13114.1 is added to the Government Code, to read:

13114.1. The Department of Finance is authorized to acquire, pursuant to the Property Acquisition Law (Part 11, commencing with Section 15850, Division 3, Title 2, Government Code) or by lease or other means, real property and to construct, operate, and maintain motor vehicle parking facilities thereon for state officers and employees, or other persons, provided that no such acquisition shall be commenced pursuant to the Property Acquisition Law unless and until an appropriation of funds therefor has been made by the Legislature. The department may enter into arrangements with other public agencies for joint use of motor vehicle parking facilities, provided the benefit to be derived by the State is commensurate with its participation. The department may prescribe the terms and conditions of such parking, including the payment of parking fees in such amounts and under such circumstances as may be determined by the department. Varying rates of parking fees may be established for different localities or for different parking facilities. In determining rates of parking fees the department shall consider the rates charged in the same locality by other public agencies and by private employers for employee parking.

Revenues received by the department from (a) any of the hereinabove motor vehicle parking facilities as may be des-

ignated by the director, and (b) motor vehicle parking facilities under the jurisdiction of any other state agency which has entered into an agreement with the department for the payment of revenues therefrom to the department, shall be deposited in the General Fund and are hereby appropriated, without regard to fiscal years, to the Department of Finance for the construction, operation and maintenance of motor vehicle parking facilities on real property acquired hereunder or on real property under the jurisdiction of any other state agency which has agreed to the payment of revenues as aforesaid from its motor vehicle parking facilities to the department. Any unneeded balance in this appropriation shall be transferred by the Controller on order of the Director of Finance to the unappropriated balance of the General Fund.

The Legislature by this section does not intend to authorize the institution of a private parking program unrelated to state purposes in competition with private industry.

CHAPTER 1443

An act to amend Sections 16723, 16736 and 16753 of the Government Code, relating to the General Obligation Bond Law.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 16723 of the Government Code is amended to read:

16723. Any bond act may adopt the provisions of this chapter by reference to its short title, and such reference shall serve to incorporate the provisions of this chapter in said act as though set out in full therein. Notwithstanding such adoption by reference, the bond act may contain provisions applicable to the bonds issued thereunder, and, in case of conflict, the provisions in the bond act shall prevail.

SEC. 2. Section 16736 of said code is amended to read:

16736. When the committee deems it in the best interests of the State, it may authorize the State Treasurer to issue notes, on a negotiated or a competitive-bid basis, at a rate of interest not exceeding 5 percent per annum, maturing within a period not to exceed two years, in anticipation of the sale of bonds duly authorized at the time such notes are issued. The proceeds from the sale of such notes shall be used only for the purposes for which may be used the proceeds of the sale of bonds in anticipation whereof the notes were issued.

When the committee deems it in the best interests of the State, it may authorize the State Treasurer to deliver such notes in payment for work or material furnished to the State

for a public improvement, pursuant to a contract awarded in the manner prescribed by law. Such notes shall be so delivered only for the purposes for which may be used the proceeds of the sale of bonds in anticipation whereof the notes were issued.

All notes issued and any renewals thereof shall be payable at a fixed time, solely from the proceeds of the sale of the bonds and not otherwise, except that in the event that the sale of the bonds shall not have occurred prior to the maturity of the notes issued in anticipation of the sale, the State Treasurer shall, in order to meet the notes then maturing, issue renewal notes for such purpose. No renewal of a note shall be issued after the sale of bonds in anticipation of which the original note was issued.

Every note and any renewal thereof shall be payable from the proceeds of the sale of bonds and not otherwise. The total amount of such notes or renewals thereof issued and outstanding shall at no time exceed the total amount of the unsold bonds.

Interest on the notes shall be payable from any appropriation made for that purpose.

SEC. 3. Section 16753 of said code is amended to read:

16753. Each bid shall be in writing and signed by the bidder and sealed, and shall be accompanied by the deposit of a certified check or cashier's check for one-half of one percent (0.5%) of the par value of the bonds so offered for sale, drawn on a bank or trust company authorized to transact and transacting business in the State of California, payable to the State Treasurer. Such deposit shall not bear interest.

CHAPTER 1444

An act to amend Sections 17765, 17766, and 17768 of, to amend and renumber Section 17765.1 of, to add Sections 17765.1, 17765.2, 17765.3, 17765.4, 17765.5, 17765.6, 17765.7, 17766.1, 17766.2, 17766.3, 17766.4, and 17773 to, and to repeal Section 17773 of, the Business and Professions Code, relating to trading stamp companies.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 17765 of the Business and Professions Code is amended to read:

17765. The application for license shall be accompanied by a bond payable to this State and duly executed by the trading stamp company and a corporate surety qualified to do business in this State, which is conditioned upon the perform-

ance by the company of its obligations to redeem trading stamps issued under this chapter in this State when they are duly presented for redemption by the rightful holders.

SEC. 2. Section 17765.1 of said code is amended and renumbered to read:

17765.8. The commissioner shall issue a license to any applicant who complies with the provisions of this chapter. All licenses shall expire annually on June 30th. Licenses shall be nontransferable.

SEC. 3. Section 17765.1 is added to said code, to read:

17765.1. In lieu of the bond required by Section 17765, the applicant may post with the State Treasurer money in an amount equal to the principal sum of the bond required by this chapter or securities in an amount equal to 120 percent of the principal sum of the bond required by this chapter.

The securities deposited with the State Treasurer under the provisions of this section shall consist of the following:

(a) Bonds or other interest-bearing notes or obligations of the United States or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

(b) Bonds of the State of California or those for which the faith and credit of the State of California are pledged for the payment of principal and interest or in registered warrants of the State of California.

(c) Bonds and revenue securities of any city, county, city and county, political subdivision, public corporation, or district of the State of California (herein referred to generally as "public corporations"), and of any department, board, agency, or authority of any such public corporation, which qualify as an investment for the funds of savings banks under the provisions of Article 1 (commencing with Section 1350) of Chapter 11 of Division 1 of the Financial Code.

(d) Bonds of any state of the United States which qualify as an investment for the funds of savings banks under the provisions of Article 1 (commencing with Section 1350) of Chapter 11 of Division 1 of the Financial Code.

(e) Bonds, consolidated bonds, collateral trust debentures, consolidated debentures, or other obligations issued by federal land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended, in debentures and consolidated debentures issued by the Central Bank for Co-operatives and banks for co-operatives established under the Farm Credit Act of 1933, as amended, in bonds or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act, in stock, bonds, debentures, and other obligations of the Federal National Mortgage Association, established under the National Housing Act as amended, and in the bonds of any federal home loan bank established under said act.

SEC. 4. Section 17765.2 is added to said code, to read:

17765.2. The money or securities deposited under the provisions of Section 17765.1 shall be approved by the commissioner and be deposited with the State Treasurer upon the written order of the commissioner.

Upon receiving any such deposit, the State Treasurer shall give his receipt therefor and thereafter subject to the provisions of this chapter shall hold such deposits for the sole benefit of the class of persons for the protection of which the money or securities were deposited. The State shall be responsible for the custody and safe return of any money or securities so deposited. The State Treasurer shall deposit any such monies under the provisions of Article 2 (commencing with Section 16370) of Chapter 2 of Part 2 of Division 4 of Title 2 of the Government Code.

SEC. 5. Section 17765.3 is added to said code, to read:

17765.3. Securities deposited pursuant to this chapter may be exchanged from time to time, with the approval of the commissioner, for other like securities of equal market value. Upon written request to the commissioner, any trading stamp company shall be entitled to withdraw from the State Treasurer, from time to time, any amount of its securities so deposited in excess of the amount it is required to maintain on deposit in order to conform with the requirements of this chapter. Upon receiving a written request for such withdrawal or exchange, and satisfactory proof of the facts warranting the same, the commissioner shall forthwith deliver to the State Treasurer a written order directing the withdrawal or exchange of such securities so as to conform with the provisions of this section. The State Treasurer shall comply with such written order. So long as the trading stamp company so depositing such securities shall continue solvent, it shall have the right and shall be permitted by the State Treasurer to receive the interest and dividends on any securities deposited by it.

SEC. 6. Section 17765.4 is added to said code, to read:

17765.4. Should any security deposited pursuant to this chapter so depreciate in value as to reduce the deposit below the amount required by this chapter, additional money or securities shall be deposited promptly in amount sufficient to meet such requirements. The commissioner may make an investigation of the value of any security deposited pursuant to this chapter, at the time such security is presented for deposit or at any time thereafter, whenever in his judgment such investigation is necessary. The commissioner may make such charge as may be reasonable and proper for such investigation.

SEC. 7. Section 17765.5 is added to said code, to read:

17765.5. When any revaluation of securities is made by the commissioner pursuant to Section 17765.4, other than at the time such securities are presented for deposit, United States government securities having a maturity date less than five years from the date of such revaluation shall be valued at not less than par.

SEC. 8. Section 17765.6 is added to said code, to read:

17765.6. The money and securities deposited pursuant to this chapter shall be subject to sale and the same or the proceeds thereof shall be subject to disposal by the State Treasurer only on the order of a court of competent jurisdiction and for distribution to the commissioner for the sole benefit of the class of persons for the protection of which the money or securities were deposited.

SEC. 9. Section 17765.7 is added to said code, to read:

17765.7. Whenever any trading stamp company which has deposited money or securities with the State Treasurer under the provisions of this chapter desires to withdraw from and discontinue doing a trading stamp business, it shall surrender its license to the commissioner and shall furnish him satisfactory evidence of payment, release, discharge or adequate provision for all of the obligations which have been imposed upon it or arisen under this chapter, including specifically, but not limited to, the provisions of Sections 17766 and 17777, or furnish the commissioner with a bond equal in amount to the money or securities which it has deposited with the State Treasurer. One year from the date of such notice to the commissioner, if the commissioner is satisfied with the compliance with the terms of this chapter, he shall notify the State Treasurer and the State Treasurer shall return to the trading stamp company all of the money or securities deposited by it.

SEC. 10. Section 17766 of said code is amended to read:

17766. If a company fails to redeem any of its trading stamps, any rightful holder of such trading stamps may file a complaint with the commissioner within three months after such failure to redeem. The presentation of unredeemed stamps of a minimum cash redemption value of one dollar ($1) to the commissioner shall be sufficient to constitute the filing of a complaint. The complaint shall be accompanied by the unredeemed stamps.

Upon the filing of any complaint or complaints involving the alleged failure of a trading stamp company to redeem trading stamps, the commissioner shall request the trading stamp company in writing by certified mail, mailed to the company's last address of record with the commissioner, to redeem the trading stamps in cash on or before 10 days from the date on which the request is mailed.

If the amount demanded is paid, the commissioner shall make an equitable distribution of the amount to the persons who filed pursuant to this section, and shall forthwith forward the redeemed stamps to the trading stamp company.

SEC. 11. Section 17766.1 is added to said code, to read:

17766.1. If the trading stamp company fails to redeem the trading stamps within the specified time, the commissioner shall publish notice of such fact in three consecutive publications of one or more newspapers of general circulation published in the Cities of Sacramento, San Francisco and Los

Angeles, and therein advise that any additional claim may be filed with him, together with the trading stamps upon which the claim is based, within three months after the date of the first such publication. The presentation of unredeemed stamps of a minimum cash redemption value of one dollar ($1) to the commissioner shall be sufficient to constitute the filing of a claim. Merchants in possession of trading stamps for issuance to their customers, or trading stamps which they have redeemed for their customers if such redemption is accomplished in accordance with Section 17761, shall also be deemed rightful holders entitled to make such claims. If any person fails to file a claim with the commissioner within such three months period, the commissioner shall thereupon be relieved of further duty or action hereunder on behalf of such person until such time as complaints involving the alleged default of the trading stamp company to redeem trading stamps have been again filed with the commissioner.

The publication shall also give notice of the time and place that the commissioner will hold a hearing to consider any evidence concerning the alleged default of the trading stamp company.

Within 30 days after the expiration of the claim period prescribed in this section, the commissioner shall notify the trading stamp company in writing by certified mail, mailed to the company's last address of record with the commissioner, and, if a bond has been filed, the surety on company's bond in writing by certified mail, mailed to the address shown on the bond inviting it to appear at a hearing before the commissioner to present any relevant evidence concerning the trading stamp company's alleged failure to redeem the trading stamps.

SEC. 12. Section 17766.2 is added to said code, to read:

17766.2. If at the hearing provided for in Section 17766.1, which may be held at any time after 20 days from the date notification is mailed, the commissioner finds that the trading stamp company has defaulted in the redemption of its trading stamps, the commissioner shall demand cash payment from the company in an amount sufficient to satisfy all valid claims filed with him.

If the amount demanded is paid within 10 days of the making of the demand, the commissioner shall make an equitable distribution of the amount to persons who filed pursuant to Sections 17766 and 17766.1 and shall forthwith forward the redeemed stamps to the trading stamp company.

If the amount demanded is not paid within 10 days of the making of the demand, the commissioner may bring an action in a court of competent jurisdiction against the trading stamp company and its surety to recover, on behalf of the complainants, the value of the unredeemed stamps. If no surety bond has been filed, the commissioner may bring such an action in

a court of competent jurisdiction against the trading stamp company and, if necessary, name the State Treasurer to provide for the release of the money or securities on deposit with him.

SEC. 13. Section 17766.3 is added to said code, to read:

17766.3. The costs incurred by the commissioner in performing the duties set forth in Sections 17766, 17766.1, and 17766.2 shall constitute a proper charge against the trading stamp company which has defaulted, or, in the event of the trading stamp company's failure to pay, against the bond filed by that company or if no bond is filed against the money or securities filed with the State Treasurer. The costs shall constitute a prior claim against such company, the bond, or the money or securities filed with the State Treasurer, except that in no event shall the surety be liable for such charge and all other valid claims as an aggregate in excess of the principal sum of the bond.

SEC. 14. Section 17766.4 is added to said code, to read:

17766.4. Any person who willfully files a false claim with the commissioner against a trading stamp company is guilty of a misdemeanor.

SEC 15. Section 17768 of said code is amended to read:

17768. In the event that any trading stamp company should cease to comply with the provisions of Section 17765, or should fail to deposit the additional money or securities with the State Treasurer as may be required by the commissioner under the provisions of Section 17765.4, the license and all rights, powers, and privileges conferred by it to the company shall be automatically suspended.

SEC. 16. Section 17773 of said code is repealed.

SEC. 17. Section 17773 is added to said code, to read:

17773. The principal sum of the bond required by this chapter shall be fifteen thousand dollars ($15,000) for each one hundred thousand dollars ($100,000), or fraction thereof, of the company's gross income from the trading stamp business in this State in the company's last fiscal year, except that:

(a) If the company has not previously done business as a trading stamp company in this State, or if the gross income from said business was less than sixty-five thousand dollars ($65,000) during its last fiscal year, the principal sum shall be ten thousand dollars ($10,000).

(b) The maximum bond required to be filed under any circumstances shall be one hundred fifty thousand dollars ($150,000).

SEC 18. Sections 16 and 17 of this act shall become operative on July 1, 1964.

CHAPTER 1445

An act to amend Section 2106 of the Health and Safety Code, relating to pet birds.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 2106 of the Health and Safety Code is amended to read:

2106. All manufacturers selling or marketing bands prescribed in Section 2100 shall collect a fee for the department on each such band sold. The board shall provide by regulation the amount of the fee to be collected, the total amount of such fees to yield a sum approximating the estimated cost of the administration of the parakeet banding program. All fees collected by manufacturers under this chapter shall be paid to the department quarterly on or before the last day of the month next succeeding each quarterly period. Such fees shall be paid by the department into the General Fund in the State Treasury.

CHAPTER 1446

An act to amend Section 18011 of, and to add Section 18004.3 to, the Health and Safety Code, relating to mobilehomes and mobilehome parks.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 18004.3 is added to the Health and Safety Code, to read:

18004.3. "Incidental camping area" as used in this part means any area or tract of land where camping is incidental to the primary use of the land for agriculture, timber management, or water or power development purposes, and where one or more lots used for camping are rented or held out for rent; provided that density of usage does not exceed 10 sites for each 5 acres of designated camping area, and that no such lots for camping are located in an area where the population density is more than 300 people per square mile as measured within a one-half mile radius of any camp lot or in an incorporated city.

SEC. 2. Section 18011 of said code is amended to read:

18011. The provisions of this part applicable to a mobilehome and mobilehome park shall apply equally to camp cars,

travel trailers, travel trailer parks, recreational trailer parks, temporary trailer parks, incidental camping areas, and tent camps except where specifically exempted. The Division of Housing shall specify by rule and regulation reasonable requirements for travel trailers, travel trailer parks, recreational trailer parks, temporary trailer parks, incidental camping areas, and tent camps which shall allow reasonable variations from the requirements of this part for mobilehomes and mobilehome parks in the following respects, if the division determines such variations will not endanger public health, welfare, or safety and such variations do not conflict with a valid local regulation adopted pursuant to this part:

(a) Size of yards and lots.
(b) Distance separating trailers.
(c) Construction and width of driveways.
(d) Sanitary facilities.
(e) Electrical installations.
(f) Water supply.
(g) Submission of plans and issuance of permits.
(h) Occupancy of trailer lots.

CHAPTER 1447

An act to repeal Sections 73522, 73523, 73602, 73603, 74302 and 74303 of, and to add Sections 73522, 73523, 73523.1, 73523.2, 73602, 73603, 73603.1, 73603.2, 74302, 74303, 74303.1 and 74303.2 to the Government Code, relating to compensation of municipal court clerks in San Mateo County.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 73522 of the Government Code is repealed.

SEC. 2. Section 73523 of said code is repealed.

SEC. 3. Section 73602 of said code is repealed.

SEC. 4. Section 73603 of said code is repealed.

SEC. 5. Section 74302 of said code is repealed.

SEC. 6. Section 74303 of said code is repealed.

SEC. 7. Section 73522 is added to said code, to read:

73522. There shall be one clerk who shall receive a monthly salary at the rate specified in salary range number 34 of the salary schedule.

SEC. 8. Section 73523 is added to said code, to read:

73523. The clerk may appoint:

(a) One chief deputy clerk who shall receive a monthly salary at the rates specified in salary range number 29 of the salary schedule.

(b) Four deputy clerks, grade III, each of whom shall receive a monthly salary at the rates specified in salary range number 25.5 of the salary schedule.

(c) Three deputy clerks, grade II, each of whom shall receive a monthly salary at the rates specified in salary range number 23.5 of the salary schedule.

(d) Three deputy clerks. grade I, each of whom shall receive a monthly salary at the rates specified in salary range number 21.5 of the salary schedule.

SEC. 9. Section 73523.1 is added to said code, to read:

73523.1. Whenever a reference to a salary range number is made in this article, the following schedule of monthly salaries shall apply:

Salary range number	Step A	Step B	Step C	Step D	Step E
21.5	$323	$342	$361	$382	$403
22	332	351	371	392	415
22.5	342	361	382	403	427
23	351	371	392	415	439
23.5	361	382	403	427	452
24	371	392	415	439	464
24.5	382	403	427	452	477
25	392	415	439	464	491
25.5	403	427	452	477	505
26	415	439	464	491	519
26.5	427	452	477	505	534
27	439	464	491	519	549
27.5	452	477	505	534	565
28	464	491	519	549	581
28.5	477	505	534	565	598
29	491	519	549	581	614
29.5	505	534	565	598	632
30	519	549	581	614	649
30.5	534	565	598	632	668
31	549	581	614	649	686
31.5	565	598	632	668	706
32	581	614	649	686	725
32.5	598	632	668	706	746
33	614	649	686	725	767
33.5	632	668	706	746	789
34	649	686	725	767	811
34.5	668	706	746	789	834
35	686	725	767	811	857
35.5	706	746	789	834	882
36	725	767	811	857	906

SEC. 10. Section 73523.2 is added to said code, to read:

73523.2. Notwithstanding any other provision of this article, until 90 days after the adjournment of the 1965 Regular

Session of the Legislature, whenever a higher compensation is provided for positions in the classification of typist-clerk I in the San Mateo County classified service, each person holding a position in any of the classifications specified in this article shall receive correspondingly higher compensation on the salary schedule provided for in Section 73523.1 payable at the same time as that higher compensation provided in the salary ordinance of San Mateo County.

SEC. 11. Section 73602 is added to said code, to read:

73602. There shall be one clerk who shall receive a monthly salary at the rate specified in salary range number 34 of the salary schedule.

SEC. 12. Section 73603 is added to said code, to read:

73603. The clerk may appoint:

(a) One chief deputy clerk who shall receive a monthly salary at the rates specified in salary range number 29 of the salary schedule.

(b) Four deputy clerks, grade III, each of whom shall receive a monthly salary at the rates specified in salary range number 25.5 of the salary schedule.

(c) Four deputy clerks, grade II, each of whom shall receive a monthly salary at the rates specified in salary range number 23.5 of the salary schedule.

(d) Five deputy clerks, grade I, each of whom shall receive a monthly salary at the rates specified in salary range number 21.5 of the salary schedule.

SEC. 13. Section 73603.1 is added to said code, to read:

73603.1. Whenever reference to a salary range number is made in this article the following schedule of monthly salaries shall apply:

Salary range number	Step A	Step B	Step C	Step D	Step E
21.5	$323	$342	$361	$382	$403
22	332	351	371	392	415
22.5	342	361	382	403	427
23	351	371	392	415	439
23.5	361	382	403	427	452
24	371	392	415	439	464
24.5	382	403	427	452	477
25	392	415	439	464	491
25.5	403	427	452	477	505
26	415	439	464	491	519
26.5	427	452	477	505	534
27	439	464	491	519	549
27.5	452	477	505	534	565
28	464	491	519	549	581
28.5	477	505	534	565	598
29	491	519	549	581	614
29.5	505	534	565	598	632

Salary range number	Step A	Step B	Step C	Step D	Step E
30	519	549	581	614	649
30.5	534	565	598	632	668
31	549	581	614	649	686
31.5	565	598	632	668	706
32	581	614	649	686	725
32.5	598	632	668	706	746
33	614	649	686	725	767
33.5	632	668	706	746	789
34	649	686	725	767	811
34.5	668	706	746	789	834
35	686	725	767	811	857
35.5	706	746	789	834	882
36	725	767	811	857	906

SEC. 14. Section 73603.2 is added to said code, to read:

73603.2. Notwithstanding any other provision of this article, until 90 days after the adjournment of the 1965 Regular Session of the Legislature, whenever a higher compensation is provided for positions in the classification of typist-clerk I in the San Mateo County classified service, each person holding a position in any of the classifications specified in this article shall receive correspondingly higher compensation on the salary schedule provided for in Section 73603.1 payable at the same time as that higher compensation provided in the salary ordinance of San Mateo County.

SEC. 15. Section 74302 is added to said code, to read:

74302. There shall be one clerk who shall receive a monthly salary at the rate specified in salary range number 34 of the salary schedule.

SEC. 16. Section 74303 is added to said code, to read:

74303. The clerk may appoint:

(a) One chief deputy clerk who shall receive a monthly salary at the rate specified in salary range number 29 of the salary schedule.

(b) Six deputy clerks, grade III, each of whom shall receive a monthly salary at the rate specified in salary range number 25.5 of the salary schedule.

(c) Two deputy clerks, grade II, each of whom shall receive a monthly salary at the rate specified in salary range number 23.5 of the salary schedule.

(d) Five deputy clerks, grade I, each of whom shall receive a monthly salary at the rate specified in salary range number 21.5 of the salary schedule.

SEC. 17. Section 74303.1 is added to said code, to read:

74303.1. Whenever reference to a salary range number is made in this article the following schedule of monthly salaries shall apply:

Salary range number	Step A	Step B	Step C	Step D	Step E
21.5	$323	$342	$361	$382	$403
22	332	351	371	392	415
22.5	342	361	382	403	427
23	351	371	392	415	439
23.5	361	382	403	427	452
24	371	392	415	439	464
24.5	382	403	427	452	477
25	392	415	439	464	491
25.5	403	427	452	477	505
26	415	439	464	491	519
26.5	427	452	477	505	534
27	439	464	491	519	549
27.5	452	477	505	534	565
28	464	491	519	549	581
28.5	477	505	534	565	598
29	491	519	549	581	614
29.5	505	534	565	598	632
30	519	549	581	614	649
30.5	534	565	598	632	668
31	549	581	614	649	686
31.5	565	598	632	668	706
32	581	614	649	686	725
32.5	598	632	668	706	746
33	614	649	686	725	767
33.5	632	668	706	746	789
34	649	686	725	767	811
34.5	668	706	746	789	834
35	686	725	767	811	857
35.5	706	746	789	834	882
36	725	767	811	857	906

SEC. 18. Section 74303.2 is added to said code, to read:

74303.2. Notwithstanding any other provision of this article, until 90 days after the adjournment of the 1965 Regular Session of the Legislature, whenever a higher compensation is provided for positions in the classification of typist clerk I in the San Mateo County classified service, each person holding a position in any of the classifications specified in this article shall receive correspondingly higher compensation on the salary schedule provided for in Section 74303.1 payable at the same time as that higher compensation provided in the salary ordinance of San Mateo County.

CHAPTER 1448

An act to amend Section 476a of the Penal Code, relating to bad checks.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 476a of the Penal Code is amended to read:

476a. (a) Any person who for himself or as the agent or representative of another or as an officer of a corporation, willfully, with intent to defraud, makes or draws or utters or delivers any check, or draft or order upon any bank or depositary, or person, or firm, or corporation, for the payment of money, knowing at the time of such making, drawing, uttering or delivering that the maker or drawer or the corporation has not sufficient funds in, or credit with said bank or depositary, or person, or firm, or corporation, for the payment of such check, draft or order and all other checks, drafts or orders upon such funds then outstanding, in full upon its presentation, although no express representation is made with reference thereto, is punishable by imprisonment in the county jail for not more than one year, or in the state prison for not more than 14 years.

(b) However, if the total amount of all such checks, drafts, or orders that the defendant is charged with and convicted of making, drawing, or uttering does not exceed one hundred dollars ($100), the offense is punishable only by imprisonment in the county jail for not more than one year, except that this subdivision shall not be applicable if the defendant has previously been convicted of a violation of Section 470, 475, or 476 of this code, or of this section of this code, or of the crime of petty theft in a case in which defendant's offense was a violation also of Section 470, 475, or 476 of this code or of this section or if the defendant has previously been convicted of any offense under the laws of any other state or of the United States which, if committed in this State, would have been punishable as a violation of Section 470, 475 or 476 of this code or of this section of this code or if he has been so convicted of the crime of petty theft in a case in which, if defendant's offense had been committed in this State, it would have been a violation also of Section 470, 475, or 476 of this code, or of this section.

(c) Where such check, draft, or order is protested, on the ground of insufficiency of funds or credit, the notice of protest thereof shall be admissible as proof of presentation, nonpayment and protest and shall be presumptive evidence of knowledge of insufficiency of funds or credit with such bank or depositary, or person, or firm, or corporation.

(d) The word "credit" as used herein shall be construed to mean an arrangement or understanding with the bank or depositary or person or firm or corporation for the payment of such check, draft or order.

(e) If any of the preceding paragraphs, or parts thereof, shall be found unconstitutional or invalid, the remainder of this section shall not thereby be invalidated, but shall remain in full force and effect.

CHAPTER 1449

An act to add Sections 74692 and 74693 to, and to repeal Sections 74692 and 74693 of, the Government Code, relating to salaries of municipal court clerks.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 74692 of the Government Code is repealed.

SEC. 2. Section 74692 is added to said code, to read:

74692. There shall be one clerk of the municipal court who shall receive a minimum salary of five hundred two dollars ($502) monthly, with annual increments of twenty-five dollars ($25), twenty-six dollars ($26), twenty-eight dollars ($28), and twenty-nine dollars ($29) to a maximum of six hundred ten dollars ($610) monthly.

SEC. 3. Section 74693 of said code is repealed.

SEC. 4. Section 74693 is added to said code, to read:

74693. The clerk may appoint:

(a) One assistant clerk who shall receive a minimum salary of four hundred thirty-three dollars ($433) monthly, with annual increments of twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), twenty-five dollars ($25) to a maximum of five hundred twenty-seven dollars ($527) monthly.

(b) Four deputy court clerks, grade III, each of whom shall receive a minimum salary of three hundred fifty-five dollars ($355) monthly, with annual increments of eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20), and twenty-one dollars ($21) to a maximum of four hundred thirty-three dollars ($433) monthly.

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

CHAPTER 1450

An act to add Sections 656 and 956 to the Government Code, relating to real property in which the State has a remainder or undivided fractional interest.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 656 is added to the Government Code, to read:

656. Whenever the State of California or any division or agency thereof has acquired by gift, under the will of a decedent or through a decree of distribution in the estate of a decedent, or otherwise than by purchase or the exercise of the power of eminent domain, a remainder interest, whether contingent or vested, in real property, or an undivided fractional interest in real property, the holder or holders of the precedent estate or of other undivided fractional interests, as the case may be, may join the State of California as a party defendant in any action to partition said property, brought pursuant to the Code of Civil Procedure or in any action in declaratory relief brought pursuant to the Code of Civil Procedure. In the complaint in any such action the nature of the interest of the State of California shall be set forth and the manner in which the same was acquired and process in any such action shall be served upon the Attorney General and the Director of Finance. In any such action the Attorney General shall represent the State of California and may on behalf of the State of California execute such stipulations, disclaimers or consents as may be appropriate.

SEC. 2. Section 956 is added to said code, to read:

956. Whenever the State has acquired by gift, under the will of a decedent or through a decree of distribution in the estate of a decedent, or otherwise than by purchase or the exercise of the power of eminent domain, a remainder interest, whether contingent or vested, in real property, or an undivided fractional interest in real property, the holder or holders of the precedent estate or of other undivided fractional interests, as the case may be, may join the State as a party defendant in any action to partition said property, brought pursuant to the Code of Civil Procedure or in any action in declaratory relief brought pursuant to the Code of Civil Procedure. In the complaint in any such action the nature of the interest of the State shall be set forth and the manner in which the same was acquired and process in any such action shall be served upon the Attorney General and the Director of Finance. In any such action the Attorney General shall represent the State and may on behalf of the State execute such stipulations, disclaimers or consents as may be appropriate.

SEC. 3. Section 2 of this act shall become operative only if Senate Bill No. 43 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as Senate Bill No. 43 takes effect; at which time Section 656 of the Government Code, as added by Section 1 of this act, is repealed.

CHAPTER 1451

An act to amend Section 6904 of the Government Code, relating to vending stands for the blind.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 6904 of the Government Code is amended to read:

6904. The bureau shall:

(a) Make surveys of opportunities for the operation of vending stands by blind persons in public buildings.

(b) Prescribe all necessary rules and regulations for the operation of the vending stands, and do all things necessary and proper to carry out the provisions of this chapter, including the collection of a service charge based on gross sales, which service charge shall not exceed 6 percent thereof from each vending stand operator, and shall be placed in the Special Deposit Fund to be used for maintenance, repairs, and replacement of equipment, for additional equipment, for the construction of new vending stands, snack bars and cafeterias, for loans to operators for initial stock, and for such other expenditures as are found necessary to carry out the purposes of this chapter; provided, that no portion of such service charges shall be used for administrative salaries. It is the intent of the Legislature that the expenditure of such service charges as are authorized by this section shall be supplemental to and in augmentation of any current appropriations available for such purposes and shall not constitute an offset or diminution of any such appropriations.

(c) Select a location for each vending stand constructed or installed in any building subject to the approval of the person, governing board, or legislative body having the care, custody, and control of such building.

(d) Issue licenses for the operation of vending stands to blind persons who are citizens of the United States, 21 years of age or over, and who have resided in the State at least one year immediately preceding date of application for license.

CHAPTER 1452

An act relating to the conveyance of land to the United States for military, naval, or defense purposes.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. This act is necessary in order to clarify the boundaries of certain lands previously granted, released and ceded to the United States of America for military, naval, or defense purposes by Chapter 81 of the Statutes of 1897 with respect to such lands used for the Mare Island Naval Reservation.

SEC. 2. As used in this act "subject land" means the real property described as follows:

Beginning at the most easterly corner of that certain parcel of land granted to the City of Vallejo by act of the legislature of the State of California as set forth in Chapter 483 of the Statutes of 1947, said corner being designated as "Sta. 4 (Coordinates X-1,913,556.52—Y-160,025.87)" on that certain "Map of the GRANT TO CITY OF VALLEJO, Chapter 483, Statutes of 1947", recorded in Book 7 of Surveys at page 8, Solano County Records, from said Point of Beginning thence

(1) South 40° 11′ 50″ West, 3378.89 feet to a point (Coordinates X-1,911,375.72—Y-157,444.98); thence

(2) South 15° 38′ 13″ East, 13,456.72 feet to a point (Coordinates X-1,915,002.85—Y-144,486.31) in the south boundary of Solano County; thence

(3) North 79° 30′ East, 12,096.43 feet, along a line parallel to the most southerly leg of United States Navy Dike No. 12 and the direct extension northeasterly of said most southerly leg, (the bearing of the most southerly leg of said Dike and its direct extension northeasterly is assumed for the purpose of this description to be North 79° 30′ East), to a point (Coordinates X-1,926,896.72—Y-146,690.71) that bears South 2766.17 feet from United States Coast and Geodetic Survey Triangulation Station "Mare Island, Southeast" at (Coordinates X-1,926,896.72—Y-149,456.89 as shown on the aforesaid "Map of Grant to City of Vallejo"); thence

(4) North 38° 08′ 25″ West, 2500 feet more or less to the ordinary high-water mark of San Pablo on the southwesterly shore of Mare Island; thence

(5) Northwesterly along said ordinary high-water mark of Mare Island to the intersection with a line which bears North 40° 11′ 50″ East from the Point of Beginning; thence

(6) South 40° 11′ 50″ West, to the Point of Beginning.

Containing within the above-described boundaries 3087 acres, more or less.

Bearings, distances and co-ordinates used in this description are referenced to the meridian and plane of the "California Coordinate System, Zone 2".

SEC. 3. The Legislature hereby finds and determines that there is a present and continuing need for the use of the subject land for military, naval, or defense purposes.

SEC. 4. The State of California hereby grants to the United States of America all its right, title and interest which it now possesses in and to the subject land only so long as the United States shall continue to hold and own the adjacent lands now belonging to the United States, and in the event that the ownership of said adjacent lands are transferred by the United States to any person or corporation or to the State or any of its agencies or instrumentalities, then the subject land shall revert forthwith to the State. The United States may document such reversion of the subject land by a deed from a proper officer of the United States or written notice that such reversion has occurred may be given by the State, acting by and through the agency thereof having jurisdiction over the ungranted sovereign lands of the State, to the United States of America and said notice may be recorded in the office of the Recorder of Solano County.

CHAPTER 1453

An act to amend Section 13025.5 of the Health and Safety Code, relating to fire equipment.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 13025.5 of the Health and Safety Code is amended to read:

13025.5. Notwithstanding the provisions of Section 13025 of this code, equipment for fire protective purposes which is equipped with one-and-one-half-inch (1½-inch) threaded hose fittings may, for a period of five years after the effective date of this section, be used by authorities having charge of public property and may be used by public fire protection agencies. After the expiration of that period, unless specifically authorized by the State Fire Marshal to use equipment which does not conform to such requirements, all equipment used by a public fire protection agency shall conform to the requirements of Section 13025 of this code. The State Fire Marshal may authorize a public fire protection agency to continue to use equipment which does not conform to the requirements of Section 13025 if he determines that such public fire protection agency has available a sufficient number of suitable adapters to permit the use of such equipment in conjunction with equipment which conforms to the requirements of Section 13025.

This section shall remain in effect until the 91st day after the final adjournment of the 1965 Regular Session of the Legislature, and shall have no force or effect after that date.

CHAPTER 1454

An act to add Section 8402 to the Government Code, relating to discussion and social meetings of aged, blind, or disabled persons.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 8402 is added to the Government Code, to read:

8402. No officer or employee of the State or any county, city and county, city, or district who is concerned with the organization or supervision of any discussion or social meeting of aged, blind, or disabled persons shall, in his official capacity, prevent or attempt to prevent any discussion at such meeting of legislation of interest to such persons.

CHAPTER 1455

An act to repeal Sections 693, 694, and 695 of, and to add Sections 715.5, 715.6, 715.7, and 715.8 to the Civil Code, relating to the rule against remoteness in vesting of interests in property.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 693 of the Civil Code is repealed.

SEC. 2. Section 694 of said code is repealed.

SEC. 3. Section 695 of said code is repealed.

SEC. 4. Section 715.5 is added to said code, to read:

715.5. No interest in real or personal property is either void or voidable as in violation of Section 715.2 of this code if and to the extent that it can be reformed or construed within the limits of that section to give effect to the general intent of the creator of the interest whenever that general intent can be ascertained. This section shall be liberally construed and applied to validate such interest to the fullest extent consistent with such ascertained intent.

SEC. 5. Section 715.6 is added to said code, to read:

715.6. No interest in real or personal property which must vest, if at all, not later than 60 years after the creation of the interest violates Section 715.2 of this code.

SEC. 6. Section 715.7 is added to said code, to read:

715.7. In determining the validity of a future interest in real or personal property pursuant to Section 715.2 of this

code, an individual described as the spouse of a person in being at the commencement of a perpetuities period shall be deemed a "life in being" at such time whether or not the individual so described was then in being.

SEC. 7. Section 715.8 is added to said code, to read:

715.8. An interest in real or personal property, legal or equitable, is vested if and when there is a person in being who could convey or there are persons in being, irrespective of the nature of their respective interests, who together could convey a fee simple title thereto.

An interest is not invalid, either in whole or in part, merely because the duration of the interest may exceed the time within which future interests in property must vest under this title, if the interest must vest, if at all, within such time.

SEC. 8. This act does not invalidate, or modify the terms of, any interest which would have been valid prior to its enactment, and any such interest which would have been valid prior to the effective date is valid irrespective of the provisions of this act.

CHAPTER 1456

An act to add Section 60302 to the Government Code, relating to districts.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 60302 is added to the Government Code, to read:

60302. In any district to which Section 60300 applies, if such district is not required by any other provision of law to publish notice of election of members to its governing board, the governing board shall cause a notice of such election to be published in a newspaper of general circulation at least 10 days before the time of filing nominations for office in the manner prescribed by Section 6061 of this code. If there is no newspaper of general circulation within the district, the governing board shall cause a notice of such election to be posted in three prominent public places within the district at least 10 days before the time of filing nominations for office.

CHAPTER 1457

An act to amend Sections 758, 759, 760, 761, 762, 763, 764, 765, 766 and 767 of the Education Code, relating to county superintendents of schools, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 758 of the Education Code is amended to read:

758. The qualifications of the county superintendent of schools in each county shall be as set forth in Sections 756 to 766, inclusive, for that class into which the county falls. The class into which each county falls shall be determined on October 1st of each year based upon the average daily attendance in the public schools of such county for the preceding school year as reported to the State Department of Education. In no case will the salary of the county superintendent be lowered during his term of office.

The salaries set forth in Section 767 are payable to incumbent county superintendents of schools; provided, however, that the salary of an incumbent shall not be reduced during the term for which he was elected or appointed or for any consecutive new term to which he is elected or appointed.

SEC. 1.5. Section 759 of the Education Code is amended to read:

759. All county superintendents of schools in counties within class one (1) shall possess a valid certification document of one of the following kinds:

(a) A general administrative credential or a life diploma based thereon.

(b) A standard administration credential.

SEC. 2. Section 760 of the Education Code is amended to read:

760. All county superintendents of schools in counties within class two (2) shall possess a valid certification document of one of the following kinds:

(a) A general administrative credential or a life diploma based thereon.

(b) A standard administration credential.

SEC. 3. Section 761 of the Education Code is amended to read:

761. All county superintendents of schools in counties within class three (3) shall possess a valid certification document of one of the following kinds:

(a) A general administrative credential or a life diploma based thereon.

(b) A standard administration credential.

SEC. 4. Section 762 of the Education Code is amended to read:

762. All county superintendents of schools in counties within class four (4) shall possess a valid certification document of one of the following kinds:

(a) An elementary or secondary administrative credential or a life diploma based thereon.

(b) A general administrative credential or a life diploma based thereon.

(c) A standard administration credential.

(d) A standard supervision credential authorizing the holder to act as a principal.

SEC. 5. Section 763 of the Education Code is amended to read:

763. All county superintendents of schools in counties within class five (5) shall possess a valid certification document of one of the following kinds:

(a) An elementary or secondary administrative credential or a life diploma based thereon.

(b) A general administrative credential or a life diploma based thereon.

(c) A standard administration credential.

(d) A standard supervision credential authorizing the holder to act as a principal.

SEC. 6. Section 764 of the Education Code is amended to read:

764. All county superintendents of schools in counties within class six (6) shall possess a valid certification document of one of the following kinds:

(a) An elementary or secondary administrative credential or a life diploma based thereon.

(b) A general administrative credential or a life diploma based thereon.

(c) A standard administration credential.

(d) A standard supervision credential authorizing the holder to act as a principal.

SEC. 7. Section 765 of the Education Code is amended to read:

765. All county superintendents of schools in counties within class seven (7) shall possess a valid certification document of one of the following kinds:

(a) An elementary or secondary administrative credential or a life diploma based thereon.

(b) A general administrative credential or a life diploma based thereon.

(c) A standard administration credential.

(d) A standard supervision credential authorizing the holder to act as a principal.

SEC. 8. Section 766 of the Education Code is amended to read:

766. All county superintendents of schools in counties within class eight (8) shall possess a valid certification document of one of the following kinds:

(a) An elementary or secondary teaching credential or a life diploma based thereon.

(b) A standard teaching credential with a specialization in elementary teaching, secondary teaching, or junior college teaching.

SEC. 9. Section 767 of the Education Code is amended to read:

767. On the effective date of the amendment to this section adopted at the 1963 Regular Session of the Legislature, or as soon thereafter as practicable, the salaries of the county superintendents of schools shall be computed in the following manner.

For each of the eight classes of counties the amount which is the statewide average of teachers' salaries shall be multiplied by the amount which is the adjustment factor for the particular class of county, as prescribed by this section. The product so obtained shall be the salary of the county superintendent of schools for a county within that class.

The adjustment factor for each of the eight classes of counties is set forth below opposite the class of county:

(a) Class one	3.561
(b) Class two	3.092
(c) Class three	2.717
(d) Class four	2.249
(e) Class five	1.780
(f) Class six	1.499
(g) Class seven	1.124
(h) Class eight	.750

For the purposes of this section the statewide average of teachers' salaries shall be deemed to be seven thousand one hundred and forty dollars ($7,140).

The cost of salaries of any county superintendents of schools required to be paid by this section shall be divided between the State and the respective county as follows: For counties within class one (1) the State shall pay sixty-five percent (65%) and the county shall pay thirty-five percent (35%); in all counties within class two (2), the State shall pay sixty-five percent (65%) and the county shall pay thirty-five percent (35%); for counties within class three (3) the State shall pay sixty-seven percent (67%) and the county shall pay thirty-three percent (33%); for counties within class four (4) the State shall pay sixty-eight percent (68%) and the county shall pay thirty-two percent (32%); for counties within class five (5) the State shall pay seventy percent (70%) and the county shall pay thirty percent (30%); for counties within class six (6) the State shall pay seventy-six percent (76%) and the county

shall pay twenty-four percent (24%); for counties within class seven (7) the State shall pay eighty-four percent (84%) and the county shall pay sixteen percent (16%); for counties within class eight (8) the State shall pay seventy-six percent (76%) and the county shall pay twenty-four percent (24%).

SEC. 10. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the necessary fiscal measures to provide for the salary adjustments prescribed by this act may be taken as early, with respect to the coming fiscal year, as possible, it is essential that this act take effect immediately.

CHAPTER 1458

An act to amend Sections 4155, 4156, 4157, 4158, 4165, and 4167 of, and to repeal Section 4161 of, the Public Resources Code, relating to forests and forestry.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

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

4155. No person, copartnership, firm, corporation, or company shall use or operate any motor, engine, boiler, stationary equipment, welding equipment, cutting torches, tarpots, or grinding devices from which a spark, fire, or flame may originate, located on or near any forest-, brush- or grass-covered land, without first clearing away all flammable material, including snags, from the area around such operation for a distance of 10 feet and without maintaining one shovel and one backpack pump ready for use at the immediate area during the operation. The provisions of this section shall not apply to portable power saws. These requirements are applicable during the time of the year and in those areas where and when burning permits are required as provided for in this article.

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

4156. No person, copartnership, firm, corporation, or company, shall use or operate any engine, machine, motor or motive power equipment in any industrial operation located on or near any forest- or brush-covered land, without providing and maintaining at all times, for firefighting purposes only, suitable and serviceable firefighting tools in the following prescribed amounts, manner and location. Said tools shall be

provided in a sealed box at each log landing at which logs are being currently collected or loaded. On slash disposal, construction or land clearing projects such a sealed box of tools shall be located at a point accessible to the crew in event of fire. Said sealed box shall contain seven shovels, three axes, one complete set of falling tools, two scraping tools, and one backpack pump filled with water; provided, however, that where less than five men are employed on or near the specified operation, the toolbox shall contain a minimum of four serviceable fire tools consisting of shovels, scraping tools, and one ax. In addition, each logging truck and tractor shall be equipped with one shovel; each pickup, automobile and rail speeder used in the operation shall be equipped with one shovel and one ax.

At any camp maintained for the residence of employees, or at any local headquarters of any industrial, agricultural, or other operations on or near any forest- or brush-covered lands, there shall be provided and maintained at all times, in a specific location, for firefighting purposes only, a sufficient supply of serviceable tools to equip 50 percent of the able-bodied, male personnel, resident of such camp, or working out of such headquarters, for fighting fires. Among said tools shall be included shovels, axes, saws, backpack pumps, scraping tools; and further, with such tools there shall be one serviceable headlight adaptable for attachment to at least one-half of the tractor-bulldozers used on the operation, and also a sufficient number of canteens and flashlights to equip a third of the said able-bodied, male personnel. These requirements are applicable during the time of the year and in those areas where and when burning permits are required as provided for in this article.

SEC. 3. Section 4157 of said code is amended to read:

4157. No person, copartnership, firm, corporation or company, shall use or operate any steam-operated engine, machine equipment, mill or industrial plant, located on or near forest- or brush-covered land, without providing one adequate force pump or water under pressure equivalent to a pump, and not less than 200 feet of hose not less than one inch in diameter for each steam-operated engine or equipment. The pump or water pressure required in this section shall be capable of applying a minimum of 40 pounds pressure at the nozzle on 200 feet of hose, such nozzle to be one-fourth inch or larger in diameter. Where two steam-operated engines or steam equipment are customarily operated within 100 feet of each other, only one engine or piece of equipment need be equipped with pump and hose; provided, however, that the provisions of this section shall not apply to internal combustion engines nor to steam or other locomotives being used in the business of a common carrier by railroad. These requirements are applicable during the time of the year and in those areas where and when burning permits are required as provided for in this article.

SEC. 4. Section 4158 of said code is amended to read:

4158. No person, copartnership, firm, corporation, or company, shall use or operate any gasoline-powered saw on or near any forest- or brush-covered land, unless such saw is operated at least 50 feet from any flammable material, without providing and maintaining at locations of use or operation of said equipment, for firefighting purposes, one serviceable fire extinguisher or, in lieu thereof, one serviceable shovel. These requirements are applicable during the time of the year and in those areas where and when burning permits are required as provided for in this article.

SEC. 5. Section 4161 of said code is repealed.

SEC. 6. Section 4165 of said code is amended to read:

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

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

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

(3) Waste flammable material may be accumulated in a pile which shall be disposed of by fire at a date not later than the following April 1st after the beginning of the accumulation of such waste material and at a time when weather and the condition of surrounding vegetation are favorable to preventing the spread of fire; provided, however, at all times for the duration of the accumulation, the area surrounding such piles shall be cleared and kept clear of all inflammable vegeta-

tion and debris, including trees, snags, brush, grass, slash, and litter by either of the following methods: (a) to a distance of 150 feet from the periphery of the piles of waste material and all structures and lumber piles which are situated within 50 feet of said waste material piles, or (b) by a similar clearing surrounding the said waste material piles and said structures and lumber piles for a distance of 100 feet; provided, there shall also be kept and maintained at all times a firebreak 10 feet or more in width cleared of all flammable material and constructed in a continuous line surrounding the accumulation at a distance of not less than 50 feet nor more than 300 feet from the periphery of the clearing surrounding the accumulation, and; provided further, that all snags and dead trees between the firebreak and the periphery of the clearing shall be felled. Said disposal by fire shall be a responsibility of the operator or landowner or jointly and shall be made in conformance with Section 4153 of this code and all other provisions of law.

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

SEC. 7. Section 4167 of said code is amended to read:

4167. No person, copartnership, firm, corporation, or company shall use or operate in or on any forest-, brush-, or grass-covered land constituting flammable vegetation, any engine, machine, equipment, or any steam, oil, diesel or gasoline-operated stationary or mobile equipment from which a spark or fire may originate unless such equipment is provided with an effective device or spark arrester as a part of the exhaust system which will prevent the escape of fire or sparks, and unless such person uses every reasonable precaution to prevent the causing of fire thereby. Motor trucks and passenger-carrying motor vehicles are not subject to the provisions of this paragraph.

Provided, further, that all mobile equipment, including trucks, tractors, bulldozers and other mobile equipment engaged in lumbering, logging, and other industrial operations in any forest-, brush-, grass- or grain-covered land, shall also be equipped with and carry at all times a serviceable shovel for use in the prevention and suppression of fire, except that mobile equipment used in the business of a common carrier by railroad does not have to be equipped with or to carry a shovel

for use in the prevention and suppression of fire. These requirements are applicable during the time of the year and in those areas where and when burning permits are required as provided for in this article.

SEC. 8. Sections 1 to 6, inclusive, of this act become operative only if Senate Bill No. 643 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as said bill takes effect, at which time Section 4167 of the Public Resources Code, as amended by Section 7 of this act, is repealed.

CHAPTER 1459

An act to add Section 1463 to the Probate Code, relating to appointment of guardians.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 1463 is added to the Probate Code, to read:

1463. Any adult person may, at such time as he has sufficient capacity to form an intelligent preference, execute a written instrument in the same manner as the execution of a witnessed will nominating a person to be appointed as guardian of his person or estate or person and estate in the event that a guardian is in the future appointed. Such nominee shall be appointed as guardian by the court unless the court finds that the appointment of such nominee is not in the best interests of the person for whom, or for whose estate, the guardian is to be appointed.

CHAPTER 1460

An act to amend Section 1020 of the Insurance Code, relating to injunctions and court orders in insolvency and delinquency proceedings.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 1020 of the Insurance Code is amended to read:

1020. Upon the issuance of an order either under Section 1011 or 1016, or at any time thereafter, the court shall issue such other injunctions or orders as may be deemed necessary to prevent any or all of the following occurrences:

(a) Interference with the commissioner or the proceeding.

(b) Waste of assets of such person.

(c) The institution or prosecution of any actions or proceedings.

(d) The obtaining of preferences, judgments, attachments, or other liens against such person or its assets.

(e) The making of any levy against any such person or its assets.

(f) The sale or deed for nonpayment of taxes or assessments levied by any taxing agency of property:

(1) Owned by such person.

(2) Upon which such person holds an encumbrance.

(3) Upon which such person has prior thereto commenced an action to foreclose any deed of trust or mortgage or has exercised the power of sale under any trust deed or mortgage which sale or foreclosure proceedings have not yet been completed or upon which no trustee's deed or judgment of court or sheriff's certificate of sale has been issued. "Taxing agency" as used in this section has the meaning ascribed to it by Section 121 of the Revenue and Taxation Code. The injunctions or orders authorized by this subdivision may be modified, dissolved or rescinded by the court on motion of the commissioner, the State Controller, the person charged with the collection of taxes or assessments on such property, or any person beneficially interested in the property. The recording in the office of the county recorder of any county in the State of an order or injunction issued pursuant to this section, shall constitute service of such order or injunction upon any taxing agency with respect to property or interests therein located in such county.

(g) Any managing general agent or attorney in fact from withholding from the commissioner any books, records, accounts, documents or other writing relating to the business of such person; provided, however, that, if by contract or otherwise any of the same are the property of such an agent or attorney, the same shall be returned when no longer necessary to the commissioner or at any time the court after notice and hearing shall so direct.

CHAPTER 1461

An act to add Section 25425 to the Education Code, relating to junior colleges.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 25425 is added to the Education Code, to read:

25425. The governing board of a district maintaining a junior college may require of pupils in attendance in grades

13 and 14, the payment of fees in a total amount of not more than ten dollars ($10) for the regular school year, for the following services afforded the pupils:

(a) The health supervision and services, and the medical and hospitalization services, authorized by Article 1 (commencing with Section 11701) of Chapter 4 of Division 9.

(b) The use of automobile parking facilities.

The two types of fees shall be separately assessed, and the fee for use of automobile parking facilities shall be required only of the pupils using such facilities.

Any such fees collected shall be deposited in the general fund of the district, and shall be expended only for the purposes set forth in subparagraphs (a) and (b) of this section.

CHAPTER 1462

An act to amend Sections 4004 and 9260 of the Vehicle Code, relating to foreign commercial vehicle permits.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 4004 of the Vehicle Code is amended to read:

4004. Commercial vehicles meeting the registration requirements of a foreign jurisdiction, and subject to registration but not entitled to exemption from registration or licensing under any of the provisions of this code or any agreements, arrangements, or declarations made under Article 3 (commencing with Section 8000) of Chapter 4, may, as an alternate to such registration, secure a temporary registration to operate in this State for a period of not to exceed 90 days, or a trip permit to operate in this State for a period of five (5) consecutive days. The privilege of securing a trip permit shall not extend to vehicles registered in any jurisdiction with which the State of California does not have vehicle licensing reciprocity, unless the Reciprocity Commission extends such privilege, by rule, after hearing.

Each trip permit shall authorize the operation of a single vehicle for a period of not more than five (5) consecutive days, commencing with the day of first use and four (4) consecutive days thereafter. No such permit shall be valid when issued unless a copy thereof has been first mailed to or has been retained by the department. Every permit shall identify, as the department may require, the vehicle for which it is issued. Each trip permit shall be carried in the vehicle or in the vehicle supplying the motive power therefor.

The department may issue in advance a quantity of trip permits upon payment of the proper fee for each such permit.

SEC. 2. Section 9260 of the Vehicle Code is amended to read:

9260. (a) The fee for a temporary registration issued under Section 4004 is one-tenth of the annual fees in Division 3 (commencing with Section 4000) of this code and Part 5 (commencing with Section 10701) of Division 2 of the Revenue and Taxation Code, for each 30-day period that the vehicle is to be operated in this State.

(b) The fee for a trip permit issued under Section 4004 is five dollars ($5) for each vehicle.

SEC. 3. Section 9260 of said code is amended to read:

9260. (a) The fee for a temporary registration issued under Section 4004 is one-tenth of the annual fees in Division 3 (commencing with Section 4000) of this code and Part 5 (commencing with Section 10701) of Division 2 of the Revenue and Taxation Code, for each 30-day period that the vehicle is to be operated in this State.

(b) The fee for a trip permit issued under Section 4004 is five dollars ($5) for each vehicle.

(c) A fee of five dollars ($5) shall be paid for each reciprocity permit issued under Section 8008.

SEC. 4. Section 3 of this act shall become operative only if the Section 9260 of the Vehicle Code as proposed by Senate Bill No. 430 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as Senate Bill No. 430 takes effect; at which time Section 9260 of the Vehicle Code as amended by Section 2 of this act is repealed.

CHAPTER 1463

An act to add Section 13000.4 to, and to amend Sections 13000, 13001, 13003, 13005, 13010, 13020, and 13022 of, and to amend the heading of Chapter 3 (commencing with Section 13010) of Division 7 of, the Water Code, and to amend Section 12805 of the Government Code, relating to water quality control.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 13000 of the Water Code is amended to read:

13000. The Legislature finds and declares that it is necessary to the health, safety and welfare of the people of this State to provide means for co-ordinating the actions of the various state agencies and political subdivisions of the State in the control of water pollution and the maintenance of water quality.

The Legislature further declares that it is necessary to provide means for the regional control of water pollution since problems of water pollution in this State are primarily regional and dependent upon factors of precipitation, topography, population, and recreational, agricultural and industrial development which vary greatly from region to region, and to provide for co-ordinated statewide control of water quality since water quality is a matter of statewide interest and concern.

SEC. 2. Section 13000.4 is added to said code, to read:

13000.4. The Legislature finds and declares that, because of the widespread demand and need for the full utilization of the water resources of the State for beneficial uses, maintenance of water quality is a matter of statewide interest and concern.

SEC. 2.5. Section 13001 of said code is amended to read:

13001. No provision of this division or any ruling of the State Water Quality Control Board or a regional water pollution control board is a limitation:

(a) On the power of a city or county to adopt and enforce additional regulations not in conflict therewith imposing further conditions, restrictions, or limitations with respect to the disposal of sewage or industrial waste or any other activity which might result in the pollution of water.

(b) On the power of any city or county to declare, prohibit, and abate nuisances.

(c) On the power of a state agency in the enforcement or administration of any provision of law which it is specifically permitted or required to enforce or administer.

(d) On the right of any person to maintain at any time any appropriate action for relief against any private nuisance as defined in the Civil Code or for relief against any contamination or pollution.

SEC. 3. Section 13003 of said code is amended to read:

13003. It is the intent of the Legislature that the State Water Quality Control Board and each regional water pollution control board shall co-operate with the Department of Water Resources and other state agencies in all matters of mutual concern to the fullest extent practicable.

SEC. 4. Section 13005 of said code is amended to read:

13005. "State board" means the State Water Quality Control Board.

"Regional board" means any regional water pollution control board created pursuant to this division.

"Person" as used in this division also includes any city, county or district.

"Sewage" means any and all waste substance, liquid or solid, associated with human habitation, or which contains or may be contaminated with human or animal excreta or excrement, offal, or any feculent matter.

"Industrial waste" means any and all liquid or solid waste substance, not sewage, from any producing, manufacturing or processing operation of whatever nature.

"Waters of the State" means any waters, surface or underground, including saline waters, within the boundaries of the State as defined and described in Section 1 of Article XXI of the Constitution and as given greater precision in Sections 170, 171, and 172 of the Government Code.

"Contamination" means an impairment of the quality of the waters of the State by sewage or industrial waste to a degree which creates an actual hazard to the public health through poisoning or through the spread of disease. "Contamination" shall include any equivalent effect resulting from the disposal of sewage or industrial waste, whether or not waters of the State are affected.

"Pollution" means an impairment of the quality of the waters of the State by sewage or industrial waste to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic, industrial, agricultural, navigational, recreational or other beneficial use, or which does adversely and unreasonably affect the ocean waters and bays of the State devoted to public recreation.

"Nuisance" means damage to any community by odors or unsightliness resulting from unreasonable practices in the disposal of sewage or industrial wastes.

"District attorney," as used in this division, means "county counsel" with respect to any county having such an officer and "city attorney" with respect to any city and county having such an officer as to all matters except the prosecution of crimes.

"Water quality control" means the control of any factor which adversely and unreasonably impairs the quality of the waters of the State for beneficial use.

"Water quality control policy" means water quality objectives for affected waters of the State where water quality control measures are necessary or may be needed in the future to assure suitable water quality for beneficial use.

SEC. 5. The heading of Chapter 3 (commencing with Section 13010) of Division 7 of said code is amended to read:

CHAPTER 3. STATE WATER QUALITY CONTROL BOARD

SEC. 6. Section 13010 of said code is amended to read:

13010. There is in the Resources Agency the State Water Quality Control Board.

SEC. 7. Section 13020 of said code is amended to read:

13020. The state board shall:

(a) Establish an office.

(b) Appoint and fix the salary of an executive officer who is a registered engineer with at least five years of engineering experience relating to water pollution and waste disposal. The

executive officer shall be exempt from the state civil service and shall serve at the pleasure of the board.

(c) Appoint such secretarial and stenographic help, and such other assistants, subject to the State Civil Service Act, as the board determines necessary to enable it to carry out the provisions of this division.

(d) Adopt reasonable rules and regulations for the conduct of its affairs in the administration of this division.

(e) Adopt a seal which shall have embossed thereon "State Water Quality Control Board, State of California."

(f) Allocate to the regional boards from funds appropriated to the state board such part thereof as may be necessary for the administrative expenses of such boards.

(g) Have the power to require any state or local agency to inspect and report on any technical factors involved in water pollution.

(h) At the request of a regional board, assist the citizens of any area in the formation of a district authorized to provide facilities neecssary to correct any condition of contamination, pollution, or nuisance.

SEC. 8. Section 13022 of said code is amended to read:

13022. The state board shall formulate and adopt a statewide policy for control of water pollution with due regard for the authority of the regional boards and shall formulate and adopt a statewide policy of water quality control. Such policies shall be in conformity with the policies set forth in Chapter 1 (commencing with Section 13000), and state offices, departments, and boards shall take cognizance of such policies in carrying out water quality activities.

SEC. 9. Section 12805 of the Government Code is amended to read:

12805. The Resources Agency consists of the State Water Rights Board, the State Water Quality Control Board, and each regional water pollution control board, and the following departments: Conservation; Fish and Game; Parks and Recreation; and Water Resources.

CHAPTER 1464

An act to amend Sections 3090, 3095, and 3126 of, and to add Sections 3025.5 and 3025.6 to, the Business and Professions Code, relating to the practice of optometry.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 3025.5 is added to the Business and Professions Code, to read:

3025.5. The board may adopt regulations prescribing minimum standards governing the optometric services offered or performed, the equipment, or the sanitary conditions, in all offices for the practice of optometry, which are necessary to protect the health and safety of persons availing themselves of the services offered or performed in such offices.

SEC. 2. Section 3025.6 is added to said code, to read:

3025.6. No disciplinary action shall be instituted by the board against any person registered under the provisions of this chapter for violation of the rules and regulations promulgated by the board pursuant to this chapter, unless such person is first given a reasonable opportunity to comply with such rule or regulation. Such disciplinary action shall only be taken pursuant to the grounds and procedure set forth in Section 3090 of this code.

SEC. 3. Section 3090 of said code is amended to read:

3090. The certificate of registration of any person registered under the provisions of this chapter, or any former act relating to the practice of optometry, may be revoked or suspended for a fixed period by the board for any of the causes provided in this article or for unprofessional conduct, gross ignorance or inefficiency in his profession or for any violation of the provisions of this chapter or of the rules and regulations promulgated by the board pursuant to the provisions of this chapter and in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code. The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

SEC. 4. Section 3095 of said code is amended to read:

3095. The securing of a certificate of registration as an optometrist or of any other license or permit issued by the board by willfully given false information or a willfully made false statement, in a material regard on any application to the board, or by fraud or deceit practiced upon the board constitutes a cause to revoke or suspend the certificate of registration or the other license or permit.

SEC. 5. Section 3126 of said code is amended to read:

3126. It is unlawful to willfully make any false statement in a material regard in an application for an examination before the board or for a certificate of registration as an optometrist or any other license or permit issued by the board.

CHAPTER 1465

An act to amend Sections 5373, 8701, 10428, 18096, 18731, 22134 and 31632 of, to amend and renumber Sections 4291, 5374, 8702, 8703, 8704, 8705 of, and to add Sections 4291, 4292, 5374, 8702, 8703, 8704, 10429, 10430, 18099, 18405, 19184, and 22142 to, the Streets and Highways Code, to add Section 14922 to the Health and Safety Code, and to amend and renumber Section 38127 of, add Sections 38127, 39182 and 39588 to, and to add Article 13 (commencing with Section 53930) to Chapter 4, Part 1, Division 2, Title 5 of, the Government Code, relating to special assessments.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 4291 of the Streets and Highways Code is amended and renumbered to read:

4293 No action or proceeding to set aside, cancel, avoid, annul or correct any assessment or reassessment, or to review any of the proceedings, acts, or determinations therein, or to question the validity of, or to enjoin the collection of any assessment or reassessment, or to enjoin the issuance of bonds to represent any assessment or reassessment, shall be maintained by any person unless such action or proceeding is commenced within 30 days after the recording of the diagram and assessment or reassessment, and thereafter all persons shall be barred from any such action or proceeding or any defense of invalidity of the assessment or of bonds issued thereon or of any reassessment and of bonds issued thereon.

SEC. 2. Section 4291 is added to said code, to read:

4291. The lien, whether bonds issued to represent the assessment or otherwise, shall be subordinate to all fixed special assessment liens previously imposed upon the same property, but it shall have priority over all fixed special assessment liens which may thereafter be created against the property.

SEC. 3. Section 4292 is added to said code, to read:

4292. The lien of a supplemental assessment, a reassessment and a refunding assessment shall have the same priority as the original assessment to which it relates.

SEC. 4. Section 5373 of said code is amended to read:

5373. The lien, whether bonds issued to represent the assessment or otherwise, shall be subordinate to all fixed special assessment liens previously imposed upon the same property, but it shall have priority over all fixed special assessment liens which may thereafter be created against the property; and from and after the date of the recording of any warrant, assessment and diagram, all persons shall be deemed to have notice of the contents thereof.

SEC. 5. Section 5374 of said code is amended and renumbered to read:

5375. After the warrant, assessment and diagram are recorded, the same shall be delivered to the contractor, or his agent or assigns, on demand, but not until after the payment to the superintendent of streets of the incidental expenses not previously paid by the contractor, his agent or his assigns, including the amount by which the amount included in the assessment as the cost of any acquisition exceeds the amount previously demanded of the contractor therefor, but with proper credit to the contractor in the event there was included in the assessment as the cost of any acquisition, an amount less than the amount demanded of the contractor therefor at the time of the execution of the contract pursuant to Section 5256; provided, however, that when the superintendent of streets has, by ordinance, been authorized and directed to receive payments pursuant to Section 5396 of this division said warrant shall not be delivered to said contractor or assigns nor shall such contractor or assigns be entitled to receive payment of assessments by virtue of said warrant within 30 days from the recordation of said warrant.

SEC. 6. Section 5374 is added to said code, to read:

5374. The lien of a reassessment and a refunding assessment shall have the same priority as the original assessment to which it relates. A supplemental assessment is a new assessment.

SEC. 8. Section 8701 of said code is amended to read:

8701. Such assessments and reassessments and each installment thereof and the interest and penalties thereon shall constitute a lien against the lots and parcels of land on which they are made, until the same be paid, but for a period not exceeding the time within which an action might be brought on the last series of bonds issued upon the security of such unpaid assessments.

SEC. 9. Section 8702 of said code is amended and renumbered to read:

8705. If any assessment heretofore or hereafter issued is void or unenforceable, for any cause, or if bonds are issued to represent or be secured by any assessments and such issuance is not effective through the curative provisions in relation thereto under the law pursuant to which the work was done or under this division to make them valid and enforceable, then a reassessment may be made. The reassessment shall be made upon the demand of the owner or holder of bonds aggregating one-third of the principal amount outstanding, or upon order of the legislative body, and shall be made in the manner and form provided by the law pursuant to which the acquisition or improvement was done or is proposed to be done, if any such valid procedure is provided, and otherwise as provided by Sections 5500 through 5510 of Chapter 19, Part 3, Division 7 (Improvement Act of 1911) of this code.

SEC. 10. Section 8702 is added to said code, to read:

8702. The lien, whether bonds issued to represent the assessment or otherwise, shall be subordinate to all fixed special assessment liens previously imposed upon the same property, but it shall have priority over all fixed special assessment liens which may thereafter be created against the property.

SEC. 11. Section 8703 of said code is amended and renumbered to read:

8706. When made the reassessment shall constitute a trust fund for the redemption and payment of the original bonds issued against the original assessment; or the legislative body may call in the original issue of bonds outstanding and issue new bonds upon the security of the reassessment in lieu thereof. If the legislative body determines that new serial bonds shall be issued upon the security of the reassessment, the notice of hearing upon the reassessment shall contain a declaration of intention to issue bonds substantially in the form provided for in Section 8573. Upon confirmation of the reassessment the legislative body may issue the new bonds after the same notice and hearing as is required for the original issuance of bonds.

SEC. 12. Section 8703 is added to said code, to read:

8703. The lien of a reassessment and a refunding assessment shall have the same priority as the original assessment to which it relates. A supplemental assessment is a new assessment.

SEC. 13. Section 8704 of said code is amended and renumbered to read:

8707. If the legislative body calls in the original issue of outstanding bonds, the legislative body may direct the treasurer to, and the treasurer shall thereupon, advance the maturity of the outstanding bonds bearing interest in the manner provided in Part 11, notwithstanding the fact that there may not be surplus moneys in the redemption fund with which to pay the same. New bonds shall be issued in an aggregate amount equal to the total balance of the reassessment unpaid and shall bear interest from the date of recordation of the reassessment at the rate fixed by the legislative body.

SEC. 14. Section 8704 is added to said code, to read:

8704. Unmatured installments, interest and penalties secured by any such lien or liens shall not be deemed to be within the terms of any general warranty of title.

SEC. 15. Section 8705 of said code is amended and renumbered to read:

8708. Upon the surrender of the outstanding bonds, the new bonds shall be issued ratably to the holders of the original outstanding bonds. Each holder of such original bonds shall be entitled to such proportion of the new bonds as the total amount of the principal and interest due him on his original bonds, upon the date of the recordation of the reassessment, bears to the total amount of the principal of the new

bonds. In making distribution the legislative body may assign the different bonds and allot maturities in such manner as to it shall seem equitable.

SEC. 16. Section 10428 of said code is amended to read:

10428. From the date of the recordation pursuant to Sections 3114 and 3115, each special assessment levied under this division is a lien upon the land upon which it is levied. This lien is paramount to all other liens, except prior assessments and taxation, and, unless sooner discharged, such lien shall continue for a period of four years from the date of said recordation, or in the event bonds are issued to represent said assessment, then such lien shall continue until the expiration of four years after the due date of the last installment upon said bonds or of the last principal coupon attached thereto. All persons shall have constructive notice of this lien from such date of the recordation.

SEC. 17. Section 10429 is added to said code, to read:

10429. The lien, whether bonds issued to represent the assessment or otherwise, shall be subordinate to all fixed special assessment liens previously imposed upon the same property, but it shall have priority over all fixed special assessment liens which may thereafter be created against the property.

SEC. 18. Section 10430 is added to said code, to read:

10430. The lien of a reassessment and a refunding assessment shall have the same priority as the original assessment to which it relates. A supplemental assessment is a new assessment.

SEC. 19. Section 18405 is added to said code, to read:

18405. The lien shall be subordinate to all fixed special assessment liens previously imposed upon the same property, but it shall have priority over all fixed special assessment liens which may thereafter be created against the property. A supplemental assessment is a new assessment.

SEC. 20. Section 18096 of said code is amended to read:

18096. Upon the receipt of the diagram and assessment or a certified copy thereof, the tax collector shall record them in a suitable book to be kept for that purpose, and append thereto his certificate of the date of such recording. Such record shall be the assessment roll. From the date of such recording all persons shall be deemed to have notice of the contents of such assessment roll. Immediately upon such recording, the several assessments contained in such assessment roll shall become due and payable, and each of such assessments shall be a lien upon the land against which it is made, and shall only be discharged by payment of the assessment or by redemption of the land after sale for delinquency.

SEC. 21. Section 18099 is added to said code, to read:

18099. The lien shall be subordinate to all fixed special assessment liens previously imposed upon the same property, but it shall have priority over all fixed special assessment liens which may thereafter be created against the property. A supplemental assessment is a new assessment.

SEC. 22. Section 18731 of said code is amended to read:

18731. The special assessment tax shall be levied, computed, entered, collected and enforced at the same time, in the same manner, by the same persons and with the same penalties and priority of lien as other taxes for city purposes and when collected shall be paid into the city treasury to the credit of the fund of the district and shall be used only for the payment of the expenses of the district.

SEC. 23. Section 19184 is added to said code, to read:

19184. The special tax shall be levied, computed, entered, collected and enforced at the same time, in the same manner, by the same persons and with the same penalties and priority of lien as other taxes for county purposes and when collected shall be paid into the county treasury to the credit of the fund of the district and shall be used only for the payment of the expenses of the district.

SEC. 24. Section 22134 of said code is amended to read:

22134. Immediately upon the recording, the several assessments contained in the assessment roll shall become due and payable, and each of the assessments shall be a lien upon the property against which it is made, and shall only be discharged by payment of the assessment or by redemption of the land after sale for delinquency.

SEC. 25. Section 22142 is added to said code, to read:

22142. The lien, whether bonds issued to represent the assessment or otherwise, shall be subordinate to all fixed special assessment liens previously imposed upon the same property, but it shall have priority over all fixed special assessment liens which may thereafter be created against the property.

SEC. 26. Section 31632 of said code is amended to read:

31632. The lien, whether bonds issued to represent the assessment or otherwise, shall be subordinate to all fixed special assessment liens previously imposed upon the same property, but it shall have priority over all fixed special assessment liens which may thereafter be created against the property. The lien of a reassessment and of a refunding assessment shall be the same as the original assessment to which it relates.

SEC. 27. Section 14922 is added to the Health and Safety Code, to read:

14922. The lien, whether bonds issued to represent the assessment or otherwise, shall be subordinate to all fixed special assessment liens previously imposed upon the same property, but it shall have priority over all fixed special assessment liens which may thereafter be created against the property. The lien of a reassessment and of a refunding assessment shall be the same as the original assessment to which it relates. A supplemental assessment is a new assessment.

SEC. 28. Section 38127 of the Government Code is renumbered and amended to read:

38128. Reassessments shall be issued pursuant to Chapter 16, Part 1, Division 6 of the Streets and Highways Code. For

the purposes of this section, when that chapter refers to "this part," it means "the Park and Playground Act of 1909."

SEC. 29. Section 38127 is added to said code, to read:

38127. The lien, whether bonds issued to represent the assessment or otherwise, shall be subordinate to all fixed special assessment liens previously imposed upon the same property, but it shall have priority over all fixed special assessment liens which may thereafter be created against the property. The lien of a reassessment and of a refunding assessment shall be the same as the original assessment to which it relates.

SEC. 30. Section 39182 is added to said code, to read:

39182. The lien, whether bonds issued to represent the assessment or otherwise, shall be subordinate to all fixed special assessment liens previously imposed upon the same property, but it shall have priority over all fixed special assessment liens which may thereafter be created against the property. The lien of a reassessment and of a refunding assessment shall be the same as the original assessment to which it relates.

SEC. 31. Section 39588 is added to said code, to read:

39588. The lien of said assessment shall have the priority of the taxes with which it is collected.

SEC. 32. Article 13 (commencing with Section 53930) is added to Chapter 4, Part 1, Division 2, Title 5 of the Government Code, to read:

Article 13. Priority of Special Assessment Liens

53930. The purpose of this article is to make uniform the priority of special assessment liens. Therefore, its provisions shall be controlling over general and special laws, and over city charters and improvement procedure codes adopted pursuant to city charters.

53931. All special assessments in which the amount thereof is apportioned among the several parcels of land assessed shall constitute a lien in said respective amounts upon the several parcels assessed, which lien shall continue for the period of time provided in the Civil Code for enforcing same.

53932. From and after the time for filing or recording the assessment, as provided in the law pursuant to which it is levied, it shall impart notice to all persons.

53933. The lien of the special assessment, whether or not bonds have been or are to be issued to represent the unpaid assessments, shall be subordinate to all fixed special assessment liens previously imposed upon the same property, but shall have priority over all fixed special assessment liens which may thereafter be created against the property.

53934. The lien of a reassessment or a refunding assessment shall be the same as the original assessment to which it relates. A supplemental assessment is a new assessment.

53935. The lien of said assessments shall be co-equal to and independent of the lien for general taxes, and, except as provided in Section 53936, not subject to extinguishment by the

sale of the property on account of the non-payment of any taxes, and prior and superior to all liens, claims, encumbrances and titles, other than the lien of general taxes, ad valorem assessments collected as taxes, and fixed lien assessments having priority thereover.

53936. When, pursuant to any law, the installments of any fixed lien special assessment are collected on the roll on which the general taxes of the local agency which levied said assessment are collected, and are collected in the same manner, at the same time, in the same installments, and become payable at the same times, in the same proportionate amounts, bear the same penalties and interest after delinquency, and are subject to the same provisions for redemption or sale, as do general taxes of the local agency, the property affected may be sold for both taxes and the installment of principal and interest of the assessment collected therewith, or for said assessment installment, and the sale thereof shall extinguish said installment.

53937. All special ad valorem assessments shall have the same priority as taxes, and Section 53936 shall apply to the installments thereof.

CHAPTER 1466

An act to add Section 927, 1411, and 25414.6 to the Education Code, relating to school districts.

[Approved by Governor July 13, 1963 Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 927 is added to Division 4 of the Education Code, as proposed to be added by Senate Bill No. 718 of the 1963 Regular Session, to read:

927. When the territory of a junior college district which was coterminous with the territory of a joint high school district, both districts being governed by the same city board of education, ceases to be coterminous by virtue of the division of the territory of the high school district into four or more unified school districts, the formation of at least two of which became effective for all purposes on July 1, 1963, a separate governing board of five members for the junior college district shall be elected at large at an election, called by the county superintendent of schools having jurisdiction, to be held between March 30 and June 15 of 1964, to take office on the first day of July following their election, with the same effect as prescribed by law for the first members of the governing board of a newly formed junior college district.

SEC. 2. Section 1411 is added to said code, to read:

1411. When the territory of a junior college district which was coterminous with the territory of a joint high school district, both districts being governed by the same city board of education, ceases to be coterminous by virtue of the division of the territory of the high school district into four or more

unified school districts, the formation of at least two of which became effective for all purposes on July 1, 1963, a separate governing board of five members for the junior college district shall be elected at large at an election, called by the county superintendent of schools having jurisdiction, to be held between March 30 and June 15 of the next year, to take office on the first day of July following their election, with the same effect as prescribed in this chapter for the first members of the governing board of a newly formed junior college district.

SEC. 3. Section 25414.6 is added to Division 18.5 of said code, as proposed to be added by Senate Bill No. 78 of the 1963 Regular Session, to read:

25414.6. When the territory of a junior college district which was coterminous with the territory of a joint high school district, both districts being governed by the same city board of education, ceases to be coterminous by virtue of the division of the territory of the high school district into four or more unified school districts, the formation of at least two of which became effective for all purposes on July 1, 1963, a separate governing board of five members for the junior college district shall be elected at large at an election, called by the county superintendent of schools having jurisdiction, to be held between March 30 and June 15 of 1964, to take office on the first day of July following their election, with the same effect as prescribed by law for the first members of the governing board of a newly formed junior college district.

SEC. 4. Section 1 of this act becomes operative only if the Division 4 of the Education Code as proposed to be added by Senate Bill No. 718 of the 1963 Regular Session is enacted by the Legislature at such session, and if Senate Bill No. 78 of said session is not enacted at such session, and in such case at the same time as said Division 4 takes effect, at which time Sections 1411 and 25414.6 added to the Education Code by this act are repealed. Section 3 of this act becomes operative only if Division 18.5 of the Education Code as proposed to be added by Senate Bill No. 78 of the 1963 Regular Session is enacted by the Legislature at such session, and in such case at the same time as said Division 18.5 takes effect, at which time Sections 927 and 1411 added to the Education Code by this act are repealed.

CHAPTER 1467

An act to amend Section 4707 of the Labor Code, relating to workmen's compensation.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 4707 of the Labor Code is amended to read:

4707. No benefits, except reasonable expenses of burial, not exceeding six hundred dollars ($600) shall be awarded under this division on account of the death of an employee who is a member of the State Employees' Retirement System unless it shall be determined that a special death benefit, as defined in the State Employees' Retirement Law, will not be paid by the State Employees' Retirement System to the widow or children under 18 years of age, of the deceased, on account of said death, but if the total death allowance paid to said widow and children shall be less than the benefit otherwise payable under this division such widow and children shall be entitled, under this division, to the difference.

CHAPTER 1468

An act to amend Sections 595 and 1054.1 of the Code of Civil Procedure, relating to continuances in judicial and administrative proceedings.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 595 of the Code of Civil Procedure is amended to read:

595. The trial of any civil action, or proceeding in a court, or of any administrative proceeding before a state board or commission or officer, irrespective of the date of the filing thereof or when it became at issue, or the hearing of any motion, demurrer, or other proceeding, shall be postponed when it appears to the court, board, commission, or officer before which such action or proceeding is pending that either a party thereto, or any attorney of record therein (whether he became an attorney of record before or after the commencement of a legislative session or before or after his appointment to a legislative committee), or a principal witness, is a Member of the Legislature of this State and that the Legislature is in session or in recess (not exceeding a recess of forty (40) days) or that a legislative interim committee of which he is a duly appointed member is meeting, or is to meet within a period which the court finds does not exceed the time reasonably necessary to enable the member to reach the committee meeting by the ordinary mode of travel. When the Legislature is in session or in recess such action or proceeding shall not, without the consent of the attorney of record therein, be brought on for trial or hearing before the expiration of thirty (30) days next following final adjournment of the Legislature or the commencement of a recess of more than forty (40) days. If a date is available during recess, continuance shall be given if possible to such earlier date. When a legislative com-

mittee is meeting or is to meet within a period which the court finds does not exceed the time reasonably necessary to enable the member to reach the committee meeting by the ordinary mode of travel, such action or proceeding shall not, without the consent of the attorney of record therein, be brought on for trial or hearing before the expiration of such period necessary following the adjournment or recess of the committee meeting as the court finds is reasonably necessary to enable the member to reach the place of trial or hearing by the ordinary mode of travel from the place of the committee meeting, unless at the expiration of that period the Legislature is to be in session; and in that case the action or proceeding shall not, without such consent, be brought on for trial or hearing before the expiration of thirty (30) days next following final adjournment or the commencement of a recess of more than forty (40) days. If a date is available during the recess, continuance shall be given to such earlier date. However, any postponement granted under the provisions of this paragraph shall suspend for the same period of time as the postponement, the running of any period of time for any ruling or proceeding by a court, board, commission, or officer, or for the performance by any party of any act affected by said postponement.

A motion to postpone a trial on the ground of the absence of evidence can only be made upon affidavit showing the materiality of the evidence expected to be obtained, and that due diligence has been used to procure it. The court may require the moving party, where application is made on account of the absence of a material witness, to state upon affidavit the evidence which he expects to obtain; and if the adverse party thereupon admits that such evidence would be given, and that it be considered as actually given on the trial, or offered and overruled as improper, the trial must not be postponed.

In all cases, the court shall postpone a trial, or the hearing of any motion or demurrer, for a period not to exceed thirty (30) days, when all attorneys of record of parties who have appeared in the action agree in writing to such postponement.

In actions involving the title to mining claims, or involving trespass for damage upon mining claims, if it be made to appear to the satisfaction of the court that, in order that justice may be done and the action fairly tried on its merits, it is necessary that further developments should be made, underground or upon the surface of the mining claims involved in such action, the court shall grant the postponement of the trial of the action, giving the party a reasonable time in which to prepare for trial and to do said development work.

SEC. 2. Section 1054.1 of said code is amended to read:

1054.1. When an act to be done in any action or proceeding in any court of this State or before any state administrative agency, as provided by law or rule, relates to the pleadings in the action, or the undertakings to be filed, or

the justification of sureties, or the preparation of bills of exceptions, or of amendments thereto, or to the service of notices other than of appeal and of intention to move for a new trial, the time allowed therefor, unless otherwise expressly provided, shall be extended by the judges of the court or by the agency in which the action or proceeding is pending, or by the judge who presided at the trial of said action, when it appears to the judge of any court or to the agency to whom such application is made that an attorney of record for the party applying for such extension is a Member of the Legislature of this State, and that the Legislature is in session or in recess not exceeding a recess of forty (40) days or that a legislative committee of which he is a duly appointed member is meeting or is to meet within a period which the court or agency finds does not exceed the time reasonably necessary to enable the member to reach the committee meeting by the ordinary mode of travel. When the Legislature is in session or in recess, extension shall be to a date not less than thirty (30) days next following the final adjournment of the Legislature or the commencement of a recess of more than forty (40) days. If a date is available during recess, extension shall be to such earlier date. When a legislative committee is meeting or is to meet within a period which the court or agency finds does not exceed the time reasonably necessary to enable the member to reach the committee meeting by the ordinary mode of travel, extension shall be for such period as the court or agency finds will be reasonably necessary to enable the member to perform the act to be done in the action or proceeding, unless said extension would expire when the Legislature is to be in session; and in that case the extension shall be to a date not less than thirty (30) days following the final adjournment of the Legislature or the commencement of a recess of more than forty (40) days. If such act may be reasonably done by the member within such recess, continuance shall be to such earlier date. However, any postponement granted under the provisions of this section shall suspend for the same period of time as the postponement, the running of any period of time for any ruling or proceeding by a court, board, commission, or officer, or for the performance by any party of any act affected by said postponement.

CHAPTER 1469

An act to amend Section 7040 of the Insurance Code, relating to county mutual insurance companies.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 7040 of the Insurance Code is amended to read:

7040. Notwithstanding the provisions of Section 3602 of the Corporations Code, any two or more of such insurers may merge. The plan and agreement by which any such merger is to be effected shall be submitted to the commissioner who shall examine the same and may require such provisions to be inserted in the agreement and such actions to be taken in connection with the merger (including but not limited to: (1) the terms of the merger, (2) the terms of the notice of the vote by the members of each such insurer on the merger, and (3) the manner and form of voting thereon by the members of each such insurer) as he may deem necessary in order that the transaction shall be mutually fair and equitable between the respective members and policyholders of the companies parties to the merger. The commissioner shall not approve any such plan and agreement if the bylaws of any insurer party to the merger have been amended within one year prior to the date of filing of such plan and agreement with the commissioner.

CHAPTER 1470

An act to amend Section 5090 of the Insurance Code, relating to county mutual insurance companies.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 5090 of the Insurance Code is amended to read:

5090. Any person having an insurable interest in property in the county in which any such insurer is formed or any person having such an interest in property in any adjoining county may become a member by insuring therein. Every member shall be entitled to all the rights and privileges appertaining to membership, except that at least a majority of the directors shall reside either in the county in which the insurer is formed or in any of the counties which were the original domicile of any of the constituent companies of a county mutual merged under Article 9.5 (commencing with Section 7040) of this chapter, and not more than one member from each of the adjoining counties in which it transacts insurance may become one of its directors. Whenever any public or private corporation, board or association in this State has entered into an agreement for and holds a policy in any county mutual insurer operating under this chapter, any officer, stockholder or trustee of any such corporation, board or association may be recognized as acting for or on its behalf for the purpose of such membership, but shall not be personally liable upon such contract of insurance by reason of acting in such representative capacity. The right of any corporation organ-

ized under the laws of this State to participate as a member of such county mutual insurer is hereby declared to be incidental to the purpose for which such corporation is organized and as much granted as the rights and powers expressly conferred.

CHAPTER 1471

An act to add Title 3A (commencing with Section 391) to Part 2 of the Code of Civil Procedure, relating to vexatious litigants.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Title 3A is added to Part 2 of the Code of Civil Procedure, to read:

TITLE 3A. VEXATIOUS LITIGANTS

391. As used in this title, the following terms have the following meanings:

(a) "Litigation" means any civil action or proceeding, commenced, maintained or pending in any court of this State.

(b) "Vexatious litigant" means any person:

(1) Who, in the immediately preceding seven-year period has commenced, prosecuted or maintained in propria persona at least five litigations other than in a small claims court that have been (i) finally determined adversely to him; or (ii) unjustifiably permitted to remain pending at least two years without having been brought to trial or hearing; or

(2) Who, after a litigation has been finally determined against him, repeatedly relitigates or attempts to relitigate, in propria persona, either (i) the validity of such determination against the same defendant or defendants as to whom the litigation was finally determined or (ii) the cause of action, claim, controversy, or any of the issues of fact or law, determined or concluded by such final determination against the same defendant or defendants as to whom the litigation was finally determined.

(c) "Security" means cash, undertaking by a surety, or other security, of such nature and in such amount as may be fixed by the court, to assure payment, to the party for whose benefit such security is required to be furnished, of such party's reasonable expenses, including attorney's fees and not limited to taxable costs, incurred in or in connection with a litigation instituted, caused to be instituted, or maintained or caused to be maintained by a vexatious litigant.

(d) "Plaintiff" means the person who commences, institutes or maintains a litigation or causes it to be commenced, instituted or maintained.

(e) "Defendant" means a person (including corporation, association, partnership and firm) against whom a litigation is brought or maintained or sought to be brought or maintained.

391.1. In any litigation, at any time within 30 days after service of summons or other and equivalent process upon him, a defendant may move the court, upon notice and hearing, for an order requiring the plaintiff to furnish security. The motion must be based upon the ground, and supported by a showing, that the plaintiff is a vexatious litigant and that there is not a reasonable probability that he will prevail in the litigation against the moving defendant.

391.2. At the hearing upon such motion the court shall consider such evidence, written or oral, by witnesses or affidavit, as may be material to the ground of the motion. No determination made by the court in determining or ruling upon the motion shall be or be deemed to be a determination of any issue in the litigation or of the merits thereof.

391.3. If, after hearing the evidence upon the motion, the court determines that the plaintiff is a vexatious litigant and that there is no reasonable probability that he will prevail in the litigation against the moving defendant, the court shall order the plaintiff to furnish, for the benefit of such moving defendant, security of such nature, in such amount, and within such time, as the court shall fix. The amount of such security may thereafter from time to time be increased or decreased in the court's discretion upon a showing that the security provided has or may become inadequate or excessive.

391.4. When security that has been ordered furnished is not furnished as ordered, the litigation shall be dismissed as to the defendant for whose benefit it was ordered furnished.

391.5. Upon the termination of the litigation the defendant shall have recourse to the security in such amount as the court shall determine.

391.6. When a motion pursuant to Section 391.1 is filed the litigation is stayed, and the moving defendant need not plead, until 10 days after the motion shall have been denied, or if granted, until 10 days after the required security has been furnished and the moving defendant given written notice thereof.

CHAPTER 1472

An act to amend Sections 70045.6 and 70141.6 of the Government Code, relating to compensation of superior court personnel.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 70045.6 of the Government Code is amended to read:

70045.6. In a county with a population of over 290,000 and under 300,000 as determined by the 1960 federal census, each regular reporter shall be paid an annual salary of nine thousand six hundred dollars ($9,600), and each pro tempore official reporter shall be paid thirty-five dollars ($35) a day for the days he actually is on duty under order of the court. In such a county the fee required by Section 70053 shall be seven and one-half dollars ($7.50).

SEC. 2. Section 70141.6 of said code is amended to read:

70141.6. In any county with a population exceeding 220,000 and not exceeding 235,000, as determined by the 1950 federal census, the superior court may provide that the commissioner, in addition to the duties prescribed in Section 259 of the Code of Civil Procedure, shall perform the duties prescribed by Section 259a of the Code of Civil Procedure and in addition thereto the duties of a probate commissioner appointed pursuant to Section 69897 of this code. Any commissioner authorized to perform such duties shall receive an annual salary of twelve thousand dollars ($12,000) and shall be allowed actual traveling expenses pursuant to Section 70148.

CHAPTER 1473

An act to amend Section 31648, and to repeal Sections 31648.1 and 31648.2 of the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 31648 of the Government Code is amended to read:

31648. If any officer or employee not previously included within the field of membership of the association is brought within the field of membership or if any elected official chooses to come within the field of membership subsequent to the establishment of the association, he shall not receive credit for service or for prior service unless either (1) he elects to and does pay into the association within one year thereafter, or within such longer time as is provided in the regulations of the board, and before an application for retirement is filed, an amount equal to the contributions he would have made if he had been a member of the association from the date of its organization, or from the date of his entry into county service, whichever is the later, together with regular interest thereon or (2) the governing body, by a four-fifths vote, provides that it shall make, on behalf of all such officers or employees eligible to receive credit for prior service under this section and who so elect

subsequent to the effective date of the amendment to this section at the 1963 Session of the Legislature, all or a part of the contributions to the association that the officer or employee would be required to make for his prior service, except that the contributions made by the governmental agency pursuant to this section shall be available only for the purpose of retirement for service or for disability and a member resigning from county service shall be entitled to withdraw only that portion of his accumulated contributions made by him.

SEC. 2. Section 31648.1 of said code is repealed.

SEC. 3. Section 31648.2 of said code is repealed.

CHAPTER 1474

An act to add Section 35310.1 to the Government Code, relating to the annexation of territory to cities.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 35310.1 is added to the Government Code, to read:

35310.1. If the petition is signed or consent has been filed by the owners of all of the land in the territory proposed to be annexed, the resolution giving notice shall declare such fact. No written protests may be filed against the annexation by persons owning property in the territory proposed to be annexed.

The hearing shall be set not more than 30 days after the passage of the resolution. The city clerk of the annexing city shall cause a copy of the resolution to be published at least once in a newspaper of general circulation published in the city. Publication shall be complete at least four days prior to the date set for the hearing. If there is no such newspaper published within the annexing city, the city clerk shall post a copy of the resolution not less than seven days before the hearing in at least three conspicuous places within the territory to be annexed.

At the hearing on the annexation, the city legislative body shall hear protests from any owner of property within the city who does not also own property in the territory to be annexed.

At the hearing, the city legislative body may make such changes in the boundaries of the territory proposed to be annexed as it finds proper, but it shall not include any territory outside of the boundaries described in the resolution giving notice of the proposed annexation nor shall it diminish the land area of the territory proposed to be annexed by more than 5 percent. Section 35313.6 is applicable to any such boundary changes.

At the hearing, or within 30 days after the completion of the hearing, the city legislative body shall, by resolution, approve or disapprove the annexation. If it fails to adopt the resolution within such period, it shall be deemed to have adopted, on the 30th day of the same period, a resolution disapproving the annexation.

A resolution approving or disapproving the annexation shall be considered the same as an ordinance referred to in other sections of this article.

Sections 35307, 35311, 35312, 35313, 35313.2, 35313.5 and 35314 do not apply to annexation proceedings under this section.

CHAPTER 1475

An act to add Section 3000.6 to the Harbors and Navigation Code, relating to the San Francisco Port Authority.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 3000.6 is added to the Harbors and Navigation Code, to read:

3000.6. The lessee, or any person claiming under the lessee, in any lease entered into pursuant to Section 3000.5 may bring suit against the State, or against the State with others, in accordance with law in any court of competent jurisdiction, to determine the validity of the leasehold created by such lease. Service of summons on the State in any such suit shall be made by serving the port director and the Attorney General. If judgment is given against the State in any such action or proceeding, no costs shall be recovered from the State thereunder.

CHAPTER 1476

An act to amend Section 1102 of Division 4 of the Education Code as proposed to be added by Senate Bill No. 718, relating to school districts.

[Approved by Governor July 13, 1963 Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 1102 of Division 4 of the Education Code as proposed to be added by Senate Bill No. 718 is amended to read:

1102. In newly formed unified school districts and junior college districts, there shall be no interim governing board, but

the county superintendent of schools having jurisdiction over the particular district shall call an election for the purpose of choosing the first governing board of the district. In junior college districts the call shall be issued not later than 30 days after the formation of the district.

In unified school districts the call shall be issued not later than the fourth Tuesday of January next succeeding the creation of the district. The superintendent shall set the date of the election in his call, but in the case of a unified school district the election shall be held not later than the third Tuesday in April next succeeding the call. The first members of the governing board of either form of district shall take office on the day the canvass of the election is certified by the county superintendent of schools. The first meeting of the governing board shall be called by the county superintendent of schools not later than the third Monday following the election. The term of office of subsequent members of the board shall begin on July 1st following their election.

SEC. 2. Section 1 of this act shall become operative only if Division 4 of the Education Code as proposed by Senate Bill No. 718 of the 1963 Regular Session is enacted by the Legislature at such session, and in such case at the same time as said Division 4 takes effect.

CHAPTER 1477

An act to amend Section 1830 of the Education Code, relating to schools.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 1830 of the Education Code, as proposed to be added by Senate Bill No. 718, is amended to read:

1830. When any school district is wholly annexed to another district or is included in a new district, all property, funds and obligations of the former district, except for bonded indebtedness, shall accrue to the annexing district or to the new district, as the case may be. Any funds derived from the sale of school bonds issued by the former district shall be used for the acquisition, construction, or improvement of school property only in the territory which comprised the former district or to discharge bonded indebtedness of the former district, except that if the bond debt is assumed by the new district the funds may be used in any area of the new district for the purposes for which the bonds were originally voted.

This section does not apply to an annexed district which becomes a component district of its annexing district or the new district.

SEC. 2. Section 1 of this act becomes operative only if Division 5 of the Education Code as proposed to be added by Senate Bill No. 718 of the 1963 Regular Session is enacted by the Legislature at such session, and in such case at the same time as said Division 5 takes effect.

CHAPTER 1478

An act to add Section 1977 to Division 5 of the Education Code as proposed to be added by Senate Bill No. 718, relating to public schools.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 1977 is added to Division 5 of the Education Code as proposed to be added by Senate Bill No. 718, to read:

1977 Whenever the boundaries of an elementary district and a high school district which maintains a junior college become coterminous, the districts shall be merged into two new districts, one of which shall be a unified district and the other of which shall be a junior college district.

Except as otherwise provided in this section the governing board of the unified district shall constitute the governing board of the junior college district, and after organizing as a junior college board shall have the management and control of the junior college district. If any territory is included within the boundaries of such junior college district by annexation thereto or by change of boundaries thereof, which territory is not included within the unified district, such junior college district shall be governed by a board of five members who shall be elected in the same manner, for the same terms, and at the same time as are members of the governing boards of other junior college districts. Within 15 days after the effective date of the annexation or change of boundaries for the purpose of electing members of the governing board, the county superintendent of schools having jurisdiction over the junior college district shall call an election. The election shall be called and conducted pursuant to Section 1104.

A junior college district remaining a separate district pursuant to this section shall not be deemed a newly created district within the meaning of Chapter 8 (commencing with Section 54900), Part 1, Division 2, Title 5 of the Government Code.

SEC. 2. Section 1 of this act becomes operative only if Division 5 of the Education Code as proposed to be added by Senate Bill No. 718 of the 1963 Regular Session is enacted by the Legislature at such session, and in such case at the same time as said Division 5 takes effect.

CHAPTER 1479

An act to amend Section 2303 of Division 5 of the Education Code as proposed to be added by Senate Bill No. 718, relating to schools.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 2303 of Division 5 of the Education Code as proposed to be added by Senate Bill No. 718 is amended to read:

2303. No proceedings affecting school district boundaries shall operate to exclude a school site from the school district owning the same if after such proceedings are complete the school site remains contiguous to the boundaries of the district. The school site remains contiguous for the purpose of this section although separated from the boundaries of the district by a road, street, stream, or other natural or artificial barrier or right-of-way. Notwithstanding such proceedings the site shall continue to be a part of the district owning or occupying the same, and the buildings and improvements thereon shall remain the property of such district, except that, a plan for the formation of a new district from territory included in a union high school district, prepared by an augmented committee formed under Section 3205, may specify whether the original or a new district shall have possession of the property.

SEC. 2. Section 1 of this act becomes operative only if Division 5 of the Education Code as proposed to be added by Senate Bill No. 718 of the 1963 Regular Session is enacted by the Legislature at such session, and in such case at the same time as said Division 5 takes effect.

CHAPTER 1480

An act to amend Section 2701 of Division 5 of the Education Code as proposed to be added by Senate Bill No. 718, relating to school districts.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 2701 of Division 5 of the Education Code as proposed to be added by Senate Bill No. 718 is amended to read:

2701. Any school district which has been organized for more than three years shall be lapsed as provided in this article if the number of registered electors in the district is

less than six or if the average daily attendance of pupils in the school or schools maintained by the district is less than six in grades one through eight or is less than 11 in grades 9 through 12 or less than 11 in grades 13 through 14, except that for any unified district which has established and operates at least one senior high school grade for all of the pupils of the district in the grade and continues to establish and operate at least one additional senior high school grade each year for all of the pupils of the district in the grade, the board of supervisors shall defer the lapsation of the district for one year upon a written request of the governing board of the district and written concurrence of the county committee. The board of supervisors shall make no more than three such deferments.

SEC. 2. Section 1 of this act becomes operative only if Division 5 of the Education Code as proposed to be added by Senate Bill No. 718 of the 1963 Regular Session is enacted by the Legislature at such session, and in such case at the same time as said Division 5 takes effect.

CHAPTER 1481

An act to amend Section 3109 of Division 5 of the Education Code, as proposed to be added by Senate Bill No. 718, relating to school districts.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 3109 of Division 5 of the Education Code, as proposed to be added by Senate Bill No. 718, is amended to read:

3109. Any employee, other than special teachers, whose assignment to duties is on a districtwide level and requires certification qualifications, and any principal, in any school district, which district is included in whole in a new school district and does not constitute a component district of the new district, shall continue as an employee of the new school district under the terms of his then current contract; providing that the term of such employment shall not be less than two years; and provided also, that the governing board of the new school district may make any reasonable reassignment of his duties.

If any school district is included in part in a new district and does not constitute a component district of the new district any employee, other than special teachers, in a position requiring certification qualifications and whose assignment to duties is on a districtwide level may elect to remain an employee of the original district or to become an employee of the

new district and accept employment as provided in the first paragraph of this section.

If all of the territory of any school district becomes part of two or more new districts and the inclusion in the two or more new districts of the several portions of territory comprising the whole of such district is effective for all purposes upon the same date, any principal shall continue as an employee of the new district in which the school to which he was assigned is included, and any employee, other than special teachers, in a position requiring certification qualifications and whose assignment to duties is on a districtwide level shall continue as an employee of one of the new districts in which a portion of the former district is included, at the election of such employee. Continued employment shall be under the terms of the employee's current contract; providing that the term of such employment shall not be less than two years; and provided also, that the governing board of the new school district may make any reasonable reassignment of his duties.

SEC. 2. Section 1 of this act becomes operative only if Division 5 of the Education Code as proposed to be added by Senate Bill No. 718 of the 1963 Regular Session is enacted by the Legislature at such session, and in such case at the same time as said Division 5 takes effect.

CHAPTER 1482

An act to amend Section 3255 of Division 5 of the Education Code as proposed to be added by Senate Bill No. 718, relating to school districts.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 3255 of Division 5 of the Education Code as proposed to be added by Senate Bill No. 718 is amended to read:

3255. In any proposal for reorganization of school districts recommended by an augmented county committee, the committee may include a provision for the authorization of a maximum tax rate for the proposed new district, and such provision shall be considered an inherent part of the proposal, and shall not be construed as a separate proposition. If the reorganization is approved by the registered voters of the area, such tax rate shall be the maximum tax rate for the type of new district formed in lieu of any rate specified in Section 20751 until changed by the registered voters of the district in the manner prescribed in Section 20803. Such tax rate established by the augmented county committee shall not be less

than the tax rates for the new district provided in Section 20751 nor more than the rate which would produce revenue for the proposed new district equal to the sum of the revenue of each of the districts proposed to be wholly or partially included therein had the maximum allowable tax rate been in effect in each such district during the school year immediately preceding the date upon which the reorganization would be effective for all purposes.

SEC. 2. Section 1 of this act becomes operative only if Division 5 of the Education Code as proposed to be added by Senate Bill No. 718 of the 1963 Regular Session is enacted by the Legislature at such session, and in such case at the same time as said Division 5 takes effect.

CHAPTER 1483

An act to amend Section 3259 of Division 5 of the Education Code as added by Senate Bill No. 718 of the 1963 Regular Session, relating to school district organization.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 3259 of Division 5 of the Education Code as added by Senate Bill No 718 of the 1963 Regular Session is amended to read:

3259. The plans and recommendations formulated by an augmented committee may provide for the division of funds (including cash on hand and moneys due but uncollected on the date reorganization becomes effective for all purposes, and state apportionments based on average daily attendance earned in the year immediately preceding the date reorganization becomes effective for all purposes, distribution of which is not specified in Section 11255), obligations, other than bonded indebtedness, and property, other than real property, of a district whose territory is proposed to be divided In providing for this division, the committee may consider the assessed valuation of each portion of the district, the number of children of school age residing in each portion of the district, the value and location of the school property, and such other matters as the members of the augmented committee deem important and pertinent.

The amendment of this section made by the 1963 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the pre-existing law.

SEC 2. Section 1 of this act shall take effect only if Senate Bill No. 718 of the 1963 Regular Session is enacted at said session, and in that event, at the same time as Senate Bill No 718 takes effect

CHAPTER 1484

An act to amend Section 18058 of the Education Code, relating to school districts.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 18058 of the Education Code is amended to read:

18058. In the case of a unified school district formed under Chapter 10 (commencing with Section 3101) of Division 5 of this code, the formation of which became effective for all purposes on July 1, 1948, or thereafter, there shall be included in addition to the current expenses of transportation of the district the cost of such schoolbuses for the first five fiscal years in which it purchases schoolbuses as are determined by the Superintendent of Public Instruction to have been required because of changes in the location of schools or the reoganization of attendance centers within the district. This paragraph shall not be effective as to any unified school district after the end of the fifth fiscal year succeeding the formation of the district.

SEC. 2. Section 1 of this act becomes operative only if Division 5 of the Education Code as proposed to be added by Senate Bill No. 718 of the 1963 Regular Session is enacted by the Legislature at such session, and in such case at the same time as said Division 5 takes effect.

CHAPTER 1485

An act to repeal Sections 2266 and 2267 of the Vehicle Code, amend Section 1987 of the Code of Civil Procedure, and amend Section 68097 of, and add Sections 68097.1, 68097.2, 68097.3, 68097.4, 68097.5, 68097.6, 68097.7 and 68097.8 to, the Government Code, relating to witnesses in civil actions.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 2266 of the Vehicle Code is repealed.

SEC. 2. Section 2267 of said code is repealed.

SEC. 3. Section 1987 of the Code of Civil Procedure is amended to read:

1987. Except as provided in Sections 68097.1 to 68097.8, inclusive, of the Government Code, the service of a subpoena is made by showing the original and delivering a copy, or a ticket containing its substance, to the witness personally, giv-

ing or offering to him at the same time, if demanded by him, the fees to which he is entitled for travel to and from the place designated, and one day's attendance there. The service must be made so as to allow the witness a reasonable time for preparation and travel to the place of attendance. Such service may be made by any person.

SEC. 4. Section 68097 of the Government Code is amended to read:

68097. Witnesses in civil cases may demand the payment of their mileage and fees for one day, in advance, and when so demanded shall not be compelled to attend until the allowances are paid except as hereinafter provided for members of the California Highway Patrol, sheriffs, deputy sheriffs and city policemen.

SEC. 5. Section 68097.1 is added to said code, to read:

68097.1. Whenever a member of the California Highway Patrol, sheriff, deputy sheriff or city policeman is required as a witness before any court in any civil action or proceeding in connection with a matter regarding an event or transaction which he has perceived or investigated in the course of his duties, a subpoena requiring his attendance may be served by delivering a copy either to such member personally or to his immediate superior. The attendance of a member of the California Highway Patrol, sheriff, deputy sheriff or city policeman may be required pursuant to this section only in accordance with the provisions of Section 1989 of the Code of Civil Procedure.

SEC. 6. Section 68097.2 is added to said code, to read:

68097.2. Any member of the California Highway Patrol, sheriff, deputy sheriff or city policeman who is obliged by a subpoena issued pursuant to Section 68097.1 to attend as a witness, shall receive the salary or other compensation to which he is normally entitled from the public entity by which he is employed during the time that he travels to and from the place where the court is located and while he is required to remain at such place pursuant to such subpoena. He shall also receive from the public entity by which he is employed the actual necessary and reasonable traveling expenses incurred by him in complying with such subpoena.

The party at whose request such subpoena is issued shall reimburse the public entity the amount of twenty-five dollars ($25) per day for each day that such officer is required to remain in attendance pursuant to such subpoena. The amount of twenty-five dollars ($25) shall be deposited with the clerk of the court prior to the issuance of a subpoena pursuant to this section.

SEC. 7. Section 68097.3 is added to said code, to read:

68097.3. Whenever a member of the California Highway Patrol is not subject to a subpoena pursuant to Section 1989 of the Code of Civil Procedure, he may nevertheless be required to appear as a witness before any court located in this State, in

any civil action or proceeding in connection with a matter regarding an event or transaction which he has perceived or investigated in the course of his duties by a subpoena requiring his attendance. Such subpoena may be served by delivering a copy either to such member personally or to his immediate superior.

SEC. 8. Section 68097.4 is added to said code, to read:

68097.4. Any member of the California Highway Patrol who is obliged to appear pursuant to a subpoena issued under the provisions of Section 68097.3 as a witness, shall receive from the State the salary or other compensation to which he is normally entitled as a member of the patrol during the time that he travels to and from the place where the court is located and while he is required to remain at such place pursuant to such subpoena. He shall also receive from the State the actual necessary and reasonable traveling expenses incurred by him in complying with such subpoena.

The party at whose request a subpoena is issued pursuant to Section 68097.3 shall reimburse the State for the amount of the salary or other compensation to which the member of the California Highway Patrol involved is normally entitled from the State during the time that he travels to and from the place where the court is located and while he is required to remain at such place pursuant to such subpoena; and in addition, such party shall reimburse the State for the actual, necessary and reasonable traveling expenses incurred by the member of the California Highway Patrol in complying with such subpoena. An amount equal to the estimated amount of such salary or other compensation and expenses shall be deposited with the clerk of the court prior to the issuance of such subpoena. If the actual amount of such salary or other compensation and expenses should later prove to be more than the amount deposited, the party shall also deposit the difference with the clerk. If the actual amount should later prove to be less than the amount deposited, the excess of the amount deposited shall be refunded. All amounts received by the clerk to which the State is entitled shall be remitted to the Department of the California Highway Patrol for deposit in the State Treasury.

SEC. 9. Section 68097.5 is added to said code, to read:

68097.5. No member of the California Highway Patrol, sheriff, deputy sheriff or city policeman shall be ordered to return by the court for subsequent proceedings beyond the day stated in the subpoena referred to in Sections 68097 1, 68097.2, 68097.3 and 68097.4 unless the party at whose request such subpoena was issued or the party at whose request the witness is ordered to return, shall first deposit with the clerk of the court the same sum required to be deposited for the issuance of a subpoena in the first instance.

SEC. 10. Section 68097.6 is added to said code, to read:

68097.6. The provisions of Sections 68097.1, 68097.2, 68097.3, 68097.4 and 68097.5 of this code shall be applicable

to subpoenas issued for the taking of depositions of members of the California Highway Patrol, sheriffs, deputy sheriffs, or city policemen pursuant to Section 2019 of the Code of Civil Procedure.

SEC. 11. Section 68097.7 is added to said code, to read:

68097.7. Any person who pays or offers to pay any money or other form of consideration for the services of any member of the California Highway Patrol, sheriff, deputy sheriff or city policeman as a witness in any action or proceeding in connection with a matter regarding an event or transaction which he has perceived or investigated in the course of his duties in any manner other than as provided in Sections 68097.1, 68097.2, 68097.3, 68097.4, 68097.5 and 68097.6 is guilty of a misdemeanor and any member of the California Highway Patrol, sheriff, deputy sheriff or city policeman who asks or receives any such payment except as provided in Sections 68097.2 and 68097.4 is likewise guilty of a misdemeanor.

SEC. 12. Section 68097.8 is added to said code, to read:

68097.8. All deposits made pursuant to Sections 68097.2 or 68097.4 of this code, except such deposits as the party may be entitled to have refunded, shall be taxable as costs by the prevailing party.

CHAPTER 1486

An act to amend Section 626 of the Welfare and Institutions Code, relating to disposition of minor taken into custody by peace officer.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 626 of the Welfare and Institutions Code is amended to read:

626. An officer who takes a minor into temporary custody under the provisions of Section 625 shall thereafter proceed as follows:

(a) He may release such minor; or

(b) He may prepare in duplicate a written notice to appear before the probation officer of the county in which such minor was taken into custody at a time and place specified in the notice. The notice shall also contain a concise statement of the reasons such minor was taken into custody. He shall deliver one copy of the notice to such minor or to a parent, guardian, or responsible relative of such minor and may require such minor or his parent, guardian, or relative, or both, to sign a written promise that either or both will appear at the time and place designated in the notice. Upon the execution of the promise to appear, he shall immediately release

such minor. He shall, as soon as practicable, file one copy of the notice with the probation officer; or

(c) He may take such minor without unnecessary delay before the probation officer of the county in which such person was taken into custody, or in which such person resides, or in which the acts take place or the circumstances exist which are alleged to bring the minor within the provisions of Sections 600, 601, or 602, and deliver the custody of such minor to the probation officer.

In determining which disposition of the minor he will make, the officer shall prefer the alternative which least restricts the minor's freedom of movement, provided such alternative is compatible with the best interests of the minor and the community.

CHAPTER 1487

An act to add Section 8398 to, and to amend Section 11018 of, the Fish and Game Code, relating to Tomales Bay area.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 8398 is added to the Fish and Game Code, to read:

8398. It is unlawful to take fish for commercial purposes in that portion of Tomales Bay in District 10 between a line drawn from the most northern tip of Tomales Point northeast, 47° magnetic, to the opposite shore in the vicinity of Dillon Beach, and a line drawn west from the western tip of Tom's Point, 252° magnetic, to the opposite eastern shore of Tomales Point.

This section does not apply to the taking of oysters by persons licensed under Article 4 (commencing with Section 6480), Chapter 5, Part 1, Division 6, from their allotted areas.

SEC. 2. Section 11018 of said code is amended to read:

11018. The following constitutes Fish and Game District 10:

The ocean waters and the tidelands of the State to high-water mark lying between the southern boundary of Mendocino County and a line extending west from the Pigeon Point lighthouse in San Mateo County, including the waters of Tomales Bay to a line drawn from the mouth of the unnamed creek approximately 1500 feet north of Tomasini Point southwesterly 218° magnetic to the mouth of the unnamed creek at Shell Beach, and excluding Bodega Lagoon and all that portion of Bolinas Bay lying inside of Bolinas bar, that portion of San Francisco Bay lying east of a line drawn from Point Bonita to Point Lobos and all rivers, streams, and lagoons.

The amendment of this section by the Legislature at the 1963 Regular Session has no effect on the cultivation of oysters by persons licensed under Article 4 (commencing with Section 6480), Chapter 5, Part 1, Division 6.

CHAPTER 1488

An act to amend Section 28115 of the Government Code, relating to compensation for public service in counties.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 28115 of the Government Code is amended to read:

28115. In a county of the 15th class the following shall receive as full compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, twelve thousand dollars ($12,000) a year. The auditor shall devote his full working time to the duties of his office.

(b) The district attorney, eighteen thousand dollars ($18,000) a year and actual traveling expenses while away from his office on county business, and shall be furnished an automobile for use in the performance of his duties. When traveling in his own car he shall receive nine cents ($0.09) for each mile actually traveled. He shall not personally engage in private law practice.

(c) Each supervisor, nine thousand four hundred dollars ($9,400) a year and his necessary expenses when attending to the business of the county. When traveling in his own car on county business he shall receive nine cents ($0.09) for each mile actually traveled.

(d) For acting as a grand juror for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations, five dollars ($5). For every mile actually traveled as a grand juror in attending court, grand jury meetings, regularly called committee meetings, or when properly appointed by the foreman of the grand jury to make individual investigations, nine cents ($0.09) for each mile actually traveled.

CHAPTER 1489

An act to amend Sections 73834, 73835, 73837.5, 73838, 73839, 74014, 74015, 74015.5, 74018, 74019, 74020, 74884, 74885, 74885.5, 74888, 74889 and 74890 of, and to add Sections 73832, 73833, 74012, 74013, 74882 and 74883 to, and to repeal Sections 73832, 73833, 74012, 74013, 74882 and 74883 of, the Government Code, relating to salaries of municipal court attachés in Ventura County.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 73832 of the Government Code is repealed.

SEC. 2. Section 73832 is added to said code, to read:

73832. There shall be one municipal court clerk who shall receive a minimum salary of five hundred fifteen dollars ($515) monthly with annual increments of twenty-five dollars ($25), twenty-seven dollars ($27), twenty-eight dollars ($28) and thirty-one dollars ($31) to a maximum of six hundred twenty-six dollars ($626) monthly.

SEC. 3. Section 73833 of said code is repealed.

SEC. 4. Section 73833 is added to said code, to read:

73833. The municipal court clerk may appoint:

(a) One assistant municipal court clerk and on January 1, 1965 a second assistant municipal court clerk, each of whom shall receive a minimum salary of four hundred twenty-three dollars ($423) monthly with annual increments of twenty-two dollars ($22), twenty-one dollars ($21), twenty-four dollars ($24) and twenty-five dollars ($25) to a maximum of five hundred fifteen dollars ($515) monthly.

(b) Six senior clerks who shall receive a minimum salary of three hundred sixty-six dollars ($366) with annual increments of eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20) and twenty-two dollars ($22) to a maximum of four hundred forty-five dollars ($445) monthly.

(c) Eight intermediate typist-clerks who shall receive a minimum salary of three hundred fifteen dollars ($315) monthly with annual increments of fifteen dollars ($15), eighteen dollars ($18), eighteen dollars ($18) and eighteen dollars ($18) to a maximum of three hundred eighty-four dollars ($384) monthly.

(d) Four typist-clerks who shall receive a minimum salary of two hundred seventy dollars ($270) monthly with annual increments of thirteen dollars ($13), fifteen dollars ($15) seventeen dollars ($17) and fifteen dollars ($15) to a maximum of three hundred thirty dollars ($330) monthly.

SEC. 5. Section 73834 of said code is amended to read:

73834. There shall be one marshal who shall receive a minimum salary of five hundred two dollars ($502) with annual increments of twenty-six dollars ($26), twenty-six dollars ($26), twenty-seven dollars ($27) and twenty-nine dollars ($29) to a maximum of six hundred ten dollars ($610) monthly.

SEC. 6. Section 73835 of said code is amended to read:

73835. The marshal may appoint five deputy marshals who shall receive a minimum salary of four hundred thirty-four dollars ($434) with annual increments of twenty-two dollars ($22), twenty-two dollars ($22), twenty-four dollars ($24) and twenty-six ($26) to a maximum of five hundred twenty-eight dollars ($528) monthly. The marshal may also appoint one marshal's sergeant who shall receive a minimum salary of four hundred fifty-six dollars ($456) monthly with annual increments in the manner provided in this article of twenty-two dollars ($22), twenty-four dollars ($24), twenty-six dol-

lars ($26) and twenty-six dollars ($26) to a maximum of five hundred fifty-four dollars ($554) monthly.

SEC. 7. Section 73837.5 of said code is amended to read:

73837.5. The increases of compensation assigned to the salary ranges of officers and attachés under this article as amended by the Statutes of 1963 shall not become payable until October 1, 1963, and there shall be no change of the anniversary dates or salary steps of said officers and attachés merely because a new compensation plan has been assigned to their salary ranges. Each officer or attaché shall receive compensation at the same relative step in the new salary range, whether the first, second, third, fourth or fifth, as he or she received in the previously applicable salary range.

SEC. 7.5. Section 73838 of said code is amended to read:

73838. Subject to the provisions of Section 72001, the compensation of officers and attachés shall be governed as follows:

(a) The minimum salary for each position shall normally be the initial hiring rate for the position. If it is difficult to secure qualified personnel, or if a person of unusual qualifications is hired, the judge, clerk or marshal, as the case may be, with the consent of the board of supervisors, may hire at any step in the applicable range

(b) Upon completion of twelve (12) calendar months of service, the officer or employee advances to the second, third, fourth or fifth steps of his range only if the appointing authority approves in the manner and circumstances provided for increases in compensation in the Ventura County Salary Ordinance.

(c) When a person is promoted to a position compensated at a higher salary schedule, he shall receive the step in such schedule having a compensation rate next higher than the salary received in the position relinquished.

SEC. 8. Section 73839 of said code is amended to read:

73839 Notwithstanding any other provisions of this article, if at any date on or after October 1, 1963, any higher compensation is established for any of the hereafter mentioned positions under the County of Ventura, the following provisions shall apply to salaries mentioned in such article.

(a) Whenever a higher compensation is established for the position now and hereafter designated in the Ventura County Salary Ordinance as superior court clerk, the salary range of each person holding the position of assistant municipal court clerk shall be changed by increasing each such salary step by the same amount.

(b) Whenever a higher compensation is established for the positions now and hereafter designated in the Ventura County Salary Ordinance as senior clerk, intermediate typist-clerk, and typist-clerk, the salary of each person holding a similar position shall be changed by increasing each salary step by the same amount.

(c) Whenever a higher compensation is established for the position now and hereafter designated in the Ventura County Salary Ordinance as sheriff's sergeant the salary of the marshal shall be changed by increasing each salary step by the same amount.

(d) Whenever a higher compensation is established for the position now and hereafter designated in the Ventura County Salary Ordinance as deputy sheriff the salary of persons holding the position of deputy marshal and marshal's sergeant shall be changed by increasing each such salary step by the same amount.

(e) Whenever a higher compensation is established for the position now and hereafter designated in the Ventura County Salary Ordinance as supervising superior court clerk the salary range for the municipal court clerk shall be changed by increasing each such salary step by the same proportion.

Whenever a salary increase is authorized by this article, such increase shall be payable at the same time the corresponding increase under the Ventura County Salary Ordinance is payable.

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

SEC. 9. Section 74012 of said code is repealed.

SEC. 10. Section 74012 is added to said code, to read:

74012. There shall be one municipal court clerk who shall receive a minimum salary of five hundred fifteen dollars ($515) monthly with annual increments of twenty-six dollars ($26), twenty-seven dollars ($27), twenty-eight dollars ($28) and thirty dollars ($30) to a maximum of six hundred twenty-six dollars ($626) monthly.

SEC. 11. Section 74013 of said code is repealed.

SEC. 12. Section 74013 is added to said code, to read:

74013. The clerk may appoint:

(a) Three assistant municipal court clerks each of whom shall receive a minimum salary of four hundred twenty-three dollars ($423) monthly with annual increments as provided in this article of twenty-two dollars ($22), twenty-one dollars ($21), twenty-four dollars ($24) and twenty-five dollars ($25) to a maximum of five hundred fifteen dollars ($515) monthly. Two of said persons shall be paid at the rate of a senior clerk as follows—one until appointment of the second judge and the other until March 1, 1964.

(b) Eight senior clerks who shall receive a minimum salary of three hundred sixty-six dollars ($366) monthly with annual increments, in the manner provided in this article, of eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20) and twenty-two dollars ($22) to a maximum of four hundred forty-five dollars ($445) monthly.

(c) Two intermediate typist-clerks who shall receive a minimum salary of three hundred fifteen dollars ($315) monthly with annual increments, in the manner provided in this article, of fifteen dollars ($15), eighteen dollars ($18), eighteen dollars ($18) and eighteen dollars ($18) to a maximum of three hundred eighty-four dollars ($384) monthly.

(d) Two typist-clerks who shall receive a minimum salary of two hundred seventy dollars ($270) monthly with annual increments, in the manner provided in this article, of thirteen dollars ($13), fifteen dollars ($15), seventeen dollars ($17) and fifteen dollars ($15) to a maximum of three hundred thirty dollars ($330) monthly.

(e) The clerk may appoint one or more persons to serve in one or more of the above positions on a less than full-time basis at salaries proportionate to the above.

SEC. 13. Section 74014 of said code is amended to read:

74014. There shall be one marshal who shall receive a minimum salary of five hundred two dollars ($502) with annual increments, in the manner provided in this article, of twenty-six dollars ($26), twenty-six dollars ($26), twenty-seven dollars ($27) and twenty-nine dollars ($29) to a maximum of six hundred ten dollars ($610) monthly.

SEC. 14. Section 74015 of said code is amended to read:

74015. The marshal may appoint eight deputy marshals, each of whom shall receive a minimum salary of four hundred thirty-four dollars ($434) with annual increments, in the manner provided in this article, of twenty-two dollars ($22), twenty-two dollars ($22), twenty-four dollars ($24) and twenty-six dollars ($26) to a maximum of five hundred twenty-eight dollars ($528) monthly. The marshal may also appoint one marshal's sergeant who shall receive a minimum salary of four hundred fifty-six dollars ($456) monthly with annual increments in the manner provided in this article of twenty-two dollars ($22), twenty-four dollars ($24), twenty-six dollars ($26), twenty-six dollars ($26) to a maximum of five hundred fifty-four dollars ($554) monthly.

SEC. 15. Section 74015.5 of said code is amended to read:

74015.5. The marshal may appoint one intermediate typist-clerk who shall receive a minimum salary of three hundred fifteen dollars ($315) monthly with annual increments, of fifteen dollars ($15), eighteen dollars ($18), eighteen dollars ($18), and eighteen dollars ($18), to a maximum of three hundred eighty-four dollars ($384) monthly. The marshal may also appoint one typist-clerk who shall receive a minimum salary of two hundred seventy dollars ($270) monthly with annual increments of thirteen dollars ($13), fifteen dollars ($15), seventeen dollars ($17) and fifteen dollars ($15) to a maximum of three hundred thirty dollars ($330) monthly.

SEC. 16. Section 74018 of said code is amended to read:

74018. The compensation assigned to the salary ranges of officers and attachés by this article as amended by the Statutes

of 1963 shall not become payable until October 1, 1963, and there shall be no change of the anniversary dates or salary steps of said officers and attachés merely because a new compensation plan has been assigned to their positions.

SEC. 16.5. Section 74019 of said code is amended to read:

74019. Subject to the provisions of Section 72001, the compensation of officers and attachés shall be governed as follows:

(a) The minimum salary for each position shall normally be the initial hiring rate for the position. If it is difficult to secure qualified personnel, or if a person of unusual qualifications is hired, the judge, clerk or marshal, as the case may be, with the consent of the board of supervisors, may hire at any step in the applicable range.

(b) Upon completion of 12 calendar months of service, the officer or employee advances to the second, third, fourth or fifth steps of his range only if the appointing authority approves in the manner and circumstances provided for increases in compensation in the Ventura County Salary Ordinance.

(c) When a person is promoted to a position compensated at a higher salary schedule, he shall receive the step in such schedule having a compensation rate next higher than the salary received in the position relinquished.

SEC. 17. Section 74020 of said code is amended to read:

74020. Notwithstanding any other provisions of this article, if at any date on or after October 1, 1963 any higher compensation is established for any of the hereafter mentioned positions under the County of Ventura, the following positions shall apply to salaries mentioned in such article.

(a) Whenever a higher compensation is established for the position now and hereafter designated in the Ventura County Salary Ordinance as superior court clerk, the salary range of each person holding the position of assistant municipal court clerk shall be changed by increasing each such salary step by the same amount.

(b) Whenever a higher compensation is established for the positions now and hereafter designated in the Ventura County Salary Ordinance as senior clerk, intermediate typist-clerk, and typist-clerk, the salary of each person holding a similar position shall be changed by increasing each salary step by the same amount.

(c) Whenever a higher compensation is established for the position now and hereafter designated in the Ventura County Salary Ordinance as sheriff's sergeant the salary of the marshal shall be changed by increasing each salary step by the same amount.

(d) Whenever a higher compensation is established for the position now and hereafter designated in the Ventura County Salary Ordinance as deputy sheriff the salary of persons holding the position of deputy marshal and marshal's sergeant shall be changed by increasing each such salary step by the same amount.

(e) Whenever a higher compensation is established for the position now and hereafter designated in the Ventura County Salary Ordinance as supervising superior court clerk the salary range for the municipal court clerk shall be changed by increasing each such salary step by the same proportion.

Whenever a salary increase is authorized by this article, such increase shall be payable at the same time the corresponding increase under the Ventura County Salary Ordinance is payable.

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

SEC 18. Section 74882 of said code is repealed.

SEC 19. Section 74882 is added to said code, to read:

74882. There shall be one municipal court clerk who shall receive a minimum salary of five hundred fifteen dollars ($515) monthly with annual increments of twenty-six dollars ($26), twenty-seven dollars ($27), twenty-eight dollars ($28) and thirty dollars ($30) to a maximum of six hundred twenty-six dollars ($626) monthly.

SEC. 20. Section 74883 of said code is repealed

SEC 21. Section 74883 is added to said code, to read:

74883. The municipal court clerk may appoint:

(a) Four senior clerks who shall receive a minimum salary of three hundred sixty-six dollars ($366) monthly with annual increments of eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20) and twenty-two dollars ($22) to a maximum of four hundred forty-five dollars ($445) monthly.

(b) Four intermediate typist-clerks who shall receive a minimum salary of three hundred fifteen dollars ($315) monthly with annual increments of fifteen dollars ($15), eighteen dollars ($18), eighteen dollars ($18) and eighteen dollars ($18) to a maximum of three hundred eighty-four dollars ($384) monthly.

(c) Two typist-clerks who shall receive a minimum salary of two hundred seventy dollars ($270) monthly with annual increments of thirteen dollars ($13), fifteen dollars ($15), seventeen dollars ($17) and fifteen dollars ($15) to a maximum of three hundred thirty dollars ($330) monthly.

(d) One assistant municipal court clerk and on July 1, 1964, a second assistant municipal court clerk, each of whom shall receive a minimum salary of four hundred twenty-three dollars ($423) monthly, with annual increments of twenty-two dollars ($22), twenty-one dollars ($21), twenty-four dollars ($24) and twenty-five dollars ($25) to a maximum of five hundred fifteen dollars ($515) monthly.

SEC. 22. Section 74884 of said code is amended to read:

74884. There shall be one marshal who shall receive a minimum salary of five hundred two dollars ($502) with annual increments of twenty-six dollars ($26), twenty-six dollars

($26), twenty-seven dollars ($27) and twenty-nine dollars ($29) to a maximum of six hundred ten dollars ($610) monthly.

SEC. 23. Section 74885 of said code is amended to read:

74885. The marshal may appoint one marshal's sergeant who shall receive a minimum salary of four hundred fifty-six dollars ($456) with annual increments of twenty-two dollars ($22), twenty-four dollars ($24), twenty-six dollars ($26), and twenty-six dollars ($26) to a maximum of five hundred fifty-four dollars ($554) monthly. The marshal may appoint four deputy marshals, each of whom shall receive a minimum salary of four hundred thirty-four dollars ($434) with annual increments of twenty-two dollars ($22), twenty-two dollars ($22), twenty-four dollars ($24), and twenty-six dollars ($26) to a maximum of five hundred twenty-eight dollars ($528) monthly.

SEC. 24. Section 74885.5 of said code is amended to read:

74885.5. The marshal may appoint one intermediate typist-clerk who shall receive a minimum salary of three hundred fifteen dollars ($315) monthly with annual increments of fifteen dollars ($15), eighteen dollars ($18), eighteen dollars ($18) and eighteen dollars ($18) to a maximum of three hundred eighty-four dollars ($384) monthly.

SEC. 25. Section 74888 of said code is amended to read:

74888. The compensation assigned to the salary ranges of officers and attachés of the court by the Statutes of 1963 shall not become payable until October 1, 1963, and there shall be no change of the anniversary dates or salary steps of said officers and attachés merely because a new compensation plan has been assigned to their salary ranges.

SEC. 25.5. Section 74889 of said code is amended to read:

74889. Subject to the provisions of Section 72001, the compensation of officers and attachés shall be governed as follows:

(a) The minimum salary for each position shall normally be the initial hiring rate for the position. If it is difficult to secure qualified personnel, or if a person of unusual qualifications is hired, the judge, clerk or marshal, as the case may be, with the consent of the board of supervisors, may hire at any step in the appropriate range.

(b) Upon completion of 12 calendar months of service, the officer or employee advances to the second, third, fourth or fifth steps of his range only if the appointing authority approves in the manner and circumstances provided for increases in compensation in the Ventura County Salary Ordinance.

(c) When a person is promoted to a position compensated at a higher salary schedule, he shall receive the step in such schedule having a compensation rate next higher than the salary received in the position relinquished.

SEC. 26. Section 74890 of said code is amended to read:

74890. Notwithstanding any other provisions of this article, if at any date on or after October 1, 1963, any higher compensation is established for any of the hereafter mentioned

positions under the County of Ventura, the following provisions shall apply to salaries mentioned in such article.

(a) Whenever a higher compensation is established for the position now and hereafter designated in the Ventura County Salary Ordinance as superior court clerk, the salary range of each person holding the position of assistant municipal court clerk shall be changed by increasing each such salary step by the same amount.

(b) Whenever a higher compensation is established for the position now and hereafter designated in the Ventura County Salary Ordinance as senior clerk, intermediate typist-clerk, and typist-clerk, the salary of each person holding a similar position shall be changed by increasing each salary step by the same amount.

(c) Whenever a higher compensation is established for the position now and hereafter designated in the Ventura County Salary Ordinance as sheriff's sergeant the salary of the marshal shall be changed by increasing each salary step by the same amount.

(d) Whenever a higher compensation is established for the position now and hereafter designated in the Ventura County Salary Ordinance as deputy sheriff the salary of persons holding the position of deputy marshal and marshal's sergeant shall be changed by increasing each such salary step by the same amount.

(e) Whenever a higher compensation is established for the position now and hereafter designated in the Ventura County Salary Ordinance as supervising superior court clerk the salary range for the municipal court clerk shall be changed by increasing each such salary step by the same proportion.

Whenever a salary increase is authorized by this article, such increase shall be payable at the same time the corresponding increase under the Ventura County Salary Ordinance is payable.

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

CHAPTER 1490

An act to amend Section 28129 of the Government Code, relating to county officers.

[Approved by Governor July 13, 1963 Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 28129 of the Government Code is amended to read:

28129. In a county of the 29th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, eleven thousand dollars ($11,000) a year.

(b) The district attorney fifteen thousand dollars ($15,000) a year. He shall devote his entire time to the work of the county and State and is prohibited from engaging in private work or practice.

(c) Each supervisor, five thousand dollars ($5,000) a year through December, 1964, and six thousand two hundred dollars ($6,200) a year commencing in January, 1965, which shall be in full for all services rendered as supervisor.

(d) Grand jurors and trial jurors in the superior court, five dollars ($5) for each day's attendance, and mileage at the rate of fifteen cents ($0.15) for each mile necessarily traveled in attending court or in attending sessions of the grand jury, in going only. In criminal actions the fees and mileage of trial jurors shall be paid by the treasurer out of the general funds of the county upon warrants drawn by the auditor, who shall draw the warrants upon the written order of the judge of the superior court in which the jurors were in attendance. The compensation provided for by this section shall be paid to incumbent officers.

CHAPTER 1491

An act to add Chapter 14 (commencing with Section 22250) to Division 8 of the Business and Professions Code, relating to television and radio repair.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Chapter 14 (commencing with Section 22250) is added to Division 8 of the Business and Professions Code, to read:

CHAPTER 14. TELEVISION AND RADIO REPAIR

22250. Any person who for the purpose of repairing a television or radio set removes the set from the premises of the owner shall furnish the owner at the time of such removal with a receipt containing all the following information:

(a) The name and business address of the person or business firm which will repair or authorize the repair of the television or radio set.

(b) The name of the person who actually removes the set from the owner's premises if different from the person referred to in subdivision (a).

(c) Each and every address at which the television or radio set will be kept, repaired, or stored, if different from the address referred to in subdivision (a).

(d) A description including the make and model of the television or radio set removed from the premises.

(e) An estimate of the total charges, including parts and labor, to be levied for all services to be rendered.

(f) A statement of the total charges which will be levied if the television or radio set is returned without being repaired.

22251. In every instance in which charges in excess of fifteen dollars ($15) are levied for the repair of a television or radio set the person receiving payment shall give the person making payment a receipt at the time of payment containing all the following information:

(a) The name and address of the person making or authorizing the repairs.

(b) A statement of the total charges.

(c) An itemization and description of all parts placed in the set indicating the charges levied for each part.

(d) A statement of the charges levied for labor.

(e) A description of all other charges.

22252. No liens or other rights to maintain possession of the television or radio set pending payment of charges for repair, including those arising from Chapter 6 (commencing with Section 3046) of Title 14, Part 4, Division 3 of the Civil Code, shall exist where the total charges levied for the repair of a television or radio set exceeds the higher of (1) the amount estimated in writing pursuant to subdivision (e) of Section 22250, or (2) a written revision of such estimate signed and dated by the owner of the television or radio set.

22253. Any waiver by the set owner of the provisions of this chapter shall be deemed contrary to public policy and shall be void and unenforceable.

22254. Any person who willfully violates any provision of this chapter is guilty of a misdemeanor.

22255. This chapter is applicable only in a county with a population of 2,000,000 or more.

The Legislature finds that the protection afforded the public by this chapter is necessary only in those counties of the State with large populations where the public has little opportunity to obtain any personal knowledge of the repairmen with whom they must deal.

CHAPTER 1492

An act to add Chapter 20 (commencing with Section 9800) to Division 3 of the Business and Professions Code, relating to the registration and regulation of electronic repair dealers, creating the Bureau of Electronic Repair Dealer Registration, prescribing its organization, power and duties, and making an appropriation therefor.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Chapter 20 (commencing with Section 9800) is added to Division 3 of the Business and Professions Code, to read:

CHAPTER 20. ELECTRONIC REPAIR DEALERS

Article 1. General Provisions

9800. This chapter of the Business and Professions Code constitutes the chapter on electronic repair dealers. It may be cited as the Electronic Repair Dealer Registration Law.

9801. The following terms as used in this chapter have the meaning expressed in this section:

(a) "Person" includes firm, partnership, association or corporation.

(b) "Department" means the Department of Professional and Vocational Standards.

(c) "Director" means the Director of Professional and Vocational Standards.

(d) "Bureau" means the Bureau of Electronic Repair Dealer Registration.

(e) "Chief" means the Chief of the Bureau of Electronic Repair Dealer Registration.

(f) "Board" means the Advisory Board, Bureau of Electronic Repair Dealer Registration.

(g) "Service dealer" means a person who, for compensation, engages in the business of repairing, servicing, or maintaining television, radio, or phonograph equipment normally used or sold for use in the home.

(h) "Complainant" means the customer of a service dealer who has complained to the director concerning such service dealer.

9802. This chapter does not apply to:

(a) Any employee of a service dealer if the employee repairs, services or maintains television, radio, or phonograph equipment for compensation only as such an employee.

(b) The repair, service, or maintenance of equipment used in commercial, industrial, or governmental establishments.

9803. When the installation of any television, radio, or phonograph equipment involves a function which is subject to the provisions of Chapter 9 (commencing with Section 7000) of Division 3 of this code, such function shall be performed by a person who is licensed pursuant thereto.

9804. No person who is licensed pursuant to Chapter 9 (commencing with Section 7000) of Division 3 of this code shall be required to register under this chapter if such person's activities are within the scope of his license; nor shall such person be prohibited from repairing, servicing, or maintaining equipment of any type, the installation of which may be performed under his license.

9805. No person registered under this chapter shall be required to apply for a license pursuant to Chapter 9 (commencing with Section 7000) of Division 3 of this code if such person's activities consist only of repairing, servicing, or

maintaining televisions, radio, and phonographic equipment normally used or sold for use in the home.

Article 2. Administration

9810. There is in the Department of Professional and Vocational Standards a Bureau of Electronic Repair Dealer Registration under the supervision and control of the director. The director shall administer and enforce the provisions of this chapter.

The Governor shall appoint, subject to confirmation by the Senate, a chief of the bureau at a salary to be fixed and determined by the director with the approval of the Director of Finance. The chief shall serve under the direction and supervision of the director and at the pleasure of the Governor.

Before a chief is appointed, the Governor shall give due consideration to any person or persons recommended by the board.

Every power granted to or duty imposed upon the director under this chapter may be exercised or performed in the name of the director by a deputy or assistant director or by the chief, subject to such conditions and limitations as the director may prescribe.

9811. The director, in accordance with the State Civil Service Act, may appoint and fix the compensation of such clerical, inspection, investigation, and auditing personnel as well as an assistant chief, as may be necessary to carry out the provisions of this chapter. All such personnel shall perform their respective duties under the supervision and the direction of the chief.

9812. The director shall gather evidence of violations of this chapter and of any regulation established hereunder, by any service dealer, whether registered or not, and by any employee, partner, officer, or member of any service dealer. The director shall, on his own initiative, conduct spot check investigations of service dealers throughout the State on a continuous basis.

9813. The director shall have the powers granted to the head of a department by, and shall conform to the provisions of Article 2 (commencing with Section 11180) of Chapter 2 of Division 3 of Title 2 of the Government Code.

9814. The director may establish and enforce such regulations as may be reasonable for the conduct of service dealers and for the general enforcement of the various provisions of this chapter in the protection of the public. The director shall distribute to each registered service dealer copies of this chapter and of the regulations thereunder. Such regulations shall be adopted, amended, or repealed in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

9815. The director shall keep a complete record of all registered service dealers and shall annually prepare a roster showing the names and addresses of all registered service dealers. A copy of the roster shall be made available to any person requesting it upon the payment of such sum as shall be established by the director as sufficient to cover the costs thereof.

9816. The director shall submit to the Governor, during the month of December prior to each general session of the Legislature, a full and accurate report of the activities of the bureau during the preceding two years, including a complete statement of receipts and expenditures of the bureau during that period. A copy of such report shall be filed with the Secretary of State.

9817. There is in the bureau an advisory board which consists of five members appointed by the Governor subject to confirmation by the Senate.

9818. The first members of the board shall be appointed within 60 days from and after the effective date of this chapter.

9819. Each member of the board shall be appointed for a term of four years and shall hold office until the appointment and qualification of his successor or until six months shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs.

The terms of the members of the board first appointed shall expire as follows: one member, January 15, 1965; two members, January 15, 1966; two members, January 15, 1967. The terms shall thereafter expire in the same relative order. Vacancies occurring shall be filled by appointment to the unexpired term.

9820. Three members of the advisory board shall be selected to represent the public and two members shall be selected from the radio, phonograph, and television repair industry.

9821. The board shall meet at least twice a year. Additional meetings may be held upon the call of the president or at written request of any two members of the board.

The board shall elect from its members each for a term of one year, a president and a vice president, and may appoint such committees as it deems necessary to carry out its duties.

9822. Each member of the board shall receive a per diem and expenses as provided in Section 103 of this code.

9823. The quorum required for any meeting of the board shall consist of three members, one of which shall be a representative of the radio, phonograph, and television repair industry. No action by the board or its members shall have any effect unless a quorum of the board is present. All meetings of the board shall be open and public.

9824. The chief shall serve ex officio as secretary of the board but shall not be a member of the board.

9825. The board shall:

(a) Inquire into the practices of the radio, phonograph, and television repair industry, the functions of the bureau and the

matter of the policy thereof, and make such recommendations with respect thereto as after consideration, may be deemed important and necessary for the welfare of the consuming public.

(b) Confer and advise with the director and chief as to how the bureau may best fulfill its functions.

(c) Consider and make appropriate recommendations on its own initiative as to changes in, or additions to or deletions of regulations which the director has adopted as, after consideration, may be deemed important and necessary.

(d) Consider and make appropriate recommendations in all matters submitted to it by the director or the chief.

(e) Assist the director and the chief in the collection of such necessary information and data as the director or the chief may deem necessary to the proper administration of this chapter.

Article 3. Registration Procedure

9830. Each service dealer shall pay the fee required by this chapter for each place of business operated by him in this State and shall register with the director upon forms prescribed by the director. The forms shall contain sufficient information to identify the service dealer, including name, address, retail seller's permit number, if a permit is required under the Sales and Use Tax Law (Part 1, commencing with Section 6001, of Division 2 of the Revenue and Taxation Code), and other identifying data to be prescribed by the director. If the business is to be carried on under a fictitious name, such fictitious name shall be stated. If the service dealer is a partnership, identifying data shall be stated for each partner. If the service dealer is a corporation, data shall be included for each of the officers and directors of the corporation as well as for the individual in charge of each place of the service dealer's business in the State of California, subject to such regulations as the director may make.

9831. Upon receipt of the form properly filled out and receipt of the required fee, the director shall validate the registration and send a proof of such validation to the service dealer. The director shall by regulation prescribe conditions upon which a person whose registration has previously been invalidated or has previously been refused validation, may have his registration validated.

9832. Every registration shall cease to be valid on June 30 of each year unless the service dealer has paid the renewal fee required by this chapter in accordance with regulations issued by the director.

9833. A registration shall cease to be valid when any of the information provided by the form specified in Section 9830 ceases to be current. The director shall make regulations prescribing the procedure for keeping such registration information current.

Article 4. Offences Against the Chapter

9840. On or after January 1, 1964, it shall be unlawful to act as service dealer without first having registered in accordance with the provisions of this chapter and unless such registration is currently valid.

9841. The director may refuse to validate, or may invalidate temporarily or permanently the registration of a service dealer for any of the following acts or omissions done by himself or any employee, partner, officer, or member of the service dealer and related to the conduct of his business:

(a) Making or authorizing any statement or advertisement which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.

(b) Making any false promises of a character likely to influence, persuade, or induce a customer to authorize the repair, service, or maintenance of the equipment covered by this chapter.

(c) Acting for more than one customer in a transaction without the knowledge or consent of all parties thereto.

(d) Any other conduct which constitutes fraud or dishonest dealing.

(e) Conduct constituting gross negligence.

(f) Failure in any material respect to comply with the provisions of this chapter or regulations thereunder.

9842. All work done by a service dealer shall be recorded on an invoice in such detail as is required by regulations issued by the director and shall describe all service work done and all parts supplied. If any used parts are supplied, the invoice shall clearly state that fact. One copy shall be given to the customer and one copy shall be retained by the service dealer for a period of at least one year.

9843. The service dealer shall return replaced parts to the customer excepting such parts as may be exempted from this requirement by regulations of the director and excepting such parts as the service dealer needs to return to the manufacturer or distributor under a warranty arrangement.

9844. If a customer requests an estimate for labor and parts necessary for a specific job, the service dealer shall make such an estimate in writing and may not charge for work done or parts supplied in excess of the estimate without previous consent of the customer The service dealer may charge a reasonable fee for making the estimate.

9845. A service dealer may not make the compensation of any employee, partner, officer, or member dependent upon the value of parts replaced in any equipment by, or with the consent of, such employee, partner, officer, or member.

9846. The use of "guarantee" and words of like import shall conform to the regulations adopted by the director.

9847. Each service dealer shall maintain such records as are required by the regulations adopted to carry out the provisions of this chapter. Such records shall be open for reasonable inspection by the director or other law enforcement officials.

9848. All proceedings to refuse to validate and temporarily or permanently to invalidate a registration shall be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

9849. The expiration of a valid registration shall not deprive the director of jurisdiction to proceed with any investigation or hearing on a cease and desist order against a service dealer or to render a decision invalidating a registration temporarily or permanently.

9850. Any person who fails to comply with the provisions of this chapter is guilty of a misdemeanor and punishable by a fine not exceeding one thousand dollars ($1,000) or by imprisonment not exceeding six months, or by both such fine and imprisonment.

9851. The superior court in and for the county wherein any person carries on, or attempts to carry on, business as a service dealer in violation of the provisions of this chapter, or any regulation thereunder, shall, on application of the director, issue an injunction or other appropriate order restraining such conduct.

The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that no undertaking shall be required and the director shall not be required to allege facts necessary to show or tending to show lack of an adequate remedy at law or irreparable injury.

9852. No person required to have a valid registration under the provisions of this chapter shall have the benefit of any lien for labor or materials unless he has such a valid registration.

Article 5. Informal Adjustment of Complaints

9860. The director shall establish procedures for accepting complaints from the public against any service dealer.

9861. If the complaint does not appear to state any violations of this chapter or of the regulations made pursuant to this chapter, the director shall so advise the complainant and take no further action.

9862. If such a complaint indicates a possible violation of this chapter or of the regulations made pursuant to this chapter, the director shall advise the service dealer of the contents of the complaint and, after the service dealer has had reasonable opportunity to reply thereto, the director shall make a summary investigation of the facts.

9863. If, upon summary investigation, it appears to the director probable that a violation of this chapter, or the regulations thereunder, has occurred, the director, in his discretion, may suggest measures that in the director's judgment would compensate the complainant for the damages he has suffered as a result of the alleged violation. If the service dealer accepts the director's suggestions and performs accordingly, the director shall give such fact due consideration in any subsequent disciplinary proceeding. If the service dealer declines to abide by the suggestions of the director, the director may investigate further and may institute disciplinary proceedings in accordance with the provisions of this chapter.

Article 6. Revenue

9870. All fees collected pursuant to this chapter shall be paid into the State Treasury to the credit of the Electronic Repair Dealer Registration Fund, which fund is hereby created.

9871. The director shall report to the State Controller at the beginning of each month, for the month preceding, the amount and source of all revenue received by the bureau pursuant to this chapter, and at that time shall pay the entire amount thereof into the State Treasury for credit to the Electronic Repair Dealer Registration Fund.

9872. The money in the Electronic Repair Dealer Registration Fund necessary for the administration of this chapter is hereby continuously appropriated for such purposes. Money in excess of a year and a half's operating cost shall be transferred to the General Fund from the Electronic Repair Dealer Registration Fund.

9873. The fees prescribed by this chapter shall be set by the director according to the following schedule:

(a) The service dealer registration fee is not less than twenty-five dollars ($25) nor more than fifty dollars ($50) for each place of business in this State.

(b) The annual renewal fee for a service dealer registration is not less than twenty-five dollars ($25) nor more than fifty dollars ($50) for each place of business in this State, if renewed prior to its expiration date.

(c) The renewal fee for a registration that is not renewed prior to its expiration date shall be double the renewal fee required for a registration renewal prior to its expiration date.

9874. All salaries, expenses, or costs incurred or sustained pursuant to this chapter shall be payable only out of the Electronic Service Dealer Registration Fund.

Article 7. Temporary Provisions

9880. The provisions of this chapter shall be effective until September 20, 1965 and thereafter shall have no force or effect.

CHAPTER 1493

An act to amend Section 1318.4 of the Penal Code, relating to release of an arrested person on his own recognizance.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 1318.4 of the Penal Code is amended to read:

1318.4. To be released on his own recognizance the defendant shall file with the clerk of the court in which the magistrate or judge is presiding an agreement in writing duly executed by him, in which he agrees that:

(a) He will appear at all times and places as ordered by the court or magistrate releasing him and as ordered by any court in which, or any magistrate before whom, the charge is subsequently pending.

(b) If he fails to so appear and is apprehended outside of the State of California, he waives extradition.

(c) Any court or magistrate of competent jurisdiction may revoke the order of release and either return him to custody or require that he give bail or other assurance of his appearance as elsewhere provided by this chapter.

CHAPTER 1494

An act to add Sections 884, 885 and 886 to the Insurance Code, relating to underwriters' names.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 884 is added to the Insurance Code, to read:

884. Unless renewed, the approval and registration of all underwriters' names shall expire on July 1, 1964, and July 1st of each succeeding even-numbered year. Renewal may be secured by filing with the commissioner an application therefor, together with a fee of ten dollars ($10). Such an application shall be filed during the month of May preceding such July 1st. The commissioner shall furnish the application forms for such renewal. The commissioner shall, upon receipt of a proper renewal application and payment of the filing fee therefor, renew the approval and registration of the underwriter's name unless he finds that:

(a) The insurer has abandoned use of said underwriter's name;

(b) If the insurer is actually using or publicizing the name in any manner it has discontinued the issuance of underwriter's policies bearing such name;

(c) The insurer has used such underwriter's name in a manner which has resulted in misrepresentation or fraud;

(d) The insurer has used such underwriter's name in a manner which would violate any provision of law relating to the conduct of its business;

(e) The insurer has secured such underwriter's name through misrepresentation or concealment of material information; or

(f) Reasons exist which would warrant refusal of approval or registration if the same were being initially requested.

If the commissioner so finds he shall advise all insurers using said underwriter's name in writing that the renewal application is denied and set forth with particularity the reasons for the denial. Such denial shall be effective thirty (30) days after mailing of such advice to the insurer unless within such thirty (30) days the insurer requests a hearing. In this event the advice of denial shall constitute the commissioner's opening pleading for the purpose of the hearing, which shall be deemed denied by the insurer. The insurer if it elects may within ten (10) days file additional written response. The hearing shall be noticed and commenced within a reasonable time. During said thirty (30) days, and, if request for hearing be filed until the termination of such proceeding, the insurer may continue the use of the underwriter's name and the issuance of policies thereunder provided timely renewal application has been filed and the filing fee paid.

SEC. 2. Section 885 is added to said code, to read:

885. The commissioner may at any time institute proceedings for the revocation of approval and registration of an underwriter's name upon any of the grounds set forth in Section 884 by following the procedure prescribed in that section.

SEC. 3. Section 886 is added to said code, to read:

886. Termination of approval and registration of an underwriter's name, whether through denial of a renewal application or revocation, shall have no effect on the validity or the retention in force to normal expiration of any underwriter's policies issued on or prior to the date of such termination with an effective date not more than sixty (60) days after its issue date provided that if any such policy is continuous in form it shall not be continued in force beyond its annual renewal date first occurring after such date of termination.

CHAPTER 1495

An act to add Section 1525 to the Civil Code, relating to partial payment of disputed sum.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 1525 is added to the Civil Code, to read:

1525. It is the public policy of this State, in the best interests of the taxpayer and of the litigant, to encourage fair dealing and to promote justice by reducing litigated matters to the lowest level of jurisdiction.

In case of a dispute over total money due on a contract and it is conceded by the parties that part of the money is due, the debtor may pay, without condition, the amount conceded to be due, leaving to the other party all remedies to which he might otherwise be entitled as to any balance claimed.

If any conditions are attached to the payment, this section shall not be deemed to have limited the remedies available to the other party under other provisions of law on the original amount claimed.

CHAPTER 1496

An act to amend Sections 6043 and 6051 of the Business and Professions Code, relating to the practice of law.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 6043 of the Business and Professions Code is amended to read:

6043. Each local administrative committee shall:

(a) Receive and investigate complaints as to the conduct of members.

(b) Make findings, whenever ordered by the board.

(c) Make recommendations and forward its report to the board for action.

The board may:

(a) Act upon the report.

(b) Take additional evidence.

(c) Set aside the report and hear the whole case de novo.

Notwithstanding the foregoing, a local administrative committee, its chairman, or a member of the staff of the State Bar, duly authorized by the board, may, in its or his discretion, require the filing of a verified accusation by a complainant stating specific charges and specific facts, or may require specific evidence or facts in support of the complaint, before proceed-

ing with an investigation or hearing, as may be provided in rules of procedure adopted by the board.

SEC. 2. Section 6051 of said code is amended to read:

6051. The chairman or presiding officer of the board or the committee having jurisdiction shall report the fact that a person under subpoena is in contempt of the board or committee to the superior court in and for the county in which the proceeding, investigation or other matter is being conducted and thereupon the court may issue an attachment in the form usual in the superior court, directed to the sheriff of the county, commanding the sheriff to attach such person and forthwith bring him before the court.

On the return of the attachment, and the production of the person attached, the superior court has jurisdiction of the matter, and the person charged may purge himself of the contempt in the same way, and the same proceedings shall be had, and the same penalties may be imposed, and the same punishment inflicted, as in the case of a witness subpoenaed to appear and give evidence on the trial of a civil cause before a superior court.

In lieu of the procedure hereinabove provided, the court may enter an order directing the person alleged to be in contempt to appear before the court at a specified time and place and then and there show cause why he has not attended or testified or produced the writings as required. A copy of the order shall be served upon such person. If it appears to the court that the subpoena was regularly issued and no good cause is shown for the refusal to appear or testify or produce the writings, the court shall enter an order that the person appear, testify, or produce writings, as the case may be. Upon failure to obey the order, the person shall be dealt with as for contempt of court.

A proceeding pursuant to this section shall be entitled "In the Matter of (state name), Alleged Contemnor re State Bar (proceeding, investigation or matter) No. (insert number)."

CHAPTER 1497

An act to add Section 1192.1 to the Military and Veterans Code, relating to memorial districts.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 1192.1 is added to the Military and Veterans Code, to read:

1192.1. When a district is authorized to provide and maintain indoor and outdoor park and recreation facilities including swimming pools, picnic areas and playgrounds, unobligated funds of the district accumulated prior to the authorization may be used for said purposes.

CHAPTER 1498

An act to add Section 186 to the Government Code, relating to use of certain portions of the public domain by certain Indians.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 186 is added to the Government Code, to read:

186. (a) As used in succeeding subdivisions of this section "public domain" refers to such portion of the public domain of the State of California as is contiguous to the portion of the Klamath River between the mouth of the river and Katamin Rancheria and such portion of the public domain of the State of California as is contiguous to the portion of the Trinity River between the junction of the Klamath and Trinity Rivers and the junction of the Trinity and South Fork Rivers.

(b) As used in this section "Indians" refers to those persons listed on the California Indian Roll whose Indian ancestors originated in the area adjacent to the two stretches of river described in subdivision (a).

(c) Every Indian may, on the public domain, in the practice of Indian culture, engage in the following activities:

(i) Gather acorns, berries, mushrooms, fruits, insects, seaweed, fish, and other natural foods, materials for regalia and ceremonial purposes and for traditional Indian activities such as making baskets, boatmaking, stoneworking, woodworking, and making of nets, such as roots, reeds, bark, wood, skins, feathers, shells, seeds, nuts, grasses, stones, bones, dyestuffs, plants, sticks, and leaves;

(ii) Engage in traditional activities, including religious dances and ceremonies, and the making of baskets and woodworking, making of costumes, and other handicrafts.

(d) Transportation to or from any area of the public domain or between different areas of the public domain of material possession of which, pursuant to the foregoing provisions of this section, is permitted on the public domain, shall not be unlawful.

(e) Indians taking fish and game under this section shall do so in accordance with the rules and regulations of the Fish and Game Commission and under permit issued by the Department of Fish and Game. The commission may adopt rules and regulations and impose conditions on the issuance of such permits which shall limit the taking of fish and game to taking for ceremonial purposes in such manner as the commission deems proper.

CHAPTER 1499

An act to amend Section 652 of the Harbors and Navigation Code, relating to equipment requirements on vessels.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 652 of the Harbors and Navigation Code is amended to read:

652. (a) Motorboats subject to the provisions of this chapter shall be divided into four classes as follows:

Class A. Less than 16 feet in length.

Class 1. Sixteen feet or over and less than 26 feet in length.

Class 2. Twenty-six feet or over and less than 40 feet in length.

Class 3. Forty feet or over.

(b) Every motorboat in all weathers from sunset to sunrise shall carry and exhibit the following lights when under way, and during such time no other lights which may be mistaken for those prescribed shall be exhibited:

(1) Every motorboat of classes A and 1 shall carry the following lights:

First. A bright white light aft to show all around the horizon.

Second. A combined lantern in the forepart of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.

(2) Every motorboat of classes 2 and 3 shall carry the following lights:

First. A bright white light in the forepart of the vessel as near the stem as practicable, so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the vessel; namely, from right ahead to two points aft the beam on either side.

Second. A bright white light aft to show all around the horizon and higher than the white light forward.

Third. On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side. The side light shall be fitted with inboard screens of sufficient height so set as to prevent these lights from being seen across the bow.

(3) Each motorboat of every class when propelled by sail alone shall carry only the combined lantern or separate side lights as appropriate to its class, and in addition, one white light at the stern so constructed that it shall show an unbroken light over an area of the horizon of 12 points of the compass so fixed as to show the light 6 points from right aft on each side of the vessel.

(4) Every white light prescribed by this section shall be of such character as to be visible at a distance of at least two miles. Every colored light prescribed by this section shall be of such character as to be visible at a distance of at least one mile. The word "visible" in this subsection, when applied to lights, shall mean visible on a dark night with clear atmosphere.

(5) When propelled by sail and machinery any motorboat shall carry the lights required by this section for a motorboat propelled by machinery only.

(6) The commission may exempt from compliance with the provisions of this subdivision any motorboat of one horsepower or less rented by the owner of a boat livery, if the livery is being operated under a franchise from a city or county on waters where no other vessels are permitted.

(c) Any vessel may carry and exhibit the lights required by the Federal Regulations for Preventing Collisions at Sea, 1948, Federal Act of October 11, 1951 (33 U.S.C. 143-147d) as amended, in lieu of the lights required by subdivision (b) of this section.

(d) Every motorboat of class 1, 2, or 3 shall be provided with an efficient whistle or other sound-producing mechanical appliance.

(e) Every motorboat of class 2 or 3 shall be provided with an efficient bell.

(f) Every undocumented vessel shall carry at least one life preserver, or lifebelt, or ring buoy, or other device of the sort prescribed by the regulations of the commission for each person on board, so placed as to be readily accessible; provided, that every undocumented vessel carrying passengers for hire shall carry so placed as to be readily accessible at least one life preserver of the sort prescribed by the regulations of the commission for each person on board.

(g) Every motorboat shall be provided with such number, size, and type of fire extinguishers, capable of promptly and effectually extinguishing burning gasoline, as may be prescribed by the regulations of the commission, which fire extinguishers shall be at all times kept in condition for immediate and effective use and shall be so placed as to be readily accessible.

(h) The provisions of subdivisions (d), (e) and (g) of this section shall not apply to motorboats while competing in any race or, if such boats be designed and intended solely for racing, while engaged in such navigation as is incidental to the tuning up of the boats and engines for the race.

(i) Every motorboat shall have the carburetor or carburetors of every engine therein, except outboard motors, using gasoline as fuel, equipped with such efficient flame arrestor, backfire trap, or other similar device as may be prescribed by the regulations of the commission.

(j) Every such motorboat and every such vessel, except open boats, using as fuel any liquid of a volatile nature, shall be provided with such means as may be prescribed by the regulations of the commission for properly and efficiently ventilating the bilges of the engines and fuel tank compartments so as to remove any explosive or inflammable gases

(k) The commission may make rules and regulations modifying the equipment requirements contained in this section to the extent necessary to keep these requirements in conformity with the provisions of the federal navigation laws or with the navigation rules promulgated by the United States Coast Guard.

(*l*) The commission may establish and maintain for the operation of vessels on the waters of this State pilot rules in conformity with the pilot rules contained in the federal navigation laws or the navigation rules promulgated by the United States Coast Guard.

(m) No person shall operate or give permission for the operation of a vessel which is not equipped as required by this section or modification thereof.

CHAPTER 1500

An act to amend Section 3436 of the Revenue and Taxation Code, relating to delinquent property tax sales.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 3436 of the Revenue and Taxation Code is amended to read:

3436. On or before June 30 and not less than 21 nor more than 28 days after the first publication of the published delinquent list, at the time fixed in the publication, the real property on which the taxes, assessments, penalties, and costs have not been fully paid, except tax-sold property and possessory interests, shall by operation of law and the declaration of the tax collector be sold to the State. The sale shall be in the tax collector's office.

CHAPTER 1501

An act to amend Section 4833 of the Revenue and Taxation Code, relating to cancellation of property tax penalties.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 4833 of the Revenue and Taxation Code is amended to read:

4833. Any uncollected delinquent penalty, cost, redemption penalty, interest, or redemption fee, heretofore or hereafter attached, may upon satisfactory proof submitted by the tax collector, the auditor, or the assessor, be cancelled by the auditor on order of the board of supervisors with the written consent of the district attorney upon a showing that such delinquent penalty, cost, redemption penalty, interest, or redemption fee has attached because of an error of the tax collector, the auditor, or the assessor, or because of their inability to complete valid procedures initiated prior to the delinquency date.

CHAPTER 1502

An act to add Section 18598 to the Government Code, relating to the state officers and employees.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 18598 is added to the Government Code, to read:

18598. The "state civil service" shall include all personnel appointed or employed at the state nautical school except personnel whose duties consist of instructing students or supervising such instructional personnel and except students enrolled at the school who are working part time as student assistants.

CHAPTER 1503

An act to amend Section 20867 of the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 20867 of the Government Code is amended to read:

20867. If a person has been employed by the State or one or more contracting agencies in any relative order and regardless of whether the employment was before or after the effective date of the contract, and if he has not been paid his accumulated contributions, or having been paid such contributions, he redeposits them, he shall receive credit for all state service and such employers shall be liable for all state service rendered in their respective employments and such service shall be included in the calculation of the liability of the respective employers under said contracts.

A member who has been employed other than concurrently by two or more employers shall not be denied credit under this section for service prior to contract date because of intervening employment with the same employer after contract date and under circumstances which did not qualify him for prior service credit under Sections 20831 or 20834 of this part.

Any member who re-entered this system prior to October 1, 1957, and who did not have a right to redeposit withdrawn contributions because of provisions of this section existing prior to said date may redeposit such contributions in accordance with Section 20654.

CHAPTER 1504

An act to amend Sections 880 and 881 of the Education Code, relating to the public school system.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 880 of the Education Code is amended to read:

880. All expenses shall be paid out of the county school service fund necessary for the county board of education and the county superintendent of schools to perform the duties, render the services and comply with the provisions of Education Code Sections 811, 812, 857, 1131, 6815, 6932, 7103, 8004, 8055, 8158, 8806, 8854, 8855, 8904, 8951, 8953, 9003, 9153, 11755, 12821, 12822, 12825, 13512, 13528, 16858, 16860, 16902, 17206, 20102, 20105, 20106, 21052, and 21053.

The provisions of this section shall not be construed to prohibit support from the county general fund from being provided for duties and services performed pursuant to the sections enumerated above.

SEC. 2. Section 881 of said code is amended to read:

881. Except as provided in Section 880, all expenses necessary for the county board of education, the county committee on school district organization and the county superintendent of schools to comply with the following provisions of this code

are payable from the county general fund: 701, 702, 703, 704, 705, 706, 707, 751, 752, 753, 754, 801, 802, 803, 804, 805, 806, 851, 1343, 1651, 1833, 1853, 1854, 1855, 2042, 2044, 2384, 2403, 2404, 2431, 2451, 2564, 2782, 2884, 2887, 3103, 3104, 3126, 3127, 3128, 3153, 3154, 3158, 3159, 3160, 5606 6102, 6103, 6509, 6510, 6511, 9254, 10601, 12153, 12268, 12408, 12915, 13157, 13158, 13159, 13161.5, 13162, 13167, 13177, 13204, 13209, 13210, 13211, 13212, 13215, 13216, 13217, 13218, 13219, 13260, 13261, 13275, 13511, 13528, 13529, 13555, 13562, 13563, 13564, 13565, 13566, 13567, 14021, 14022, 14116, 14117, 14119, 14125, 14202, 14212, 15052, 15053, 15054, 15055, 15412, 16501, 19592, 19667, 20604, 20701, 20702, 20803, 21107, 21108, 21113, 21153, 21201, 21202, 21203, 21204, 21205, 21206, 21207, 21208, 21209, 21251, 21252, 21253, 21254, 21255, 21301, and 26301.

CHAPTER 1505

An act to add Section 6311 to, and to amend Section 6362 of, the Harbors and Navigation Code, relating to port districts.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 6311 is added to the Harbors and Navigation Code, to read:

6311. Upon a four-fifths vote of all the members of the board, it may issue negotiable promissory notes bearing interest at a rate of not exceeding 6 percent per annum; provided, however, that said notes shall be general obligations of the district payable from revenues and taxes in the same manner as bonds of a district; and provided further, that the maturity shall not be later than three years from the date thereof and that the total aggregate amount of such notes outstanding at any one time shall not exceed the lesser of either five hundred thousand dollars ($500,000) or 1 percent of the assessed valuation of the taxable property in the district, or if said assessed valuation is not obtainable, 1 percent of the county auditor's estimate of the assessed valuation of the taxable property in the district evidenced by his certificate.

SEC. 2. Section 6362 of said code is amended to read:

6362. The tax shall in no event exceed the rate of ten cents ($0.10) on each one hundred dollars ($100) of the assessed value of all taxable property within the district, exclusive of the amount necessary to be raised by taxes to meet bond and promissory note interest and redemption. The tax shall be computed, entered upon the tax rolls and collected in the same manner as county taxes are computed, entered and collected. All money collected shall be paid into the county treasury to the credit of the particular district fund and shall be paid to the treasurer of the district upon the order of the board of port commissioners.

CHAPTER 1506

An act to amend Section 71221 of the Government Code, relating to municipal and justice courts.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 71221 of the Government Code is amended to read:

71221. Except as otherwise provided in this section, the clerk of each municipal and justice court, or if there is none, the judge of the court, shall certify monthly to the county auditor a list showing the amount of compensation of the judges, clerks, and other officers and attachés of such court, except marshals or constables. The marshal of a municipal court or the constable of a judicial district shall certify monthly to the county auditor a list showing the amount of compensation of the marshals of the court or the constables in the judicial district.

The clerk of the municipal court in the City and County of San Francisco shall certify to the county auditor a list showing the amount of compensation of the judges, clerks, and other officers and attachés of such court, except marshals or constables, in the same manner and for the same period as for departments and employees of the City and County of San Francisco, and the auditor is authorized to pay such compensation in the same manner and for the same period as for employees of the City and County of San Francisco.

CHAPTER 1507

An act to amend Section 69895 of the Government Code, relating to superior courts.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 69895 of the Government Code is amended to read:

69895. In any county or city and county with a population of less than 850,000 but more than 730,000, as ascertained pursuant to Section 28020, where the secretary of the judges of the superior court is required to perform the duties of jury commissioner pursuant to Section 69893, the salary of the secretary shall be one thousand six hundred seventy-five dollars ($1,675) a month.

In such a county or city and county, on the authorization of the judges, the secretary shall have one senior assistant secretary whose salary shall be nine hundred dollars ($900) a month, and three assistant secretaries whose salaries shall be seven hundred eighty-five dollars ($785) a month. The senior assistant secretary and the assistant secretaries shall assist also in the performance of the duties of jury commissioner. The salaries of such secretaries and such assistants shall be paid by the county or city and county in which they serve.

CHAPTER 1508

An act to amend Section 4219 of, and to add Sections 4035.1 and 4036.1 to, the Business and Professions Code, relating to the practice of pharmacy.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 4035.1 is added to the Business and Professions Code, to read:

4035.1. "Hospital pharmacy" means and includes a pharmacy, licensed by the board, located within any hospital, institution or establishment which maintains and operates organized facilities for the diagnosis, care and treatment of human illnesses to which persons may be admitted for overnight stay and which meets all of the requirements of this chapter and the rules and regulations of the board.

When, in the opinion of the board, a high standard of patient safety, consistent with good patient care, can be provided by the licensure of a pharmacy within a hospital, which does not meet all of the requirements for licensure as a hospital pharmacy, the board may waive any requirements pertaining to minimum equipment, minimum space, sanitary facilities and waiting area, provided that when the waiver of any of the above requirements is granted by the board the pharmaceutical services to be rendered by such pharmacy shall be limited to the furnishing of drugs to patients registered for treatment in the hospital, whether or not they are actually staying in the hospital, or to emergency cases under treatment in the hospital.

SEC. 2. Section 4036.1 is added to said code, to read:

4036.1. An "order," entered on the chart or medical record of a patient registered in a hospital or a patient under emergency treatment in the hospital, by or on the order of a practitioner authorized by law to prescribe drugs, shall be authorization for the administration of such drug from hospital floor or ward stocks furnished by the hospital pharmacy or under licensure granted under Section 4052.1, and shall be

considered to be a prescription if such medication is to be furnished directly to the patient by the hospital pharmacy or another pharmacy furnishing prescribed drugs for hospital patients; provided that the chart or medical record of the patient contains all of the information required by Section 4215 and the order is signed by the practitioner authorized by law to prescribe drugs, if he is present when the drugs are given, or if he is not present, then on his next visit to the hospital.

SEC. 3. Section 4219 of said code is amended to read:

4219. "Pharmacy" means a pharmacy licensed under the provisions of this chapter and includes a hospital pharmacy as defined in Section 4035.1.

CHAPTER 1509

An act to add Section 8969 to the Business and Professions Code, relating to yacht and ship brokers.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 8969 is added to the Business and Professions Code, to read:

8969. A person who fails to renew his license within five years after its expiration may not renew it, and it shall not be restored, reissued, or reinstated thereafter, but such person may apply and obtain a new license if:

(a) He is of good moral character;

(b) No fact, circumstance, or condition exists which, if the license were issued, would justify its revocation or suspension;

(c) He takes and passes the examination, if any, which would be required of him if he were then applying for a license for the first time, or otherwise establishes to the satisfaction of the commission that, with due regard for the public's interest, he is qualified to hold himself out as a yacht and ship broker; and

(d) He pays all of the fees that would be required of him if he were then applying for the license for the first time.

The commission may, by regulation, provide for the waiver or refund of all or any part of the examination fee in those cases in which a license is issued without an examination pursuant to the provisions of this section.

CHAPTER 1510

An act to convey certain tide and submerged lands, situated in Del Norte County, to the Crescent City Harbor District, in furtherance of navigation, commerce, and fisheries upon certain trusts and conditions, and providing for the government, management, use and control thereof.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. There is hereby granted to the Crescent City Harbor District, and to its successors, all of the right, title, and interest of the State of California, held by said State by virtue of its sovereignty, in and to all of the tide and submerged lands under the waters of the Pacific Ocean, whether filled or unfilled, which are described as follows.

Beginning at the intersection of the East City Boundary line with a line 3200.0 feet, at right angles, from and parallel to the center line of Second Street in said City; thence Southwesterly along said parallel line 5280 feet; thence Southeasterly, at right angles, to an intersection with the westerly prolongation of the South line of Section 11, Township 15 North, Range 1 West, H.M.; thence East to the Ordinary High Water Line of the Pacific Ocean; thence Northwesterly along said ordinary High Water Line to Station 11 of the Ordinary High Water Mark as per map recorded in Book 3 of Maps at page 94 in the Office of the Del Norte County Recorder; thence Northwesterly along said Ordinary High Water Mark to Station 1, which is also a point on the East City Boundary; thence South to the point of beginning.

To be forever held by said district, and its successors, in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That said lands shall be used by said district, and its successors, only for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks piers, slips, quays and other utilities, structures, facilities and appliances necessary or convenient for the promotion and accommodation of commerce, navigation, and fisheries, and for public recreation purposes, and for the establishment, improvement and conduct of utilities, facilities, structures, buildings, works and appliances necessary or convenient for the promotion and accommodation of public recreation, and said district, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said district, or its successors, may grant franchises thereon for limited periods (but in no event exceeding 50 years), for wharves and other

public uses and purposes and may lease said lands, or any part thereof, for limited periods (but in no event exceeding 50 years), for purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce and navigation, and collect and retain rents from such leases.

Nothing contained in this paragraph (a) shall be deemed to affect the validity or term of any franchise granted by said district under the Broughton Act, and any such franchise shall be effective with respect to said lands when title thereto passes to said district hereunder.

The grant of tide and submerged lands to the Crescent City Harbor District made by this act shall not affect the terms of any franchise or lease presently in effect or any extensions of a lease now provided for in an existing lease.

(b) That said lands shall be improved by said district without expense to the State, and shall always remain available for public use for all purposes of commerce and navigation, and the State of California shall have at all times, the right to use, without charge, all wharves, docks, piers, slips, quays, and other improvements and facilities constructed on said lands, or any part thereof, for any vessel or other water or aircraft, or railroad, owned or operated by the State of California.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures, appliances or facilities mentioned in paragraph (a), no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said district or its successors.

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters upon the granted lands with the right of convenient access to said waters over said lands for said purposes.

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

(f) The lands herein described are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the district, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest.

(g) That within 10 years from the effective date of this act said lands shall be substantially improved by said district

without expense to the State, and if the State Lands Commission determines that the district has failed to improve said lands as herein required, all right, title, and interest of said district in and to all lands granted by this act shall cease and said lands shall revert and rest in the State.

SEC. 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 3. Nothing contained in this act shall preclude the district from accepting and retaining any grant of funds from the State made available for the purpose of aiding in the development of said lands for any public purpose not inconsistent with the promotion and accommodation of commerce and navigation, or shall preclude the State from expending funds for the purpose of aiding in such development.

SEC. 4. The State Lands Commission shall, at the cost of the grantee, survey, monument, plat, and record in the office of the County Recorder of Del Norte County, the area of state lands described in this act. Said district shall enter into a contract with the State Lands Commission for surveying, monumenting and platting the area of state lands described in this act, and shall, upon submission of invoices by the State Lands Commission, pay said costs.

CHAPTER 1511

An act to amend Section 9740 of the Government Code, relating to the legislative manual or handbook.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 9740 of the Government Code is amended to read:

9740. The Secretary of the Senate and the Chief Clerk of the Assembly shall during the month of December in each even-numbered year, commence to compile a legislative manual or handbook. The compilation shall be completed as soon as practical after the convening of each general session, and the Secretary of the Senate and the Chief Clerk of the Assembly shall immediately thereafter publish and distribute the legislative manual or handbook, in such manner as they may determine.

CHAPTER 1512

An act to amend Sections 452, 1628 and 1641 of the Elections Code, relating to elections.

[Approved by Governor July 13, 1963 Filed with Secretary of State July 16, 1963]

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

SECTION 1. Section 452 of the Elections Code is amended to read:

452. The number of copies of the precinct index printed shall not be less than 40 and as many more as in the judgment of the county clerk may be necessary for the business of the office. In counties where the precinct index is printed by means of a punched card or other high-speed data processing equipment, the number of copies of precinct indices so prepared shall be the number required to be furnished by law and as many more as in the judgment of the county clerk may be necessary for the business of the office.

SEC. 2. Section 1628 of said code is amended to read:

1628. The clerk shall immediately mail or deliver to each person appointed as inspector a notice showing the precinct polling place and the voters appointed to serve with him as election officers in that precinct. The notice shall be substantially in the following form: Office of the County Clerk (or Registrar of Voters), City Clerk or Secretary. County of _____.

NOTICE TO INSPECTOR

To _____, inspector for _____ precinct

The polling place for the _____ precinct at the election to be held on _____ will be _____ and the precinct board for that precinct will be composed of you and the following named persons:

Position	Name	Address
_____	_____	_____
_____	_____	_____
_____	_____	_____

You, as inspector, before the polls are opened shall see that each of the other persons serving on the board has signed the declaration required of him by law and which will be found set forth in the roster and that no person is permitted to act as a precinct officer unless he has signed such declaration and is otherwise qualified to act as a precinct officer. You shall also see that each member of the board signs the tally sheet following the tally of the votes.

_____

County Clerk, City Clerk, Secretary (or other official).

SEC. 3. Section 1641 of said code is amended to read:

1641. On the day of election and before entering upon the performance of his duties, each of the election officers, other than the inspector, shall sign a declaration of intention to faithfully discharge the duties of an election officer. The declaration shall be signed before the inspector or, in case he is not present, before any other member of the precinct board. The declaration shall be substantially the same as that required of the inspector and the form for each of the declarations shall be provided in the roster for the precinct.

CHAPTER 1513

An act to amend Section 3 of the Municipal Water District Act of 1911, and to amend Sections 71121 and 71162 as added to the Water Code by Senate Bill No. 15, relating to municipal water districts.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 3 of the Municipal Water District Act of 1911 is amended to read:

Sec. 3. A petition, which may consist of any number of separate instruments, shall be filed with the county clerk of the county in which the proposed municipal water district is located, signed by voters equal in number to at least 10 per centum of the voters registered within the boundaries of the proposed district 30 days prior to the date the petition is filed; provided, that where one or more cities are included in such proposed district, such petition must be signed by at least 10 per centum of the voters of each such city registered to vote 30 days prior to the date the petition is filed. Such petition shall set forth and describe the boundaries of such proposed district, and shall contain a prayer that such proposed district be incorporated under the provisions of this act.

Within 10 days of the date of the filing of such petition, the county clerk shall examine the same and ascertain whether or not said petition is signed by the requisite number of voters; and if requested by the county clerk, the board of supervisors shall authorize him to employ persons specially for that purpose, in addition to the persons regularly employed in his office, and shall provide for their compensation. When the county clerk has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination; and if from such examination he shall find that said petition is signed by the requisite number of voters residing within the boundaries of such proposed district, and within the boundaries of each city included

therein, or is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be.

If by the certificate of the county clerk the petition is found to be insufficient, he shall also certify to the number of voters required to make such petition sufficient, and it may be amended by filing a supplemental petition or petitions within 10 days from the date of such certificate. The county clerk shall, within 10 days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided.

If his certificate shall show any such petition, or such petition as amended, to be insufficient, it shall be filed by him with the board of supervisors and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect. But if, by the certificate of the county clerk, such petition, or such petition as amended, is shown to be sufficient, the county clerk shall present the same to the board of supervisors without delay.

If any supplemental petition be filed, all the signatures appended to the petition and to the supplemental petition or petitions shall be considered in determining the number of voters signing the petition.

After an election for the incorporation of such proposed district the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

If the county in which such proposed district is located shall have a registrar of voters other than the county clerk, upon the filing of the petition herein mentioned with the county clerk, he shall forthwith deliver the same to such registrar of voters, who shall perform the duties herein required to be performed by the county clerk respecting the examination and certification of such petition; and said registrar of voters shall return said petition, immediately upon the completion of such examination, together with his certificate showing the result of such examination, to the county clerk, who shall thereupon present such petition, together with the certificate of the registrar of voters attached thereto to the board of supervisors.

When such petition is presented, the board of supervisors shall make an order dividing the district into five divisions, according to and based upon the population as estimated by the board of supervisors from the register of voters used at the last general election, in such manner as to equalize, as nearly as practicable, the population in the respective divisions. Such divisions shall be numbered first, second, third, fourth, and fifth, and one director, who shall be a resident thereof, shall be elected for each division by the voters thereof and shall take office as hereinafter provided.

When such order dividing the proposed district into five divisions is made, the board of supervisors shall call and provide for the holding of an election to be held in said proposed

district for the purpose of determining whether or not the same shall be incorporated and for the purpose of electing the first board of directors if the district is incorporated. The date of the election shall be not less than 90 days nor more than 120 days from the date of adoption of the resolution or ordinance calling the election. The notice of such election shall describe the boundaries of the proposed district and of the divisions thereof as so established and shall state the proposed name of the proposed district (which name shall contain the words "_____ Municipal Water District"), and shall state that the first directors will be elected at such election, who shall take office if the district is incorporated, and shall set forth the names of the candidates for the offices of directors from the respective divisions. Such notice of election shall be published once, not less than one week and not more than four weeks prior to such election in at least one, but not to exceed three newspapers printed and published in said county.

At such election the first directors shall be elected and the following measure shall be submitted: "Shall the proposition to organize _____ Municipal Water District under the Municipal Water District Act of 1911 as amended, be adopted?" The candidates shall declare their candidacy and shall be nominated, the election shall be held and conducted, the vote canvassed, the result declared and the certificates of election issued in accordance with the provisions of the Elections Code, so far as they may be applicable, except as in this act otherwise provided. No person shall be entitled to vote at any election under the provisions of this act unless such person possesses all the qualifications required of voters under the Elections Code. For purposes of this election the board of supervisors may consolidate election precincts of one or more divisions.

Within seven days after such election the vote shall be canvassed by the board of supervisors. If a majority of the votes cast at such election shall be in favor of organizing such municipal water district, said board shall by an order entered on its minutes declare the territory included within the proposed boundaries duly organized as a municipal water district under the name theretofore designated, and the county clerk shall immediately cause to be filed with the Secretary of State and shall cause to be recorded in the office of the county recorder of the county in which said district is situated, each, a certificate stating that such a proposition was adopted. If a majority of the votes cast at such election are in favor of organizing such district, the persons voted for as directors who received the highest number of votes within the respective divisions shall be duly elected as directors of the district.

Upon the receipt of such last-mentioned certificate the Secretary of State shall, within 10 days, issue his certificate reciting that the municipal water district (naming it) has been

duly incorporated according to the laws of the State of California. A copy of such certificate shall be transmitted to and filed with the county clerk of the county in which such municipal water district is situated. From and after the date of filing said certificate with the Secretary of State, the district named therein shall be deemed incorporated as a municipal water district, with all the rights, privileges and powers set forth in this act, and necessarily incident thereto.

In case less than a majority of the votes cast are in favor of said proposition the organization fails, but without prejudice to renewing proceedings at any time after six months from date of said election.

SEC. 2. Section 71121, as added to the Water Code by Senate Bill No. 15, is amended to read:

71121. The formation petition shall be signed by voters equal in number to at least 10 per centum of the voters registered within the boundaries of the proposed district 30 days prior to the date the petition is filed. If one or more cities are included in the proposed district, the formation petition shall, in addition, be signed by at least 10 percent of the voters of each such city registered to vote 30 days prior to the date the petition is filed.

SEC. 3. Section 71162, as added to the Water Code by Senate Bill No. 15, is amended to read:

71162. The formation election shall be held not less than 90 days nor more than 120 days from the date of adoption of the resolution or ordinance calling the election.

For purposes of this election the board of supervisors may consolidate election precincts of one or more divisions.

SEC. 4. Sections 2 and 3 of this act shall become operative only if Senate Bill No. 15 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as Senate Bill No. 15 takes effect; at which time Section 3 of the Municipal Water District Act of 1911 as amended by Section 1 of this act is repealed.

CHAPTER 1514

An act to amend Sections 1098.2 and 1099.4 of the Agricultural Code, relating to livestock remedies.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 1098.2 of the Agricultural Code is amended to read:

1098.2. The director shall have access at all reasonable hours to all premises used in the manufacture, sale or storage of any livestock remedy, or where livestock remedies are mixed in feed for administering to livestock, and may take samples

and make such other investigations as are necessary to carry out the provisions of this chapter and the rules and regulations made pursuant to this chapter.

SEC. 2. Section 1099.4 of said code is amended to read:

1099.4. It is unlawful to use or administer any registered livestock remedy except in accordance with the instructions for use supplied by the registrant.

CHAPTER 1515

An act to add Part 7 (commencing with Section 36050) to Division 24 of the Health and Safety Code, relating to farm labor centers.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Part 7 (commencing with Section 36050) is added to Division 24 of the Health and Safety Code, to read:

PART 7. FARM LABOR CENTER LAW

36050. This part may be cited as the Farm Labor Center Law.

36051. In enacting this part, the Legislature hereby finds and declares that there is a need for farm labor centers for the assembling, domiciling, and housing of persons and families engaged in agricultural work to help assure the agricultural communities of a supply of such workers as and when they are needed; that the operation of farm labor centers is a proper function for housing authorities established pursuant to the Housing Authorities Law (Chapter 1 (commencing with Section 34200), Part 2, Division 24); and that the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of legislative determination and of statewide application. It is further declared by the Legislature that its intent in enacting this part is to remedy the conditions described in this section by providing for the furnishing of the farm labor centers authorized herein to single persons and families whose principal source of income is agricultural work, without regard to whether such persons and families have low incomes.

36052. The definitions and general provisions contained in Sections 36053 to 36055, both inclusive, govern the construction of this part, unless the context otherwise requires.

36053. "Governing body" means the city council in the case of a city and the board of supervisors in the case of a county.

36054. The area of operation for any housing authority means the area of operation prescribed by Sections 34208 and 34209.

36055. Farm labor center means any farm labor center (or any part thereof) owned or acquired by a housing authority in the State. It also includes all real and personal property, assets, cash or other funds held or used in connection with the acquisition, operation, or disposition of a farm labor center.

36056. Any housing authority may adopt a resolution stating the need for and, with the concurrence of the local governing body, may acquire through purchase or gift any farm labor center within its area of operation and own, operate, construct, reconstruct, repair, replace, maintain, and dispose of such centers pursuant to this part.

36057. Every housing authority shall have all the powers necessary or convenient to carry out the purposes of this part, including the powers granted by this part and any other provision of law. It is the purpose and intent of this part to do any and all things necessary or desirable to secure the financial aid or co-operation of the federal government in the undertaking, construction, maintenance, operation, or financing of any farm labor center.

36058 Within its area of operation and with reference to farm labor centers, a housing authority may arrange and contract for the furnishing by any person or agency, public or private, of services, privileges, works, or facilities for or in connection with its farm labor center, and notwithstanding anything to the contrary contained in this part or in any other provision of law, may include in any contract let in connection with a farm labor center, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor.

36059. Within its area of operation, and with reference to farm labor centers, a housing authority may:

(a) Own, hold, and improve real or personal property.

(b) Purchase, lease, obtain options upon, acquire by gift, bequest, devise, or otherwise, any real or personal property or any interest therein.

(c) Accept grants from any person or agency, public or private.

(d) Borrow money and pledge any property, real or personal, as security.

(e) Contract with any person or agency, public or private, with regard to operation of the farm labor centers.

(f) Sell, lease, exchange, transfer, assign, purchase, or dispose of any real or personal property or interest therein.

(g) Insure or provide for the insurance of any real or personal property or operations of any farm labor centers against any risks or hazards.

(h) Employ such officers and employees, permanent and temporary, as may be required, determine their qualifications, duties and compensation, and delegate to one or more of them

such powers or duties as may be necessary for the acquisition of any farm labor center.

(i) Acquire any real property by eminent domain after adopting a resolution declaring that the acquisition of the real property is necessary for the purposes of the housing authority.

(j) Lease or rent any dwellings, accommodations, lands, buildings, structures, or facilities embraced in any farm labor center, and, subject to the requirements for occupancy contained in this part, establish the rents and charges therefor.

36060. It is hereby declared to be the policy of the State that each housing authority shall manage and operate its farm labor centers in an efficient manner and that it shall establish the rentals for dwelling at rents sufficient to cover costs of operation and maintenance, including amounts necessary for payments in lieu of taxes and creation of necessary reserves, and the payment of currently maturing installments of principal and interest on any indebtedness incurred in connection with the acquisition, construction, or improvement of such farm labor center.

36061. Each housing authority shall establish reserves which it determines to be reasonable for the maintenance, improvement, and expansion of the farm labor center and its eventual disposition.

36062. Each housing authority shall admit to occupancy in a farm labor center only single persons and families whose principal source of income is derived from agricultural work and employees of the authority whose residence on the center is necessary to its efficient operation; and such persons, families, and employees, if they qualify for admission under these standards, may be admitted to such occupancy without regard to whether or not they have low incomes. "Agricultural work" means work performed on a farm or in the handling, packing, processing, freezing, canning, or shipping of agricultural produce of the immediate area.

36063. A farm labor center is declared to be public property used for essential public and governmental purposes and is for a public use and purpose and involves a governmental function of state concern. As a matter of legislative determination, it is hereby found and declared that the properties involved in farm labor centers are of such character and shall be exempt from taxation. A housing authority may make payments in lieu of taxes out of revenues of such farm labor center to the taxing bodies, except that in no event shall such payments in lieu of taxes to any taxing body exceed in any year the amount which would be received by the taxing body in taxes from the farm labor center if the farm labor center were privately owned and subject to taxation, provided that no such payments shall be made which will result in reducing reserves below the established maximum.

36064. A housing authority may borrow money from private sources, the state, county, or federal government, and issue its notes and encumber its assets as security by means

of deeds of trust. The obligation of the authority is limited to the security on the deed of trust.

36065. The members of the housing authority, or any person executing a note authorized by this part, shall not be liable personally on any such note by reason of the issuance thereof hereunder.

36066. Any farm labor center may be disposed of in whole or in part by the housing authority after the commissioners of the housing authority determine by resolution with the concurrence of the local governing body that the need for the operation of the housing, or any part thereof, pursuant to the provisions of this part, no longer exists.

36067. Every acquisition of, transfer to, and contract for the acquisition of, a farm labor center or part thereof by a housing authority from the federal government and the operation and disposal of such farm labor center by the housing authority heretofore completed, executed, made, or done, which acquisition, operation, or disposal of a farm labor center conforms to the requirements of this part is hereby validated, confirmed, ratified and declared legally effective, and all acts and proceedings heretofore taken by or on behalf of any housing authority for such acquisition, contract for the acquisition, or the operation or disposal of a farm labor center are hereby confirmed, validated and declared legally effective. This part shall be construed to supply such legislative authorization as might have been necessary to authorize such acquisition, contract for acquisition, operation, or disposal of a farm labor center by a housing authority.

36068. Anything in this part to the contrary notwithstanding, any farm labor center heretofore or hereafter acquired by a housing authority as a low rent housing project in accordance with the provisions of Article XXXIV of the Constitution of the State of California and following an election held for that purpose in the manner provided in that article, shall be deemed to be a "housing project" as defined by Section 34212 of this code and shall be operated by the housing authority so acquiring the same under and pursuant to the Housing Authorities Law of the State of California, and shall not be deemed to be or operated as a farm labor center under this part.

CHAPTER 1516

An act to amend Section 615 of the Education Code, relating to county boards of education.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 615 of the Education Code is amended to read:

615. In those counties in which the election of members of county boards of education are required to be held on the same date as prescribed for the election of members of governing boards of school districts, as provided in Section 605, the offices of those members of the county board of education whose terms have been fixed to expire in even-numbered years shall become vacant upon the expiration of those terms. The vacancies arising shall be filled by the majority of the remaining members of the board, and the appointees shall hold office only until the first day of July following the election of their successors.

The successors of persons appointed pursuant to this section to fill vacancies in terms expiring in the year 1960 shall be elected at the same time as members of governing boards of school districts are elected in the year 1961, and the successors of persons appointed pursuant to this section to fill vacancies in terms expiring in the year 1962 shall be elected at the same time as members of governing boards of school districts are elected in the year 1963.

Persons elected to a county board of education in the years 1961 and 1963 in those counties to which this section relates, and the successors to those persons, shall hold office for four years and until their successors are qualified.

CHAPTER 1517

An act to amend Section 4532 of the Penal Code, relating to escapes by prisoners.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 4532 of the Penal Code is amended to read:

4532. (a) Every prisoner arrested and booked for, charged with, or convicted of a misdemeanor who is confined in any county or city jail or prison or industrial farm or industrial road camp or who is engaged on any county road or other county work or who is in the lawful custody of any officer or person, or who is employed or authorized to secure employment away from the place of confinement, pursuant to the Work Furlough Rehabilitation Law (Section 1208), and who thereafter escapes or attempts to escape from such county or city jail, prison, industrial farm or industrial road camp or from the custody of the officer or person in charge of him while engaged on or going to or returning from such county work or from the custody of any officer or person in whose lawful custody he is guilty of a felony and, if such escape or attempt to escape was not by force or violence, is punishable by imprisonment in the state prison for not exceeding one year and one day, regardless of any prior convictions, or in

the county jail not exceeding one year; provided, however, that if such escape or attempt to escape is by force or violence, such person is guilty of a felony and is punishable by imprisonment in the state prison not exceeding 10 years, or in the county jail not exceeding one year; provided, that when said second term of imprisonment is to be served in the county jail it shall commence from the time such prisoner would otherwise have been discharged from said jail.

The willful failure of a prisoner employed or authorized to secure employment pursuant to the Work Furlough Rehabilitation Law (Section 1208) to return to the place of confinement not later than the expiration of a period during which, pursuant to that law, he is authorized to be away from such place of confinement, is an escape from such place of confinement punishable as provided in this subdivision.

A conviction of violation of this subdivision, not by force or violence, shall not be charged as a prior felony conviction in any subsequent prosecution for a public offense.

(b) Every prisoner arrested and booked for, charged with, or convicted of a felony who is confined in any county or city jail or prison or industrial farm or industrial road camp or who is engaged on any county road or other county work or who is in the lawful custody of any officer or person, who escapes or attempts to escape from such county or city jail, prison, industrial farm or industrial road camp or from the custody of the officer or person in charge of him while engaged on or going to or returning from such county work or from the custody of any officer or person in whose lawful custody he is, is guilty of a felony and, if such escape or attempt to escape was not by force or violence, is punishable by imprisonment in the state prison for not less than six months nor more than five years or in the county jail not exceeding one year; provided, that if such escape or attempt to escape is by force or violence, such person is guilty of a felony and is punishable by imprisonment in the state prison not exceeding 10 years, or in the county jail not exceeding one year; provided, that when said second term of imprisonment is to be served in the county jail it shall commence from the time such prisoner would otherwise have been discharged from said jail.

CHAPTER 1518

An act to amend Section 29909 of the Government Code, relating to bonded indebtedness within a county.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 29909 of the Government Code is amended to read:

29909. The total amount of bonded indebtedness shall not at any time exceed 5 percent of the taxable property of the county as shown by the last equalized assessment roll. If water conservation, flood control, irrigation, reclamation, or drainage works, improvements, or purposes, or the construction of primary county roads is included in any proposition submitted, the total amount of bonded indebtedness may exceed 5 percent but shall not exceed 15 percent of the taxable property of the county as shown by the last equalized assessment roll. This limitation does not apply to bonds issued to refund an indebtedness existing January 1, 1880.

CHAPTER 1519

An act to add Section 504b to the Penal Code, relating to wrongful disposition of mortgaged property or proceeds thereof.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 504b is added to the Penal Code, to read:

504b. Where, under the terms of a chattel mortgage, the mortgagor has the power to sell the mortgaged property and is to account to the mortgagee for, and to pay to the mortgagee the indebtedness secured by the mortgage from, the proceeds of any sale of the mortgaged property, and where such mortgagor, having sold the mortgaged property and having received the proceeds of such sale, willfully and wrongfully, and with intent to defraud, fails to pay to the mortgagee the amounts due under the chattel mortgage, or the proceeds of such sale, whichever is the lesser amount, and appropriates such money to his own use, said mortgagor shall be guilty of embezzlement and shall be punishable as provided in Section 514.

CHAPTER 1520

An act to amend Section 940 of the Penal Code, relating to the number of members of a grand jury.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 940 of the Penal Code is amended to read:

940. An indictment cannot be found without concurrence of at least 14 grand jurors in a county in which the required number of members of the grand jury prescribed by Section 888.2 is 23, and at least 12 grand jurors in other counties. When so found it must be endorsed, "A true bill," and the endorsement must be signed by the foreman of the grand jury.

CHAPTER 1521

An act to add Sections 29373.1 and 29375.1 to the Government Code, relating to county funds.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 29373.1 is added to the Government Code, to read:

29373.1. The cash difference fund when authorized by resolution of the board of supervisors may be used to increase the amount tendered to any county officer so as to equal the amount due the county, for any account when a difference in an amount of one dollar ($1) or less exists. A record of such use shall be maintained, containing sufficient information to identify the account, identify the person making the payment which was not equal to the amount due the county, and show the amount of the difference.

SEC. 2. Section 29375.1 is added to said code, to read:

29375.1. When an amount paid to any county officer exceeds the amount due the county for any account, and such excess does not exceed one dollar ($1), the officer may deposit such excess in the overage fund in the county treasury. If such excess is not so deposited, it shall be refunded to the person making the payment.

CHAPTER 1522

An act to amend Sections 16556, 16561, and 16562 of the Education Code, relating to use of school property.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 16556 of the Education Code is amended to read:

16556. There is a civic center at each and every public school building and grounds within the State where the citizens, parent-teachers' association, Camp Fire Girls, Boy Scout troops, farmers' organizations, senior citizens' organizations, clubs, and associations formed for recreational, educational, political, economic, artistic, or moral activities of the public school districts may engage in supervised recreational activities, and where they may meet and discuss, from time to time, as

they may desire, any subjects and questions which in their judgment appertain to the educational, political, economic, artistic, and moral interests of the citizens of the communities in which they reside. Governing boards of the school districts may authorize the use, by such citizens and organizations of any other properties under their control, for supervised recreational activities.

SEC. 2. Section 16561 of said code is amended to read:

16561. The use of schoolhouses, property, and grounds pursuant to this chapter (commencing at Section 16551) shall be granted free, except as otherwise provided by Section 16562, to public agencies, or to senior citizens' organizations or to other organizations, clubs, or associations organized for cultural activities (such as folk and square dancing) and general character building or welfare purposes.

For any other use of schoolhouses, property, and grounds pursuant to this chapter, including uses for which charges may be made under Section 16562, the governing board of any school district may charge not to exceed an amount sufficient to pay the cost to the district of supplies, utilities, and salaries paid school district employees necessitated by such use of schoolhouses, property, and grounds of the district.

SEC. 3. Section 16562 of said code is amended to read:

16562. In the case of entertainments or meetings where admission fees are charged or contributions are solicited and the net receipts of the admission fees or contributions are not expended for the welfare of the pupils of the district or for charitable purposes a charge shall be made for the use of the schoolhouses, property, and grounds which charge shall not be less than the fair rental value for the use of such schoolhouses, property and grounds, as determined by the governing board of the district.

The governing board may, however, permit such use, without charge, by organizations, clubs, or associations organized for senior citizens and for cultural activities and general character building or welfare purposes, when membership dues or contributions solely for the support of the organization, club, or association, or the advancement of its cultural, character building or welfare work, are accepted.

CHAPTER 1523

An act to amend Section 7354 of the Revenue and Taxation Code, relating to taxation of motor vehicle fuel.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 7354 of the Revenue and Taxation Code is amended to read:

7354. The license tax shall be imposed upon only one distribution of the same motor vehicle fuel, except as may otherwise be provided in this part.

In determining the value of such motor vehicle fuel for any and all taxes according to value, there shall be excluded from such value the amount of motor vehicle fuel tax imposed.

CHAPTER 1524

An act to amend Section 10202.8 of the Insurance Code, relating to group life policies.

[Approved by Governor July 13, 1963 Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 10202.8 of the Insurance Code is amended to read:

10202.8. A group life policy conforming to all the following conditions may be issued to the trustees of a fund established by one employer, or by two or more employers in the same industry, or by an association of employers in the same industry, or by one or more labor unions, or by one or more employers and one or more labor unions, or by an association of employers and one or more labor unions, to insure employees of the employers or members of the unions for the benefit of persons other than the employers or the unions:

(a) The persons eligible for insurance shall be all of the employees of the employers or all of the members of the unions, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the unions, or to both. The policy may provide that the term "employees" shall include retired employees, and the individual proprietor or partners if an employer is an individual proprietor or a partnership. No director of a corporate employer shall be eligible for insurance under the policy unless such person is otherwise eligible as a bona fide employee of the corporation by performing services other than the usual duties of a director. No individual proprietor or partner shall be eligible for insurance under the policy unless he is actively engaged in and devotes a substantial part of his time to the conduct of the business of the proprietor or partnership. The policy may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship.

(b) The premium for the policy shall be paid by the trustees either: (a) wholly from funds contributed by the employer or employers of the insured persons, or by the union or unions, or by both; or (b) partly from such funds and partly from funds contributed by either all of the insured persons or by one or

more classes thereof. No policy may be issued on which the entire premium is to be derived from funds contributed by the insured persons specifically for their insurance.

A policy on which part of the premium is to be derived from funds contributed by all of the insured persons may be placed in force only if at least 75 percent of the then eligible employees of any employer unit participating in the trust, or 75 percent of the then eligible members of any participating union if no employer unit is participating in the trust, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured persons must insure all eligible persons. A policy on which part of the premium is to be derived from funds contributed by one or more classes of insured persons but not from all the insured persons, must insure all eligible persons from whom no contributions are required and must extend insurance to each class from whom contributions are required when 75 percent of the then eligible persons of any such class elect to make the required contributions. Any eligible person as to whom evidence of individual insurability is not satisfactory to the insurer shall be excluded.

(c) The policy must cover at the date of issue at least 50 persons. If the fund is established by the members of an association of employers the policy may be issued only if (i) either (a) the participating employers constitute at date of issue at least 60 percent of those employer members whose employees are not already covered for group life insurance or (b) the total number of persons covered at date of issue exceed 600; and (ii) the policy shall not require that, if an employer participating in the association for a period of three years discontinues such membership, the insurance of his employees shall cease solely by reason of such discontinuance.

(d) The amounts of insurance under the policy must be based upon some plan precluding individual selection by the insured persons or by the trustees, employers or unions. No policy may be issued which provides term insurance on any person which together with any other term insurance under any group life insurance policy or policies issued to the employers, or any of them, or to the trustee of a fund established in whole or in part by the employers, or any of them, exceeds fifty thousand dollars ($50,000).

Such insurance may be issued with or without medical examination. For the purpose of this section the word "industry" shall not include licensed professions, such as medicine, dentistry, pharmacy, law and accountancy.

CHAPTER 1525

An act to add Section 2376 to the Welfare and Institutions Code, relating to the Citizens' Advisory Committee on Aging.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963]

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

SECTION 1. Section 2376 is added to the Welfare and Institutions Code, to read:

2376. The committee may accept gifts and grants from any source, public or private, to assist it in the performance of its functions, and such gifts and grants shall operate to augment any appropriation made for the support of the committee.

CHAPTER 1526

An act to add Section 31105.2 to the Government Code, relating to county civil service ordinances.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963]

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

SECTION 1. Section 31105.2 is added to the Government Code, to read:

31105.2. Any ordinance adopting a civil service system which was, prior to the effective date of this section, submitted to a vote of the qualified electors of the county at a general or special election and received the affirmative vote of a majority of the electors voting on the proposition for the approval of the ordinance, and all ordinances amending such ordinance, are hereby validated and confirmed and shall have the full legal effect of ordinances adopted by the board of supervisors and approved by the electors in the manner required by law and complying in every respect with laws relating to the adoption and approval of such ordinances, notwithstanding any defect, irregularity, omission or ministerial error in the adoption or approval thereof.

CHAPTER 1527

An act to amend Sections 6901, 6981, 8126, 8130, 8191, 9151, 9154, 9196, 10251, 10256, 10321, 11551, 11552, 11596, 12951, 12977, 19052, 19053, 19053.9, 19132, 25781a, 26072, 26073, 26073c, 30361, 30366, 30421, 32401, 32405, 32440 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 6901 of the Revenue and Taxation Code is amended to read:

6901. If the board determines that any amount, penalty, or interest has been paid more than once or has been erroneously or illegally collected or computed, the board shall set forth that fact in the records of the board and shall certify to the State Board of Control the amount collected in excess of the amount legally due and the person from whom it was collected or by whom paid. If approved by the State Board of Control the excess amount collected or paid shall be credited by the board on any amounts then due and payable from the person from whom the excess amount was collected or by whom it was paid under this part, and the balance shall be refunded to the person, or his successors, administrators, or executors.

In the case, however, of a determination by the board that an amount not exceeding two hundred fifty dollars ($250) was not required to be paid under this part, the board without obtaining approval of the State Board of Control may credit the amount on any amounts then due and payable under this part from the person by whom the amount was paid and may refund the balance to the person or his successors, administrators, or executors.

Any overpayment of the use tax by a purchaser to a retailer who is required to collect the tax and who gives the purchaser a receipt therefor pursuant to Article 1, Chapter 3, of this part shall be credited or refunded by the State to the purchaser.

SEC. 2. Section 6981 of said code is amended to read:

6981. If any amount in excess of two hundred fifty dollars ($250) has been illegally determined either by the person filing the return or by the board, the board shall set forth that fact in its records and certify to the State Board of Control the amount determined to be in excess of the amount legally due and the person against whom the determination was made. If the State Board of Control approves, it shall authorize the cancellation of the amount upon the records of the board. If an amount not exceeding two hundred fifty dollars ($250) has been illegally determined either by the person filing a return or by the board, the board without certifying this fact to the State Board of Control shall authorize the cancellation of the amount upon the records of the board.

SEC. 3. Section 8126 of said code is amended to read:

8126 If the board determines that any amount not required to be paid under this part has been paid by any person, the board shall set forth that fact in its records and certify to the State Board of Control the amount collected in excess of the amount legally due and the person from whom it was collected and, if the State Board of Control approves, shall certify the amount to the Controller for credit or refund.

In the case, however, of a determination by the board that an amount not exceeding two hundred fifty dollars ($250) was not required to be paid under this part, the board, without

obtaining the approval of the State Board of Control, may certify the amount to the Controller for credit or refund.

SEC. 4. Section 8130 of said code is amended to read:

8130. Interest shall be paid upon any overpayment of any amount of tax at the rate of one-half of 1 percent per month from the first day of the second calendar month following the monthly period for which the overpayment is made; but no refund or credit shall be made of any interest imposed upon the claimant with respect to the amount being refunded or credited.

The interest shall be paid:

(a) In the case of a refund, if the claimant files a claim on his own initiative or within 30 days after he is notified by the board that a claim may be filed, to the 10th day after the date upon which the claim is certified to the State Board of Control; otherwise to the 30th day after the date upon which claimant is notified by the board that the claim may be filed.

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

SEC. 5. Section 8191 of said code is amended to read:

8191. If the board determines that any amount in excess of two hundred fifty dollars ($250) has been illegally determined to be due from any person either by the person filing the return or by the board, the board shall set forth that fact in its records and certify to the State Board of Control the amount determined to be in excess of the amount legally due and the person against whom the determination was made. If the State Board of Control approves, it shall authorize the cancellation of the amount upon the records of the board and the Controller. If an amount not exceeding two hundred fifty dollars ($250) has been illegally determined either by the person filing a return or by the board the board without certifying this fact to the State Board of Control shall authorize the cancellation of the amount upon the records of the Controller and the board.

SEC. 6. Section 9151 of said code is amended to read:

9151. If the board determines that any amount not required to be paid under this part has been paid by any person, the board shall set forth that fact in its records and certify to the State Board of Control the amount paid in excess of the amount legally due and the person by whom the excess was paid to the board or from whom it was collected. If the State Board of Control approves, the excess amount paid or collected shall be credited on any amounts then due and payable from the person from whom the excess amount was collected or by whom it was paid under this part, and the balance shall either be refunded to the person, or his successors, administrators, executors, or assigns, or, if authorized by the board, deducted by the person from any amounts to become due from him under this part.

In the case, however, of a determination by the board that an amount not exceeding two hundred fifty dollars ($250) was not required to be paid under this part, the board without obtaining the approval of the State Board of Control may credit the amount on any amounts then due and payable under this part from the person by whom the amount was paid and may refund the balance to the person or his successors, administrators, or executors.

Any overpayment of the tax by a user to a vendor who is required to collect the tax and who gives the user a receipt therefor pursuant to Section 8732 shall be credited or refunded by the State to the user.

SEC. 7. Section 9154 of said code is amended to read:

9154. In the case, however, of a determination by the board that an amount not exceeding two hundred fifty dollars ($250) was not required to be paid under this part, the board, without obtaining the approval of the State Board of Control, may credit the amount on any amounts then due and payable under this part from the person by whom the amount was paid and may authorize the person to deduct the balance from any amounts to become due from him under this part.

SEC. 8. Section 9196 of said code is amended to read:

9196. If any amount in excess of two hundred fifty dollars ($250) has been illegally determined either by the person filing the return or by the board, the board shall set forth that fact in its records and certify to the State Board of Control the amount determined to be in excess of the amount legally due and the person against whom the determination was made. If the State Board of Control approves, it shall authorize the cancellation of the amount upon the records of the board. If an amount not exceeding two hundred fifty dollars ($250) has been illegally determined either by the person filing a return or by the board the board without certifying this fact to the State Board of Control shall authorize the cancellation of the amount upon the records of the board.

SEC. 9. Section 10251 of said code is amended to read:

10251. If the board determines that any amount not required to be paid under this part has been paid by any person, the board shall set forth that fact in its records and certify to the State Board of Control the amount paid in excess of the amount legally due and the person from whom it was collected. If the State Board of Control approves, the excess amount collected or paid shall be credited on any taxes then due from the operator from whom the excess amount was collected or by whom it was paid under this part, and the balance shall be refunded to the operator, or his successors, administrators, executors, or assigns, or to the person from whom it was collected.

In the case, however, of a determination by the board that an amount not exceeding two hundred fifty dollars ($250) was not required to be paid under this part, the board, without

obtaining the approval of the State Board of Control, may credit such amount on any amounts then due from the operator under this part, and the balance may be refunded to the operator, or his successors, administrators, executors, or assigns, or to the person from whom it was collected.

SEC. 10. Section 10256 of said code is amended to read:

10256. The board shall examine the claim and, if it is satisfied that a refund is due, shall set forth that fact in its records and certify to the State Board of Control the amount thereof. If approved by the State Board of Control, the amount shall be credited by the board on any taxes then due from the operator under this part, and the balance shall be refunded to the operator, his successors, administrators, executors, or assigns.

SEC. 11. Section 10321 of said code is amended to read:

10321. If any amount in excess of two hundred fifty dollars ($250) has been illegally determined either by the person filing the return or by the board, the board shall set forth that fact in its records and certify to the State Board of Control the amount determined to be in excess of the amount legally due and the person against whom the determination was made. If the State Board of Control approves, it shall authorize the cancellation of the amount upon the records of the board and the Controller. If an amount not exceeding two hundred fifty dollars ($250) has been illegally determined either by the person filing a return or by the board, the board without certifying this fact to the State Board of Control shall authorize the cancellation of the amount upon the records of the board and the Controller.

SEC. 12. Section 11551 of said code is amended to read:

11551. If the board determines that any amount not required to be paid under this part has been paid by any person, the board shall set forth that fact in its records and certify to the State Board of Control the amount paid in excess of the amount legally due and the person by whom paid to the board.

SEC. 13. Section 11552 of said code is amended to read:

11552. If the State Board of Control approves, the excess amount paid shall be credited by the board on any amounts then due from the person who paid it under this part, and the balance shall be refunded to such person, or his successors, administrators, executors, or assigns.

SEC. 14. Section 11596 of said code is amended to read:

11596. If any amount has been illegally assessed, the board shall set forth that fact in its records and certify to the State Board of Control the amount assessed in excess of the amount legally due and the person against whom the assessment was made. If the State Board of Control approves, it shall authorize the cancellation of the amount upon the records of the board.

SEC. 15. Section 12951 of said code is amended to read:

12951. If an amount in excess of two hundred fifty dollars ($250) has been illegally assessed, the board shall set forth that fact in its records and certify to the State Board of Control the amount assessed in excess of the amount legally assessed and the insurer against whom the assessment was made. If the State Board of Control approves, it shall authorize the cancellation of the amount upon the records of the Controller and the board. If an amount not exceeding two hundred fifty dollars ($250) has been illegally assessed, the board, without certifying this fact to the State Board of Control, shall authorize the cancellation of the amount upon the records of the Controller and the board. The board shall mail a notice to the insurer of any cancellation authorized.

SEC. 16. Section 12977 of said code is amended to read:

12977. If the board determines that any tax, interest, or penalty has been paid more than once or has been erroneously or illegally collected or computed, the board shall set forth that fact in its records of the board and shall certify to the Board of Control the amount of the taxes, interest, or penalties collected in excess of what was legally due, and from whom they were collected or by whom paid. If approved by the Board of Control, the excess shall be certified to the Controller for credit or refund. In the case, however, of a determination by the board that an amount not exceeding two hundred fifty dollars ($250) was not required to be paid under this part, the board without obtaining approval of the State Board of Control may certify the amount to the Controller for credit or refund. The Controller upon receipt of a certification for credit or refund shall credit the excess on any amounts then due and payable from the insurer under this part and refund the balance.

SEC. 17. Section 19052 of said code is amended to read:

19052. (a) No credit or refund exceeding two hundred fifty dollars ($250) shall be allowed or made until approved by the State Board of Control.

(b) If the Franchise Tax Board determines that an amount not exceeding two hundred fifty dollars ($250) was not required to be paid under this part, the Franchise Tax Board without obtaining the approval of the State Board of Control shall set forth that fact in its records. The Franchise Tax Board may credit the amount on any amounts then due and payable under this part from the taxpayers by whom the amount was paid and may refund the balance to the taxpayer or his successors, administrators, or executors.

SEC. 18. Section 19053 of said code is amended to read:

19053. No credit or refund shall be allowed or made after four years from the last day prescribed for filing the return or after one year from the date of the overpayment, whichever period expires the later, unless before the expiration of the period a claim therefor is filed by the taxpayer, or unless before

the expiration of such period the Franchise Tax Board allows a credit or makes a refund where the overpayment does not exceed two hundred fifty dollars ($250), or if the overpayment exceeds two hundred fifty dollars ($250) certifies such overpayment to the State Board of Control for approval of the refunding or the crediting thereof.

SEC. 19. Section 19053.9 of said code is amended to read:

19053.9. Notwithstanding any statute of limitations provided in this part, any overpayment due a taxpayer for any year which results from a transfer of items of income or deductions or both to or from another year for the same taxpayer, or for the same year for a related taxpayer described in Section 18691.1, shall be allowed as an offset in computing any deficiency in tax for any other year resulting from the transfer of such income or deductions or both, but no refund shall be allowed unless the Franchise Tax Board has allowed a credit or made a refund where the overpayment does not exceed two hundred fifty dollars ($250), or where the overpayment exceeds two hundred fifty dollars ($250), such overpayment is certified to the State Board of Control, or a claim for refund is filed within the time otherwise provided for in this part.

The offset provided herein, however, shall not be allowed after the expiration of seven years from the due date of the return on which the overpayment is determined.

SEC. 20. Section 19132 of said code is amended to read:

19132. The Franchise Tax Board or any person authorized in writing by the Franchise Tax Board is authorized to enter into an agreement in writing with any person (or of the person or estate for whom he acts) in respect of any tax levied under Part 10 of this code for any taxable period.

If such agreement is approved by the State Board of Control, within such time as may be stated in the agreement, or later agreed to, such agreement shall be final and conclusive, and except upon a showing of fraud or malfeasance, or misrepresentation of a material fact:

(1) The case shall not be reopened as to the matters agreed upon or the agreement modified, by any officer, employee, or agent of the State, and

(2) In any suit, action, or proceeding, such agreement, or any determination, assessment, collection, payment, abatement, refund, or credit made in accordance therewith, shall not be annulled, modified, set aside, or disregarded.

SEC. 21. Section 25781a of said code is amended to read:

25781a. If such agreement is approved by the State Board of Control, within such time as may be stated in the agreement, or later agreed to, such agreement shall be final and conclusive, and except upon a showing of fraud or malfeasance, or misrepresentation of a material fact:

(1) The case shall not be reopened as to the matters agreed upon or the agreement modified, by any officer, employee, or agent of the State, and

(2) In any suit, action, or proceeding, such agreement, or any determination, assessment, collection, payment, abatement, refund, or credit made in accordance therewith, shall not be annulled, modified, set aside, or disregarded.

SEC. 22. Section 26072 of said code is amended to read:

26072. (a) No credit or refund exceeding two hundred fifty dollars ($250) shall be allowed or made unless approved by the State Board of Control.

(b) If the Franchise Tax Board determines that an amount not exceeding two hundred fifty dollars ($250) was not required to be paid under this part, the Franchise Tax Board without obtaining the approval of the State Board of Control shall set forth that fact in its records. The Franchise Tax Board may credit the amount on any amounts then due and payable under this part from the taxpayer by whom the amount was paid and may refund the balance to the taxpayer, or its successors and assigns.

SEC. 23. Section 26073 of said code is amended to read:

26073. No such credit or refund shall be allowed or made after four years from the last day prescribed for filing the return or after one year from the date of the overpayment, whichever period expires the later, unless before the expiration of such period a claim therefor is filed by the taxpayer, or unless before the expiration of such period the Franchise Tax Board allowed a credit or made a refund where the overpayment does not exceed two hundred fifty dollars ($250), or if the amount exceeds two hundred fifty dollars ($250) has certified such overpayment to the State Board of Control for approval of the refunding or the crediting thereof.

SEC. 24. Section 26073c of said code is amended to read:

26073c. (1) Notwithstanding any statute of limitations otherwise provided for in this part, any overpayment due a taxpayer for any year, shall be allowed as an offset in computing any deficiency in tax, for the same or any other year, if such overpayment results from:

(a) A transfer of items of income or deductions or both to or from another year for the same taxpayer; or

(b) A transfer of items of income or deductions or both to or from another taxpayer for the same or different years if such items of income or deductions are transferred between affiliated taxpayers whose tax is determined under Chapter 17 of this part.

(2) The offset provided by subdivision (1) shall not be allowed after the expiration of seven years from the due date of the return or returns on which the overpayment is determined.

(3) No refund shall be allowed under subdivision (1) unless a claim for refund is filed within the time otherwise provided for in this part.

SEC. 25. Section 30361 of said code is amended to read:

30361. If the board determines that any amount not required to be paid under this part has been paid more than

once or has been erroneously or illegally collected or computed, the board shall set forth that fact in its records and certify to the State Board of Control the amount collected in excess of the amount legally due and the person from whom it was collected or by whom it was paid. If approved by the State Board of Control, the excess amount collected or paid shall be credited by the board on any amounts then due and payable from the person from whom the excess amount was collected or by whom it was paid under this part, and the balance shall be refunded to the person, or his successors, administrators, executors, or assigns.

In the case, however, of a determination by the State Board of Equalization that an amount not exceeding two hundred fifty dollars ($250) was not required to be paid under this part, the State Board of Equalization, without obtaining approval of the State Board of Control, may credit such amount on any amounts then due and payable under this part from the person by whom the amount was paid and shall refund the balance to the person or his successors, administrators or executors.

SEC. 26. Section 30366 of said code is amended to read:

30366. Interest shall be computed, allowed, and paid upon any overpayment of any amount of tax at the rate of one-half of 1 percent per month from the 15th day of the calendar month following the monthly period for which the overpayment was made, but no refund or credit shall be made of any interest imposed upon the claimant with respect to the amount being refunded or credited.

The interest shall be paid:

(a) In the case of a refund, to the 15th day of the calendar month following the date upon which the claimant is notified by the board that a claim may be filed or the date upon which the claim is certified to the State Board of Control, whichever date is the earlier.

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

SEC. 27. Section 30421 of said code is amended to read:

30421. If any amount in excess of two hundred fifty dollars ($250) has been illegally determined, the board shall set forth that fact in its records and certify to the State Board of Control the amount determined in excess of the amount legally due and the person against whom the determination was made. If the State Board of Control approves, it shall authorize the cancellation of the amount upon the records of the board. If an amount not exceeding two hundred fifty dollars ($250) has been illegally determined, the board without certifying this fact to the State Board of Control shall authorize the cancellation of the amount upon the records of the board.

SEC. 28. Section 32401 of said code is amended to read:

32401. If the board determines that any amount of tax, penalty, or interest has been paid more than once or has been erroneously or illegally collected or computed, the board shall set forth that fact in the records of the board and shall certify to the State Board of Control the amount collected in excess of what was legally due and the person from whom it was collected or by whom paid. If approved by the State Board of Control the excess amount collected or paid shall be credited on any amounts then due from the person from whom the excess amount was collected or by whom it was paid under this part, and the balance shall be refunded to the person, or his successors, administrators, or executors.

In the case, however, of a determination by the board that an amount not exceeding two hundred fifty dollars ($250) was not required to be paid under this part, the board without obtaining the approval of the State Board of Control may credit the amount on any amounts then due and payable under this part from the person by whom the amount was paid and may refund the balance to the person or his successors, administrators, or executors.

SEC. 29. Section 32405 of said code is amended to read:

32405. Interest shall be computed, allowed, and paid upon any overpayment of any amount of tax at the rate of one-half of 1 percent per month from the 15th day of the calendar month following the monthly period for which the overpayment was made, but no refund or credit shall be made of any interest imposed upon the claimant with respect to the amount being refunded or credited.

The interest shall be paid:

(a) In the case of a refund, to the 15th day of the calendar month following the date upon which the claimant is notified by the board that a claim may be filed or the date upon which the claim is certified to the State Board of Control, whichever date is the earlier.

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

SEC. 30. Section 32440 of said code is amended to read:

32440. If any amount in excess of two hundred fifty dollars ($250) has been illegally determined, either by the person filing the return or by the board, the board shall certify to the State Board of Control the amount determined to be in excess of the amount legally due and the person against whom the determination was made. If the State Board of Control approves, it shall authorize the cancellation of the amount upon the records of the board. If an amount not exceeding two hundred fifty dollars ($250) has been illegally determined, either by the person filing a return or by the board, the board without certifying this fact to the State Board of Control shall authorize the cancellation of the amount upon the records of the board.

CHAPTER 1528

An act to add Section 10270.57 to the Insurance Code, relating to group insurance.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 10270.57 is added to the Insurance Code, to read:

10270.57. Another form of group disability insurance is that form of disability insurance conforming to the following conditions:

(a) Written under a master policy issued to the trustee of any self-employed individuals, whether or not they have any employees, all of whom have contracts with the same publisher of a newspaper, for the performance of services for such publisher as independent contractors, offering insurance to such self-employed individuals and to all the employees of any such persons and covering not less than 10 such self-employed individuals and their employees or such individuals and their employees together with their dependents or spouses for amounts of insurance based upon some plan which will preclude individual selection by the eligible person as to the amount of his insurance coverage thereunder;

(b) For delivery to each person insured thereunder, other than dependents or spouses of an insured employee or person, there is issued to the holder of the master policy by the insurer an individual certificate setting forth the benefits and the exceptions under, and referring to, the master policy under which the certificate is issued.

Such certificates are not subject to the provisions of this chapter relating to the master policy, but the forms thereof shall be submitted to the commissioner for his approval and shall not be issued without such approval of such forms in the manner provided in the case of the master policy.

CHAPTER 1529

An act to add Section 818 to the Penal Code, relating to arrest.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 818 is added to the Penal Code, to read:

818. In any case in which, between sunset and sunrise, a peace officer serves upon a person, at his home, apartment, hotel room, or other place of permanent or temporary abode,

a warrant of arrest for a misdemeanor offense under the Vehicle Code or under any local ordinance relating to stopping, standing, parking, or operation of a motor vehicle and where no written promise to appear has been filed and the warrant states on its face that a citation may be used in lieu of physical arrest, the peace officer may, instead of taking the person before a magistrate, prepare a notice to appear and release the person on his promise to appear, as prescribed by Sections 853.6 through 853.8 of the Penal Code. Issuance of a notice to appear and securing of a promise to appear shall be deemed a compliance with the directions of the warrant, and the peace officer issuing such notice to appear and obtaining such promise to appear shall endorse on the warrant "Section 818, Penal Code, complied with" and return the warrant to the magistrate who issued it.

CHAPTER 1530

An act to add Section 40834 to the Vehicle Code, relating to traffic offenses.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 40834 is added to the Vehicle Code, to read:

40834. A judgment of conviction for any violation of this code or of any local ordinance relating to the operation of a motor vehicle or a finding reported under Section 1816 shall not be res judicata or constitute a collateral estoppel of any issue determined therein in any subsequent civil action.

CHAPTER 1531

An act to amend Sections 18050 and 19143 of the Government Code, relating to vacations for state employees.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 18050 of the Government Code is amended to read:

18050. Following completion of six months of continuous service, for each completed calendar month of service each state officer and employee who is employed full time shall receive

credit for vacation with pay in accordance with the following schedule:

1 month to 3 years	$\frac{5}{6}$ days per month
37 months to 10 years	$1\frac{1}{4}$ days per month
121 months to 15 years	$1\frac{5}{12}$ days per month
181 months to 24 years	$1\frac{7}{12}$ days per month
289 months and over	$1\frac{2}{3}$ days per month

The computation of credit for the month of January, 1964 and each month thereafter shall be based upon the schedule provided by this section, provided that the rate of vacation credit allowed shall not be reduced for any officer or employee employed prior to January 1, 1964. The time when vacation shall be taken shall be determined by the appointing power of the officer or employee.

SEC. 2. Section 19143 of the Government Code is amended to read:

19143. Notwithstanding any other provision of the law to the contrary, an employee whose continuity of employment in the state service as either an exempt or civil service employee is broken for six months or longer by reason of resignation, dismissal, or rejection during a probationary period, and who is subsequently re-employed after December 31, 1949, shall not be credited for service prior to such separation for purposes of layoff or sick leave, nor shall he be credited with any sick leave which he had accumulated prior to his separation, and he shall again serve the months required to qualify for vacation credit. The State Personnel Board shall adopt rules governing the crediting of service before and after such a break in service for purposes of vacation as specified in Section 18050 and the keeping of service records related thereto.

When an employee has a break in the continuity of his state employment because of layoff, suspension, leave of absence, military leave, or disability retirement, his prior service shall be counted upon his return to state service for purposes of layoff, sick leave and vacation.

The provisions of this section as amended in 1963 shall become effective January 1, 1964.

CHAPTER 1532

An act to add Section 995.1 to the Education Code, and to add Section 1064.5 to Division 4 of the Education Code as proposed to be added by Senate Bill No. 718, relating to school districts.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 995.1 is added to the Education Code, to read:

995.1. The governing boards of two school districts governed by governing boards of identical personnel may enter into an agreement for the two districts upon such terms and conditions as may be agreeable to the respective governing boards for the joint use and maintenance of school buildings and other school facilities of one or both of the districts or for the use and maintenance of the school buildings and other school facilities of one district by the other district.

SEC. 2. Section 1064.5 is added to Division 4 of the Education Code as proposed by Senate Bill No. 718, to read:

1064.5. The governing boards of two school districts governed by governing boards of identical personnel may enter into an agreement for the two districts upon such terms and conditions as may be agreeable to the respective governing boards for the joint use and maintenance of school buildings and other school facilities of one or both of the districts or for the use and maintenance of the school buildings and other school facilities of one district by the other district.

SEC. 3. Section 2 of this act shall become operative only if Division 4 of the Education Code as proposed by Senate Bill No. 718 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as Senate Bill No. 718 takes effect; at which time Section 995.1 of the Education Code as added by Section 1 of this act is repealed.

CHAPTER 1533

An act to amend Section 25153 of the Corporations Code, relating to subscriptions for corporate securities.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 25153 of the Corporations Code is amended to read:

25153. (a) No provision of the Corporate Securities Law prohibits subscriptions for securities, as defined in Section 25008 of this code, of a domestic or foreign corporation made prior to the incorporation thereof, or interests in a real estate investment trust before the due execution of the declaration of trust therefor; but each such subscription is made and accepted upon the following conditions:

(1) The corporation shall be incorporated or the declaration of trust shall be duly executed within 90 days thereafter.

(2) The corporation, when incorporated, or the real estate investment trust, when the declaration of trust is executed, shall with reasonable diligence apply for and secure from the commissioner a permit authorizing the issue of the securities or the sale of the interests so subscribed for, in accordance with such subscriptions.

(b) Except as is specifically required by any law of this State, nothing in this section permits any of the following:

(1) The collection of any portion of the consideration to be paid on account of subscriptions made prior to incorporation or execution of the declaration of trust, as the case may be, unless and until a permit has been issued by the commissioner authorizing such collection.

(2) The taking of subscriptions for any security of any company other than a domestic or foreign corporation or real estate investment trust, or collection of any portion of the consideration to be paid on account of such subscriptions, unless and until a permit has been issued by the commissioner authorizing the taking of such subscriptions or the collection thereof.

CHAPTER 1534

An act to amend Section 455 of the Elections Code, relating to indexes of voter registrations.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 455 of the Elections Code is amended to read:

455. Upon written demand of the chairman or vice chairman of a party state central committee or of the chairman of a party county central committee, the county clerk shall furnish to the committee, without charge therefor, no more than two copies of the printed indexes of registration for the primary and general elections or for any special election at which a partisan office is to be filled. The copies of the printed indexes of registration shall be furnished to the committee demanding the same not less than 25 days prior to the day of the primary, general, or special election for which they are provided. In counties with a population of less than 5,000,000, the county clerk shall furnish to the committee, without charge therefor, no more than four copies of the printed index of registration for the primary and general elections.

CHAPTER 1535

An act to add Section 25304 to the Elections Code, relating to the election of judges.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 25304 is added to the Elections Code, to read:

25304. In any judicial district containing a population of 2,000,000 or more, as determined by the last preceding feder-

ally published decennial census, in which only the incumbent has filed nomination papers for the office of municipal court judge, his name shall not appear on the ballot unless there is filed with the county clerk or registrar of voters, within 20 days after the final date for filing nomination papers for the office, a petition indicating that a write-in campaign will be conducted for the office and signed by 100 registered voters qualified to vote with respect to the office.

If a petition indicating that a write-in campaign will be conducted for the office at the general election, signed by 100 registered voters qualified to vote with respect to the office, is filed with the county clerk or registrar of voters not less than 45 days before the general election, the name of the incumbent shall be placed on the general election ballot if it has not appeared on the direct primary election ballot.

If, in conformity with this section, the name of the incumbent does not appear either on the primary ballot or general election ballot, the county clerk or registrar of voters, on the day of the general election, shall declare the incumbent re-elected.

CHAPTER 1536

An act to add Section 224 to, and amend Section 381 of, the Elections Code, relating to affidavits of registration.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

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

224. In lieu of executing a new affidavit of registration, the county clerk shall accept a post office change of address card form, as evidence that a voter has moved from one address to another within the same county, if the signature on the post office change of address card form is the same as appears on the affidavit of registration of the voter.

On receipt of this card, the clerk shall compare the signature on the card with that appearing on the affidavit of registration of the voter, and, if he finds that the signatures are the same, shall notify the voter by first-class mail that according to the records on file in the United States Post Office, he has recently filed a notice to have his mail forwarded to a new address and that the records on file in his county indicate that he is still registered from his old address and that his affidavit of registration has been placed in a suspension file.

Enclosed with the letter shall be a postcard, prepaid and preaddressed by the clerk, to be filled out by the voter, notifying the clerk whether his change of address is temporary or perma-

nent. Upon receipt of this postcard, the clerk shall either restore the affidavit to the original precinct or to the new precinct covered by the change of address; and if it is a permanent change of address, the clerk shall write on the front or the back of the voter's affidavit the new address and transfer the affidavit to the proper precinct register.

If the postcard is not returned to the clerk within 30 days of the date of mailing, or 40 days prior to the next succeeding election, whichever first occurs, the voter's registration shall be removed from the suspension file and canceled. No notice and postcard shall be mailed by the clerk between the close of registration and the day of election.

Only the address may be changed by the procedure set forth in this section. To change his political affiliation from one party to another or to change his occupational designation, the voter shall execute a new affidavit of registration or the affidavit set forth in Section 313, as the case may be.

SEC. 2. Section 381 of the Elections Code is amended to read:

381. Cancellation is made by writing or stamping on the affidavit of registration the word "canceled," the reason the affidavit was canceled, and the date of cancellation.

Except as provided in Section 224, whenever a voter transfers his registration from one precinct to another precinct in the same county, or reregisters in another precinct in the same county as shown by the new affidavit of registration, the county clerk shall immediately cancel both the original and the duplicate affidavit of registration from the precinct in which the voter was first registered, and shall remove the original from the precinct book and the duplicate from the files.

Whenever a voter removes from one county to another county and registers in the latter county, the county clerk of the county in which he was first registered, upon being informed of his removal either by the voter personally or by receipt of an affidavit of cancellation, shall likewise cancel his registration and remove the original and duplicate affidavit of registration in that county.

All canceled affidavits of registration shall be preserved by the county clerk as required in Section 421 of this code.

The county clerk in distributing to each precinct the three indexes of registration, as required by this chapter, shall cross out of those indexes the names of all voters whose affidavits of registration from the precinct have been canceled.

CHAPTER 1537

An act to amend Sections 2733.5 and 2736 of, and to repeal Sections 2743 and 2744 of, the Business and Professions Code, relating to nursing.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 2733.5 of the Business and Professions Code is amended to read:

2733.5. Until October 2, 1965, the board upon written application and receipt of a registration fee of twenty dollars ($20) may issue a temporary permit to any applicant who at the time of application is currently licensed or registered as a professional nurse under the laws of another state of the United States of America and such a temporary permit may also be issued to an applicant who at the time of application is currently authorized to legally practice as a professional nurse under the laws of the Dominion of Canada.

The temporary permit issued under this section shall authorize the permittee to engage in the practice of nursing under this chapter until January 1, 1966.

Not more than two temporary permits may be issued to any one person after the effective date of the amendments made to this section at the 1961 Regular Session of the Legislature.

SEC. 1.5. Section 2736 of said code is amended to read:

2736. An applicant shall comply with each of the following:

(a) Have successfully completed at least an approved high school course of study or the equivalent thereof as determined by board regulation, and such other preliminary requirements as the board by regulation may prescribe.

(b) Have successfully completed the prescribed course of study in an accredited school of nursing, or have graduated from a school which in the opinion of the board maintains and gives a course which is equivalent to the minimum requirements of the board established by regulation, for an accredited school in this State.

(c) Have committed no act, which, if committed by a licensee, would be a ground for disciplinary action.

SEC. 2. Section 2743 of said code is repealed.

SEC. 3. Section 2744 of said code is repealed.

CHAPTER 1538

An act to amend and renumber Section 13531 of the Education Code, relating to schools.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 13531 of the Education Code is amended and renumbered to read:

13009. The governing board of each school district when drawing an order for the salary payment due to employees of the district, shall without charge reduce the order by the amount which it has been requested in a revocable written authorization by the employee to deduct for any or all of the following purposes: paying premiums on any policy or certificate of group life insurance for the benefit of the employee or for group disability insurance, or both, for the benefit of the employee or his dependents issued by an admitted insurer on a form of policy or certificate approved by the Insurance Commissioner, or paying rates, dues, fees, or other periodic charges on any hospital service contract for the benefit of the employee, or his dependents, issued by a nonprofit hospital service corporation on a form approved by the Insurance Commissioner pursuant to the provisions of Chapter 11A of Part 2 of Division 2 of the Insurance Code, or paying periodic charges on any medical and hospital service agreement or contract for the benefit of the employee, or his dependents, issued by a nonprofit membership corporation lawfully operating under Section 9200 or Section 9201 of the Corporations Code. The governing board of the district shall each month draw its order upon the funds of the district in favor of the insurer which has issued the policies or certificates or in favor of the nonprofit hospital service corporation which has issued hospital service contracts, or in favor of the nonprofit membership corporation which has issued medical and hospital service agreements or contracts, for an amount equal to the total of the respective deductions therefor made during the month.

CHAPTER 1539

An act to amend Section 5701.3 of the Welfare and Institutions Code, relating to establishments for the mentally ill.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 5701.3 of the Welfare and Institutions Code is amended to read:

5701.3. The provisions of this chapter do not apply to private homes certified for family care of patients paroled or on leave of absence from state hospitals or state homes. The department may dispense with any requirements of this chapter in an establishment licensed to receive not more than three (3) patients. Licenses may be issued without payment of a fee to establishments which do not have the capacity to receive or care for more than six mentally ill or other incompetent persons, which establishments are classified as family homes in the regulations of the department.

CHAPTER 1540

An act to amend Section 690.11 of the Code of Civil Procedure, relating to exempting the earnings of debtors from attachment and execution of judgment.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 690.11 of the Code of Civil Procedure is amended to read:

690.11. One-half of the earnings of the defendant or judgment debtor received for his personal services rendered at any time within 30 days next preceding the levy of attachment or execution shall be exempt from execution or attachment without filing a claim for exemption as provided in Section 690.26.

All of such earnings, if necessary for the use of the debtor's family, residing in this State, and supported in whole or in part by such debtor unless the debts are: (a) incurred by such debtor, his wife or family, for the common necessaries of life; or, (b) incurred for personal services rendered by any employee, or former employee, of such debtor.

Prior to causing any levy of attachment on earnings of the defendant received for his personal services, the plaintiff shall file with the levying officer an affidavit that the defendant whose earnings are to be attached has been served with a copy of the summons and of the complaint or that the defendant has been given notice pursuant to Chapter 5 (commencing with Section 1010) of Title 14 of Part 2 of this code that a writ of attachment on his earnings will issue after eight days from the date of such notice. Such notice shall only be required on the first writ of attachment on earnings.

CHAPTER 1541

An act to amend Section 13830 of the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 13830 of the Education Code is amended to read:

13830. "Compensation" and "salary" mean remuneration in cash payable by the employer to the member, plus any payments in cash by the employer to one other than the member for the purpose of purchasing an annuity contract for the member under an annuity plan which meets the requirements of Section 403(b) of the Internal Revenue Code of the United States.

CHAPTER 1542

An act to amend Section 601 of the Code of Civil Procedure, relating to the challenge of jurors.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 601 of the Code of Civil Procedure is amended to read:

601. Challenges are to individual jurors and are either peremptory or for cause.

Each party is entitled to challenges for cause.

Each side is entitled to six peremptory challenges and where there are several parties on a side they must join in a peremptory challenge before it can be made. When a trial involves coparties or third parties joined by consolidation, intervention, cross complaint or otherwise, the court, as the interests of justice require, shall determine the number and identity of sides, according to adverse interests in the issues at the trial and shall determine the order in which the sides shall exercise their respective peremptory challenges.

Peremptory challenges shall not be taken until the panel is full and then must be taken or passed by the sides alternately, commencing with the plaintiff. When each side passes consecutively, the jury shall then be sworn, unless the court, for good cause, shall otherwise order. The number of peremptory challenges remaining with a side shall not be diminished by any passing of a peremptory challenge.

The above provisions notwithstanding, a side shall, upon filing written demand therefor with the court before pretrial proceedings, or upon oral or written demand therefor made during such proceedings, have eight peremptory challenges.

CHAPTER 1543

An act to amend Section 2954, as added by Chapter 1452 of the Statutes of 1961, of the Civil Code, relating to statements.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 2954 of the Civil Code is amended to read:

2954. Every mortgagee of real property, beneficiary under a deed of trust on real property or vendor on a real property sale contract upon the written request of the mortgagor,

trustor or vendee shall furnish to the mortgagor, trustor or vendee for each calendar year within 60 days after the end of such year an itemized accounting of moneys received for interest and principal repayment and received and held in or disbursed from an impound or trust account, if any, for payment of taxes on the property, insurance premiums or other purposes relating to the property subject to the mortgage, deed of trust or real property sales contract. The mortgagor, trustor or vendee shall be entitled to receive one such accounting for each calendar year without charge and shall be entitled to additional similar accountings for one or more months upon written request and on payment in advance of fees as follows:

(a) Fifty cents ($0.50) per statement when requested in advance on a monthly basis for one or more years.

(b) One dollar ($1) per statement when requested for only one month.

(c) Five dollars ($5) if requested for a single cumulative statement giving all the information described above back to the last statement rendered.

If the mortgagee, beneficiary or vendor transmits to the mortgagor, trustor or vendee a monthly statement or passbook showing moneys received for interest and principal repayment and received and held in and disbursed from an impound or trust account, if any, the mortgagee, beneficiary or vendor shall be deemed to have complied with this section.

Where a written request is made by the mortgagor, trustor, or vendee, no increase in the monthly rate of payment of a mortgagor, trustor or vendee on a real property sales contract for impound or trust accounts shall be effective until after the mortgagee, beneficiary or vendor has furnished the mortgagor, trustor or vendee with an itemized accounting of the moneys presently held by it in the accounts, and a statement of the new monthly rate of payment, and an explanation of the factors necessitating the increase.

The provisions of this section shall be in addition to the obligations of the parties as stated by Section 2943 of this code.

Every person who willfully or repeatedly violates this section shall be subject to punishment by a fine of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100).

CHAPTER 1544

An act to add Section 1030.5 to the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1 Section 1030.5 is added to the Unemployment Insurance Code, to read:

1030 5. If the director finds that any employer or any employee, officer, or agent of any employer, in submitting facts pursuant to Section 1030 or 3701, willfully makes a false statement or representation or willfully fails to report a material fact concerning the termination of a claimant's employment, the director shall make a determination thereon charging the employer's reserve account not less than 2 nor more than 10 times the weekly benefit amount of such claimant. The director shall give notice to the employer of a determination under this section. Appeals may be taken from said determinations in the same manner as appeals from determinations on benefit claims

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CHAPTER 1545

An act to amend Section 16473.5 of the Government Code, relating to the Pooled Money Investment Board.

[Approved by Governor July 13, 1963 Filed with Secretary of State July 16, 1963]

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

SECTION 1. Section 16473.5 of the Government Code is amended to read:

16473 5. For the purposes of this article, a written determination signed by a majority of the members of the Pooled Money Investment Board shall be deemed to be the determination of the board.

CHAPTER 1546

An act authorizing the Director of Finance to dispose of property belonging to the State.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. The Director of Finance is hereby authorized to sell, exchange, or otherwise dispose of, for current market value and upon such terms and conditions and with such reservations and exceptions as in his opinion may be for the best interest of the State, all or any part of the following real property:

Parcel 1. Lot 3 in Block 9 of the Alta Subdivision, as per map thereof, filed for record April 29, 1939, in Book 5 of

Maps, at Page 53, Shasta County Records, containing 26,570 square feet more or less, being the Highway Patrol Radio Site in Redding, California.

Parcel 2. Approximately 64.4 acres in the County of Ventura, lying south of West Potrero Road, being a portion of the Camarillo State Hospital farm grounds.

Parcel 3. The westerly 84 feet of Lots 2, 4, 6 and 8, in Block 98 of the Townsite of Long Beach, in the City of Long Beach, County of Los Angeles, State of California, as per map recorded in Book 19, Page 91, et seq., of Miscellaneous Records, EXCEPT the southerly 17 feet of said Lot 8, being the Long Beach Motor Vehicle office.

Parcel 4. Approximately 1.76 acres in the City of Santa Rosa, being the northerly 210 feet of the existing Division of Forestry District Headquarters. Provided that the purchaser agrees to construct improvements thereon and to lease the land and improvements to the State, acting by and through the Director of Finance, with an option in favor of the State to purchase the land and improvements and/or providing that the same shall vest in the State upon expiration of the lease and otherwise upon such terms and conditions as the Director of Finance deems to be in the best interests of the State.

Parcel 5. Approximately 50 acres being a portion of Lots 2 and 3, Block 60, Rancho San Bernardino, as per plat recorded in Book 7 of Maps, Page 2, Records of the County of San Bernardino, State of California, and being a portion of Patton State Hospital.

SEC. 2. A copy of each conveyance executed and delivered or received by the Director of Finance pursuant to this act shall be delivered to the State Lands Commission.

SEC. 3. Prior to the sale of parcels of property for value pursuant to this act, notice thereof shall be posted on the property to be sold and shall be published pursuant to Government Code Section 6061 in a newspaper published in the county in which the real property to be sold is situated; provided, the requirement shall not be applicable to the disposition of said parcels to any federal, state or local governmental agency.

SEC. 4. Any costs or expenses incurred in the sale or other disposition of any parcel herein referred to shall be reimbursed from the proceeds of such sale or disposition.

SEC. 5. Subject to Section 4 hereof, any moneys received from the sale or other disposition of said property shall be paid into the General Fund, except that any moneys received from the sale or disposition of Parcels 1 and 3 shall be paid into the Motor Vehicle Fund.

CHAPTER 1547

An act to add Section 3007 to the Unemployment Insurance Code, relating to the Disability Fund.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963]

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

SECTION 1. Section 3007 is added to the Unemployment Insurance Code, to read:

3007. (a) When the Disability Fund is in danger of becoming exhausted, and there is money in some other fund not required to meet any demand which has accrued or may accrue against it, the Controller shall notify the Governor and the Treasurer. If they find that the money is not needed in the other fund, the Governor may order the Controller to direct the transfer of all or any part of the money to the Disability Fund. All money so transferred shall be returned to the fund from which it was transferred as soon as there is sufficient money in the Disability Fund to return it. This section does not authorize any transfer which will interfere with the object for which a special fund was created.

(b) When the Controller pursuant to this section directs the transfer of money to the Disability Fund from some other fund, there shall be returned to that other fund, in addition to the amount transferred, and as soon as there is sufficient money in the Disability Fund, interest on the amount transferred computed at a rate determined by the Department of Finance to be the maximum rate of interest allowed interest-bearing time deposits in banks at the time the money was transferred.

SEC. 2. The provisions of Section 3007 added to the Unemployment Insurance Code by this act shall become inoperative on December 31, 1965.

SEC. 3. This act shall not become operative if Assembly Bill No. 370 is enacted by the Legislature at its 1963 Regular Session.

CHAPTER 1548

An act to amend Sections 16, 127, 305, 411, 3503 and 3505 of, to repeal Sections 3503.5 and 3703 of, and to repeal Chapter 3 (comprising Section 3801) of Part 3 of Division 1 of, the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 16 of the Unemployment Insurance Code is amended to read:

16. "Oath" includes affirmation and written certification or declaration subscribed to be true under penalty of perjury.

SEC. 2. Section 127 of said code is amended to read:

127. "Authorized regulations" means regulations promulgated pursuant to the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code, as modified by the provisions of this division, and "regulation" includes the amendment or repeal of a regulation.

SEC. 3. Section 305 of said code is amended to read:

305. Regulations for the administration of this division shall be adopted, amended, or repealed as provided in Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code, except as modified by this article.

SEC. 4. Section 411 of said code is amended to read:

411. The appeals board may promulgate rules or amend or rescind rules pertaining to hearing appeals and other matters falling within its jurisdiction. All such rules, amendments thereto, or repeals thereof, shall be made in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code.

SEC. 5. Section 3503 of said code is amended to read:

3503. For the purposes of this part:

(a) "Extended duration benefits" means the extended unemployment compensation benefits payable under this part.

(b) "Normal benefits" means the unemployment compensation benefits payable under Part 1 of this division.

(c) "Exhaustee" means an individual who is not entitled to normal benefits due to either of the following:

(1) He has an unexpired benefit year and has exhausted his normal benefits.

(2) His most recent benefit year expired in the extended duration month in which he files a primary claim or in the immediately preceding three calendar months and he is not entitled to establish a benefit year.

(d) "Extension ratio" means the ratio for a calendar month computed during the month immediately preceding that calender month by dividing:

(1) The average number of weeks of unemployment claimed in California per week during the three calendar months immediately preceding the date of the computation, excluding weeks of unemployment claimed in connection with unemployment compensation programs which are exclusively federal; by

(2) The average midmonthly covered employment reported by employers for the last four completed calendar quarters immediately preceding the date of the computation for which an official tabulation has been completed by the department on or

before the 10th day of the month in which the computation is made.

(e) "Extended duration month" means a calendar month for which the extension ratio equals or exceeds 0.06.

(f) "Primary claim" means the first claim for extended duration benefits filed by an exhaustee with an effective date within an extended duration month for the purpose of establishing an extended duration award and an extended duration period.

(g) "Extended duration award" means the maximum amount of extended duration benefits allowable under this part to an eligible exhaustee.

(h) "Extended duration period" means a period beginning with the first day of the week with respect to which an exhaustee files a valid primary claim and ending with the last week which begins on or before the last day of the fifth calendar month following the extended duration month in which the valid primary claim was filed.

(i) "Parent benefit year" means the benefit year with respect to which an individual becomes an exhaustee.

SEC. 6. Section 3503.5 of said code is repealed.

SEC. 7. Section 3505 of said code is amended to read:

3505. Notwithstanding any other provision of this part, no payment of extended duration benefits shall be made to any individual for any week or part of any week with respect to which he is entitled to receive unemployment compensation benefits as a result of participation by this State pursuant to the provision of any federal law providing for the payment of such benefits or as a result of the application in any other manner to this State of any federal law providing for the payment of such benefits.

SEC. 8. Section 3703 of said code is repealed.

SEC. 9. Chapter 3 (comprising Section 3801) of Part 3 of Division 1 of said code is repealed.

SEC. 10. The repeals of Sections 3503.5, 3703, and 3801 of the Unemployment Insurance Code made by Sections 6, 8, and 9 of this act and the amendment of Section 3503 by Section 5 of this act shall not be construed to relieve any employer from its liability for additional contributions arising under and subject to the assessment and collection procedures provided by the prior law and such liability, including liability for additional contributions for the first and second calendar quarters of the year 1961 at the rate of 0.20 percent, and the powers of assessment and collection provided pursuant to such prior law, are hereby expressly preserved.

SEC. 11. No right or cause of action founded upon any provision of law amended or repealed by this act as the provision existed prior to such amendment or repeal shall be abolished or impaired by this act.

CHAPTER 1549

An act to amend Sections 1858 and 1859 of the Probate Code, relating to conservatorships.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 1858 of the Probate Code is amended to read:

1858. The conservator shall pay from any principal and income of the estate of the conservatee any debts incurred by the conservatee before creation of the conservatorship; and he shall pay any debts incurred by the conservatee after the creation of the conservatorship, except that ability to continue to provide the conservatee with the necessaries of life, out of the estate, shall not be impaired. The conservator shall pay debts incurred by the conservatee during the conservatorship for the necessaries of life, and may deduct the amount thereof from any allowance otherwise payable to the conservatee, and shall pay any expenses of the conservatorship. The conservator shall pay any other debts incurred by the conservatee during the conservatorship only if they appear to be such as a reasonably prudent person might incur. The conservator may petition the court for instructions when there is doubt whether a debt should be paid under the foregoing rules. The conservator may advance funds for the benefit of the conservatee or of his estate and may reimburse himself for such advances out of the income and principal of the estate first available.

SEC. 2. Section 1859 of said code is amended to read:

1859. Whenever a conservator fails, neglects or refuses to furnish suitable support and maintenance for the conservatee; and also, whenever a conservator fails, neglects or refuses to pay a debt, expense or charge lawfully due and payable by the conservatee or by the conservatorship, the court after notice of hearing as provided in Section 1200 of this code, and hearing, may, upon the petition of the creditor, the conservatee or of any person interested in the estate, or upon its own motion, order the conservator to do so from the estate of the conservatee.

CHAPTER 1550

An act to amend Sections 10208, 10208.5, 10213, 10213.5, 10217, 10218, 10219, 10220, 10221, 10222 (as added by Chapter 4 of the Statutes of 1956), 10328, 10328.5, 10333, 10333 5, 10336, 10337, 10338, 10339, 10340, 10341, 10588, 10588.5, 10593, 10593.5, 10596, 10597, 10598, 10599, 10600, and 10602 of, the Business and Professions Code, relating to real estate, business opportunity and mineral, oil and gas licenses, and making an appropriation.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 10208 of the Business and Professions Code is amended to read:

10208. The original real estate broker's license fee is twenty-five dollars ($25).

The fee is payable after the applicant is notified of passing the examination for license.

SEC. 2. Section 10208.5 of said code is amended to read:

10208.5. The original real estate broker license examination fee is twenty-five dollars ($25).

If the applicant fails to pass the required written examination, he may be permitted to take another examination upon payment of an additional fee of twenty-five dollars ($25). If an applicant fails to appear for an original real estate broker's examination within three years from the date of filing his application and fee for the examination, his application shall thereupon lapse and no further proceedings thereon shall be taken.

SEC. 3. Section 10213 of said code is amended to read:

10213. The original real estate salesman's license fee is ten dollars ($10).

The fee is payable after the applicant is notified of passing the examination for license.

SEC. 4. Section 10213.5 of said code is amended to read:

10213.5. The original real estate salesman license examination fee is ten dollars ($10).

If the applicant fails to pass the required written examination he may be permitted to take another examination upon payment of an additional fee of ten dollars $10). If an applicant fails to appear for the original real estate salesman's examination within three years from the date of filing his application and fee for the examination, his application shall thereupon lapse and no further proceedings thereon shall be taken.

SEC. 5. Section 10217 of said code is amended to read:

10217. For a branch office broker's license the fee is four dollars ($4).

SEC. 6. Section 10218 of said code is amended to read:

10218. For change of name or of address of licensee on the records of the division the fee is four dollars ($4).

SEC. 7. Section 10219 of said code is amended to read:

10219. For transfer of a salesman's license on change of employer, the fee is four dollars ($4).

SEC. 8. Section 10220 of said code is amended to read:

10220. For a duplicate license the fee is four dollars ($4)

SEC. 9. Section 10221 of said code is amended to read:

10221. For reinstatement of a license within a license period or at the time of renewal the fee is four dollars ($4).

As used in this section, "reinstatement of a license" means the reissuance of a canceled or inactivated real estate broker's license, or the reissuance of a real estate salesman's license which was canceled or inactivated during the period for which it was issued upon the salesman's withdrawal from the employ of a real estate broker.

SEC. 10. Section 10222 (as added by Chapter 4 of the Statutes of 1956) of said code is amended to read:

10222. For any examination required, other than the original qualifying examination for a license, the fee is ten dollars ($10).

SEC 11. Section 10328 of said code is amended to read:

10328. The original business opportunity broker's license fee is twenty-five dollars ($25).

The fee is payable after the applicant is notified of passing the examination for license.

SEC. 12 Section 10328 5 of said code is amended to read:

10328 5. The original business opportunity broker's license examination fee is twenty-five dollars ($25).

If the applicant fails to pass the required written examination, he may be permitted to take another examination upon payment of an additional fee of twenty-five dollars ($25). If an applicant fails to appear for an original business opportunity broker's examination within three years from the date of filing his application and fee for the examination, his application shall thereupon lapse and no further proceedings thereon shall be taken.

SEC 13. Section 10333 of said code is amended to read:

10333. The original business opportunity salesman's license fee is ten dollars ($10).

The fee is payable after the applicant is notified of passing the examination for license.

SEC. 14. Section 10333.5 of said code is amended to read:

10333.5. An original business opportunity salesman's license examination fee is ten dollars ($10).

If the applicant fails to pass the required written examination, he may be permitted to take another examination upon payment of an additional fee of ten dollars ($10). If an applicant fails to appear for the original business opportunity salesman's examination within three years from the date of filing

his application and fee for the examination, his application shall thereupon lapse and no further proceedings thereon shall be taken.

SEC. 15. Section 10336 of said code is amended to read:

10336. For a branch office broker's license the fee is four dollars ($4).

SEC. 16. Section 10337 of said code is amended to read:

10337. For change of name or of address of licensee on the records of the division the fee is four dollars ($4).

SEC. 17. Section 10338 of said code is amended to read:

10338. For transfer of a salesman's license on change of employer, the fee is four dollars ($4)

SEC. 18. Section 10339 of said code is amended to read:

10339. For a duplicate license the fee is four dollars ($4).

SEC. 19 Section 10340 of said code is amended to read:

10340 For reinstatement of a license within a license period or at the time of renewal the fee is four dollars ($4).

As used in this section, "reinstatement of a license" means the reissuance of a canceled or inactivated business opportunity broker's license, or the reissuance of a business opportunity salesman's license which was canceled or inactivated during the period for which it was issued upon the salesman's withdrawal from the employ of a business opportunity broker.

SEC. 20. Section 10341 of said code is amended to read:

10341. For any examination required, other than the original qualifying examination for a license, the fee is ten dollars ($10).

SEC. 21. Section 10588 of said code is amended to read:

10588. The original mineral, oil and gas broker's license fee is twenty-five dollars ($25).

This fee is payable after the applicant is notified of passing the examination for license.

SEC. 22. Section 10588.5 of said code is amended to read:

10588.5. The original mineral, oil and gas broker's license examination fee is twenty-five dollars ($25).

If the applicant fails to pass the required written examination, he may be permitted to take another examination upon payment of an additional fee of twenty-five dollars ($25) If an applicant fails to appear for an original mineral, oil and gas broker's examination within three years from the date of filing his application and fee for the examination, his application shall thereupon lapse and no further proceedings thereon shall be taken.

SEC. 23. Section 10593 of said code is amended to read:

10593. The original mineral, oil and gas salesman's license fee is ten dollars ($10).

The fee is payable after the applicant is notified of passing the examination for license.

SEC. 24. Section 10593.5 of said code is amended to read:

10593.5. An original mineral, oil and gas salesman's license examination fee is ten dollars ($10).

If the applicant fails to pass the required written examination, he may be permitted to take another examination upon payment of an additional fee of ten dollars ($10). If an applicant fails to appear for the original mineral, oil and gas salesman's examination within three years from the date of filing his application and fee for said examination, his application shall thereupon lapse and no further proceedings thereon shall be taken.

SEC. 25. Section 10596 of said code is amended to read:

10596. For a branch office broker's license the fee is four dollars ($4).

SEC. 26. Section 10597 of said code is amended to read:

10597. For change of name or of address of licensee on the records of the division the fee is four dollars ($4).

SEC. 27. Section 10598 of said code is amended to read:

10598. For transfer of a salesman's license on change of employer, the fee is four dollars ($4).

SEC. 28. Section 10599 of said code is amended to read:

10599. For a duplicate license the fee is four dollars ($4).

SEC. 29. Section 10600 of said code is amended to read:

10600. For reinstatement of a license within a license period or at the time of renewal the fee is four dollars ($4).

As used in this section, "reinstatement of a license" means the reissuance of a canceled or inactivated mineral, oil and gas broker's license, or the reissuance of a mineral, oil and gas salesman's license which was canceled or inactivated during the period for which it was issued upon the salesman's withdrawal from the employ of a mineral, oil and gas broker.

SEC. 30. Section 10602 of said code is amended to read:

10602. For any examination required, other than the original qualifying examination for a license, the fee is ten dollars ($10).

CHAPTER 1551

An act to amend Section 11535 of the Business and Professions Code, relating to subdivision maps.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 11535 of the Business and Professions Code is amended to read:

11535. (a) "Subdivision" refers to any real property, improved or unimproved, or portion thereof, shown on the latest adopted county tax roll as a unit or as contiguous units, which

is divided for the purpose of sale or lease, whether immediate or future, by any subdivider into five or more parcels; provided, that this chapter shall not apply to the leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, commercial building, or trailer park, nor shall this chapter apply to mineral, oil or gas leases.

(b) "Subdivision" does not include either of the following:

(1) Any parcel or parcels of land in which all of the following conditions are present: (i) the whole parcel before division contains less than five acres, (ii) each parcel created by the division abuts upon a public street or highway, (iii) no street opening or widening, drainage facilities, or other improvements have been required by official action of the governing body, and (iv) the lot design meets the approval of the governing body.

(2) Any parcel or parcels divided into lots or parcels, each of a net area of 20 acres or more, to be sold or leased for commercial agricultural purposes each of which abuts upon an improved public street or highway and the lot design meets the approval of the governing body.

(3) Any parcel or parcels of land abutting on a public street or highway which comprises part of a tract of land zoned for industrial development, a tentative map of which has been submitted to and approved by the governing body as to street alignments and widths, sewage and drainage provisions.

(c) In either case provided in subsection (b) of this section, a tentative map shall be submitted to the governing body in the same manner as is provided in this chapter for subdivisions and approved by the governing body as to all requirements of this section and thereafter a record of survey map in accordance with the approved tentative map shall be filed pursuant to the provisions of Chapter 15 (commencing with Section 8700), Division 3 of this code, and thereupon conveyances may be made of lots or parcels shown on such map by lot or block number, initial or such other designation as may be shown on such map.

(d) Nothing contained in this chapter shall apply to land dedicated for cemetery purposes under the Health and Safety Code of the State of California.

(e) Nothing contained in this section shall in any way modify or affect any of the provisions of Section 11000 of this code.

CHAPTER 1552

An act to amend Section 14127 of, and to add Section 14127.1 to, the Education Code, relating to state teachers' retirement.

[Approved by Governor July 13, 1963 Filed with Secretary of State July 16, 1963]

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

SECTION 1. Section 14127 of the Education Code is amended to read:

14127. If more or less than the correct amount of the contributions is paid with respect to any salary payment, including salary payments to exchange teachers for service outside of this State, proper adjustments shall be made, without interest, in connection with subsequent salary payments, or adjustments may be made by direct cash payments between the member and the county superintendent of schools, employer, or the Retirement Board. Adjustments to correct any other errors in payments to or by the Retirement Board may be made in the same manner. If the board determines that an amount is due the system from a person who has retired, including one who has applied for retirement but has not received his first retirement warrant, and that the person is unable to pay the amount due, the board may withhold all or part of subsequent payments due the member, or on his account, until the amounts so withheld equal the amount due plus interest at the rate in use under the system. Losses or gains resulting from error in amounts within the limits set by the State Board of Control for automatic writeoff, and losses or gains in greater amounts specifically approved for writeoff by the State Board of Control, shall be debited or credited, as the case may be, to the reserve against deficiencies in interest earned in other years, losses under investments, and other contingencies.

SEC. 2. Section 14127.1 is added to said code, to read.

14127 1. The obligations of any member to this system continue throughout his membership, and thereafter until all of the obligations of this system to or in respect to him have been discharged. For the purposes of payments into or out of the retirement fund for adjustments of errors or omissions, whether pursuant to Sections 14151, 14251, 14256, or otherwise, the period of limitation of actions otherwise applicable shall not be deemed to commence or to have commenced to run until the error or omission has been discovered, as evidenced by the filing with this system of a claim or demand against this system or by the making of a claim or order for payment by this system against the member, or his beneficiary In all cases where errors or omissions have been discovered prior to the effective date of this section, adjustment by payment into or out of the retirement fund shall be made, or action therefor instituted, within one year after the effective date of this section.

CHAPTER 1553

An act to amend Sections 11370.4 and 16422 of the Government Code, relating to cost of maintaining the Office of Administrative Procedure

[Approved by Governor July 13, 1963 Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 11370.4 of the Government Code is amended to read:

11370.4. The total cost to the State of maintaining and operating the Office of Administrative Procedure, excluding the costs expended and charged pursuant to Section 11413 of this code, shall be determined by, and collected by the Department of Finance in advance or upon such other basis as it may determine from the State or other public agencies for which services are provided by the office.

SEC 2. Section 16422 of said code is amended to read:

16422. The fund is under the control of the Department of Finance and is available for expenditure for the purchase and sale of materials, supplies, and equipment; the rendering of services to state and other public agencies and, in connection therewith, for the employment and compensation of necessary personnel and expenses; all expenses for the support of the State Printing Office; the purchase of machinery or equipment, including motor vehicles, needed in the operation or administration of the State Printing Office, and rental of real property.

CHAPTER 1554

An act to amend Section 13108 of the Health and Safety Code, relating to fire protection.

[Approved by Governor July 13, 1963 Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 13108 of the Health and Safety Code is amended to read·

13108. Notwithstanding the provisions of Sections 13145 and 13146, the State Fire Marshal and his salaried assistants shall make and enforce orders, rules, and regulations, not inconsistent with existing laws or ordinances relating to fire protection in the design and construction of, the means of egress and the adequacy of exits from, the installation and maintenance of fire alarm and fire extinguishment equipment or systems in, and the installation and maintenance of equip-

ment and furnishings that present unusual fire hazards in, any state institution or other state-owned building.

The State Fire Marshal may authorize the fire officials of a regularly organized fire department of a city, county or fire protection district to enter any state institution or any other state-owned or state-occupied building for the purpose of preparing a fire suppression preplanning program. The State Fire Marshal and his salaried assistants shall not have the authority under this section to make or enforce orders, rules, or regulations regarding the design or construction of privately owned buildings occupied by the State.

CHAPTER 1555

An act to add Section 13397 to the Government Code, relating to state purchases.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 13397 is added to the Government Code, to read:

13397. Any contract or purchase order for supplies or equipment to be manufactured by the contractor specially for the State and not suitable for sale to others in the ordinary course of the contractor's business may provide, on such terms and conditions as the department deems necessary to protect the State's interests, for progress payments for work performed and costs incurred at the contractor's shop or plant, provided that not less than 10 percent of the contract price is required to be withheld until final delivery and acceptance of the supplies or equipment. and provided further, that the contractor is required to submit a faithful performance bond, acceptable to the department, in a sum not less than one-half of the total amount payable under the contract securing the faithful performance of the contract by the contractor.

CHAPTER 1556

An act to amend Section 4903 of the Labor Code, relating to liens against amounts paid as workmen's compensation.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 4903 of the Labor Code is amended to read:

4903. The commission may determine, and allow as liens against any sum to be paid as compensation, any amount deter-

mined as hereinafter set forth in subdivisions (a) through (g) of this section. If more than one such lien be allowed, the commission may determine the priorities, if any, between the liens allowed. The liens which may be allowed hereunder are as follows:

(a) A reasonable attorney's fee for legal services pertaining to any claim for compensation either before the commission or before any of the appellate courts, and the reasonable disbursements in connection therewith.

(b) The reasonable expense incurred by or on behalf of the injured employee, as provided by Article 2 of Chapter 2 of Part 2 of this division.

(c) The reasonable value of the living expenses of an injured employee or of his dependents, subsequent to the injury.

(d) The reasonable burial expenses of the deceased employee, not to exceed the amount provided for by Section 4701.

(e) The reasonable living expenses of the wife or minor children of the injured employee, or both, subsequent to the date of the injury, where such employee has deserted or is neglecting his family. Such expenses shall be allowed in such proportion as the commission deems proper, under application of the wife or guardian of the minor children.

(f) The amount of unemployment compensation disability benefits which have been paid under or pursuant to the Unemployment Insurance Code in those cases where, pending a determination under Division 4 of this code, there was uncertainty whether such benefits were payable under the Unemployment Insurance Code or payable hereunder; provided, however, that any lien under this subdivision shall be allowed and paid as provided in Section 4904.

(g) The amount of unemployment compensation benefits paid erroneously to the injured employee for a period for which he was unable to work and for which he received temporary total disability payments under this division.

CHAPTER 1557

An act to amend Section 25608 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 25608 of the Business and Professions Code is amended to read:

25608. Every person who possesses, consumes, sells, gives, or delivers to any other person, any alcoholic beverage in or

on any public schoolhouse or any of the grounds thereof is guilty of a misdemeanor. This section does not, however, make it unlawful for any person to acquire, possess, or use any alcoholic beverage in or on any public schoolhouse, or on any grounds thereof, if the alcoholic beverage is acquired, possessed, or used in connection with a course of instruction given at the school and such person has been authorized to acquire, possess, or use it by the governing body or other administrative head of the school. Any person convicted of a violation of this section shall, in addition to the penalty imposed for the misdemeanor, be barred from having or receiving any privilege of the use of public school property which is accorded by Chapter 4 (commencing with Section 16551) of Division 12 of the Education Code.

CHAPTER 1558

An act to add Section 1936.1 to the Code of Civil Procedure, relating to writings as evidence.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 1936.1 is added to the Code of Civil Procedure, to read:

1936.1. In-hospital medical staff committees of a licensed hospital may engage in research and medical study for the purpose of reducing morbidity or mortality, and may make findings and recommendations relating to said purpose. The written records of interviews, reports, statements or memoranda of such in-hospital medical staff committees relating to such medical studies shall be subject to Sections 2016 and 2036 of this code relating to discovery proceedings, but shall not be admitted as evidence in any action of any kind in any court or before any administrative body, agency or person; provided, however, that the admissibility in evidence of the original medical records of any patient shall not be affected by this section.

This section shall not be applicable to evidence which is material and relevant to a criminal proceeding.

CHAPTER 1559

An act to repeal Article 8 (commencing with Section 2741), Chapter 7, Division 5, and to repeal Article 3 (commencing with Section 25447) of Chapter 3 of Division 18.5, of the Education Code, relating to school district organization.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Article 8 (commencing with Section 2741) of Chapter 7 of Division 5 of the Education Code is repealed.

SEC. 2. Article 3 (commencing with Section 25447) of Chapter 3 of Division 18.5 of said code is repealed.

SEC. 3. Section 2 of this act becomes operative only if Senate Bill No. 78 proposing the addition of Division 18.5 (commencing with Section 25400) to the Education Code is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as said bill takes effect.

CHAPTER 1560

An act to amend Section 14240 of the Elections Code, relating to voting.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 14240 of the Elections Code is amended to read:

14240. A person offering to vote may be orally challenged within the polling place only by a member of the precinct board upon any or all of the following grounds:

(a) That he is not the person whose name appears on the register.

(b) That he has not resided within the State one year next preceding the election.

(c) That he has not been a naturalized citizen of the United States for 90 days prior to the election.

(d) That he has not resided within the county for 90 days preceding the election.

(e) That he has not resided within the precinct for 54 days next preceding the election.

(f) That he has voted that day.

(g) That he has been convicted of an infamous crime.

(h) That he has been convicted of the embezzlement or misappropriation of public money.

No person shall challenge any voter or question him concerning his qualifications to vote within 100 feet of a polling place

except when it is made by a member of the precinct board within the polling place. Any voter of the county who desires to challenge a person offering to vote within a polling place, shall do so through a member of the precinct board.

CHAPTER 1561

An act to amend Section 3074 of the Labor Code, relating to apprentices.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 3074 of the Labor Code is amended to read:

3074. The preparation of trade analyses and outlines of instruction, and the administration and supervision of related and supplemental instruction for apprentices, co-ordination of instruction with job experiences, and the selection and training of teachers and co-ordinators for such instruction shall be the responsibility of state and local boards responsible for vocational education.

The Department of Education may provide related and supplemental instruction to isolated apprentices as a direct instructional service, on a contractual basis with local school districts, by correspondence, or by a combination of these means. For the purpose of this section, an isolated apprentice is an apprentice registered with the Division of Apprenticeship Standards in the Department of Industrial Relations who cannot be enrolled in a class of related and supplementary instruction for apprentices because of the small number of apprentices available for an appropriate class or because there is no existing apprenticeship program within a reasonable travel distance.

CHAPTER 1562

An act to add Section 25666 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 25666 is added to the Business and Professions Code, to read:

25666. In any hearing on an accusation charging a licensee with a violation of Sections 25658, 25663, and 25665, the de-

partment shall produce the alleged minor for examination at the hearing unless the licensee has waived, in writing, the appearance of the minor. Nothing in this section shall prevent the department from taking testimony of such minor as provided in Section 11511 of the Government Code.

CHAPTER 1563

An act to add Section 708.5 to, and to amend Sections 704, 708, and 984 of, the Unemployment Insurance Code, relating to unemployment compensation insurance.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 704 of the Unemployment Insurance Code is amended to read:

704. The director shall not approve an election under Sections 701, 702, 703, 708, or 708.5 until it has been established to his satisfaction that the employing unit or self-employed individual is normally and continuously engaged in a regular trade, business or occupation.

SEC. 2. Section 708.5 is added to said code, to read:

708.5. (a) Any individual who is self-employed, who is not an employer as defined in Section 675 or 676, and who receives the major part of his remuneration from the trade, business, or occupation in which he is self-employed, may file with the director a written election that his services in connection with his trade, business, or occupation shall be deemed to be services performed by an individual in employment for an employer for the purposes of Part 2 only of this division. Upon the approval of the election by the director, the services of such a self-employed individual in connection with his trade, business, or occupation shall be deemed to constitute employment for an employer for the purposes of Part 2 only of this division. Regardless of his actual earnings, for the purpose of computing disability benefit rights and worker contributions, he shall be deemed to have received remuneration for each calendar quarter in the highest maximum amount stated in column A of Section 2655 or provided by Section 2655.5.

(b) Worker contributions required under this division are payable on and after the date stated in the approval of the director. The director may levy assessments under this division for any amount due under this section.

(c) No benefits shall be paid to any individual based upon remuneration deemed to have been received pursuant to this section unless all contributions due with respect to all remuneration deemed to have been received by such individual pursuant to this section have been paid to the department.

SEC. 3. Section 708 of said code is amended to read:

708. (a) Any individual who is an employer under this division or any two or more individuals who have so qualified may file with the director a written election that their services shall be deemed to be services performed by individuals in employment for an employer for all the purposes of this division. Upon the approval of the election by the director the services of such individuals shall be deemed to constitute employment for an employer for all the purposes of this division. Regardless of their actual earnings, for the purposes of computing benefit rights and contributions under this division, they shall be deemed to have received remuneration for each calendar quarter in the highest of the maximum amounts stated in column A of Section 1280 or column A of Section 2655 or provided by Section 2655.5.

(b) Any individual who is an employer under this division or any two or more individuals who have so qualified may file with the director a written election that their services shall be deemed to be services performed by individuals in employment for an employer for the purposes of Part 2 only of this division. Upon the approval of the election by the director the services of such individuals shall be deemed to constitute employment for an employer for the purposes of Part 2 only of this division. Regardless of their actual earnings, for the purposes of computing disability benefit rights and worker contributions, they shall be deemed to have received remuneration for each calendar quarter in the highest of the maximum amounts stated in column A of Section 2655 or provided by Section 2655.5.

(c) Contributions required under this division are payable on and after the date stated in the approval of the director. The director may levy assessments under this division for any amount due under this section.

(d) No benefits shall be paid to any individual based upon remuneration deemed to have been received pursuant to this section unless all contributions due with respect to all remuneration deemed to have been received by such individual pursuant to this section have been paid to the department.

SEC. 4. Section 984 of said code is amended to read:

984. Each worker shall contribute 1 percent of the wages paid to him by each employer with respect to employment after his employer has satisfied the conditions set forth in this part with respect to becoming an employer. Contributions required under Sections 708 and 708.5 shall be at the rate of 1.25 percent of the remuneration deemed to have been received under said sections.

SEC. 5. The provisions of Sections 704, 708, and 984 of the Unemployment Insurance Code as amended by this act and the provisions of Section 708.5 of said code as added by this act shall become operative with respect to remuneration deemed to have been received on or after October 1, 1963. The provisions of said Sections 704, 708, and 984, as they existed

prior to the amendment made by this act shall continue to be applicable to remuneration deemed to have been received prior to October 1, 1963.

SEC. 6. Notwithstanding the provisions of Section 705 of the Unemployment Insurance Code, an employer whose election for coverage under Section 708 of said code has been approved by the Director of Employment prior to the effective date of this act may terminate such election for coverage as of the end of the third or fourth calendar quarter of 1963, without regard to whether the elective coverage agreement has been in effect for two calendar years, by filing with the director a written application for termination on or before the last day of the month following the close of such calendar quarter.

CHAPTER 1564

An act to amend Section 903.1 of the Penal Code, relating to grand juries.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 903.1 of the Penal Code is amended to read:

903.1. Pursuant to written rules or instructions adopted by a majority of the judges of the superior court of the county, the jury commissioner shall furnish the judges of the court annually a list of persons qualified to serve as grand jurors during the ensuing year, or until a new list of jurors is required. From time to time, a majority of the judges of the superior court may adopt such rules or instructions as may be necessary for the guidance of the jury commissioner, who shall at all times be under the supervision and control of the judges of the court. Any list of jurors prepared pursuant to this article must, however, meet the requirements of Section 899.

CHAPTER 1565

An act to amend Sections 1280 and 1281 of the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 1280 of the Unemployment Insurance Code is amended to read:

1280. An individual's weekly benefit amount is the amount appearing in column B in the following table opposite that

wage bracket in column A which contains the amount of wages paid to the individual for employment by employers during the quarter of his base period in which his wages were the highest.

A Amount of wages in highest quarter	B Weekly benefit amount
$150 – $597.99	25
598.00– 625.99	26
626.00– 653.99	27
654.00– 681.99	28
682.00– 709.99	29
710.00– 737.99	30
738.00– 765.99	31
766.00– 793.99	32
794.00– 821.99	33
822.00– 849.99	34
850.00– 877.99	35
878.00– 905.99	36
906.00– 933.99	37
934.00– 961.99	38
962.00– 989.99	39
990.00– 1,017.99	40
1,018.00– 1,045.99	41
1,046.00– 1,073,99	42
1,074,00– 1,101.99	43
1,102.00– 1,129.99	44
1,130.00– 1,157.99	45
1,158.00– 1,185.99	46
1,186.00– 1,213.99	47
1,214.00– 1,241 99	48
1,242.00– 1,269.99	49
1,270.00– 1,297.99	50
1,298.00– 1,325.99	51
1,326.00– 1,353.99	52
1,354.00– 1,381.99	53
1,382.00– 1,409.99	54
1,410.00 and over	55

SEC. 2. Section 1281 of said code is amended to read:

1281. (a) An individual cannot establish a valid claim or a benefit year during which any benefits are payable unless he has during his base period been paid wages for employment by employers of not less than six hundred dollars ($600). If an individual's amount of wages in the highest quarter in his base period is not less than four hundred fifty-eight dollars ($458), and if more than 75 percent of his base-period wages were paid during a single calendar quarter, he is not eligible for unemployment compensation benefits unless his total wages during the base period are not less than the lower of seven hundred fifty dollars ($750) or the amount appearing in col-

umn B in the following table opposite that wage bracket in column A which contains the amount of wages paid to the individual for employment by employers during the quarter of his base period in which his wages were the highest.

A Amount of wages in highest quarter	B Amount
$458.00– 485.99	$630.00
486.00– 513.99	660.00
514.00– 541.99	690.00
542.00– 569.99	720.00
570.00 and over	750.00

(b) The maximum amount of unemployment compensation benefits payable to an individual during any one benefit year shall be 26 times his weekly benefit amount but in no case shall the total amount of such benefits payable be more than one-half the total wages paid to the individual during his base period. If the benefit is not a multiple of one dollar ($1) it shall be computed to the next higher multiple of one dollar ($1).

(c) For the purpose of this section and Section 1280, "wages" includes wages due to any individual but unpaid within the time limit provided by law.

SEC. 3. The provisions of Sections 1280 and 1281 of the Unemployment Insurance Code as amended by Sections 1 and 2 of this act shall apply to new claims filed with an effective date beginning on or after the effective date of this act. The provisions of Sections 1280 and 1281 of said code as in effect prior to the amendments made by this act shall remain applicable to new claims filed with an effective date beginning prior to the effective date of this act.

SEC. 4. No right or cause of action founded upon any provision of law amended by this act as the provision existed prior to such amendment shall be abolished or impaired by this act.

CHAPTER 1566

An act to amend Sections 13836 and 14057 of, and to add Sections 13836.5, 13847, 14057.3, and 14068 to, the Health and Safety Code, relating to fire protection districts.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 13836 of the Health and Safety Code is amended to read:

13836. Except as otherwise provided in Section 13836.5, on the first Tuesday of April of the year next succeeding the first election or if the first district board or consolidated district

board is elected within less than six months before the first Tuesday of April, then on the first Tuesday of April of the second year succeeding the first election, and on the first Tuesday of April of every year thereafter, an election shall be held for the election of the required number of members of the district board who shall take office on the third Tuesday of the same month and shall hold office for the term of three years, or until their successors are elected or appointed and qualified.

SEC. 2. Section 13836.5 is added to said code, to read:

13836.5. Not less than 100 days prior to the first Tuesday of April of any year, the district board of any district may, if it determines that such a change in the date of the election for members of the district is in the best interests of the district, provide by resolution that future elections for members of the district board shall be held on the third Tuesday of April, rather than the first Tuesday of April, of each year. A copy of such resolution shall be filed with the Secretary of State.

An election shall be held for the election of the required number of members of the district board on the third Tuesday of April of each year thereafter and the members elected to the district board at such election shall take office on the first Tuesday of the next month, May, and shall hold office for a term of three years, or until their successors are elected or appointed and qualified.

SEC. 3. Section 13847 is added to said code, to read:

13847. Any election which is required by this article may be consolidated with any other election which is to be held on the same day pursuant to the provisions of Chapter 4 (commencing with Section 23300), Part 2, Division 12 of the Elections Code.

SEC. 4. Section 14057 of said code is amended to read:

14057. Except as otherwise provided in Section 14057.3, on the first Tuesday of April of the year next succeeding the first election or if the first district board or consolidated district board is elected within less than six months before the first Tuesday of April, then on the first Tuesday of April of the second year succeeding the first election, and on the first Tuesday of April of every year thereafter, an election shall be held for the election of the required number of members of the district board who shall take office on the third Tuesday of the same month and shall hold office for the term of three years, or until their successors are elected or appointed and qualified.

SEC. 5. Section 14057.3 is added to said code, to read:

14057.3. Not less than 100 days prior to the first Tuesday of April of any year, the district board of any district may, if it determines that such a change in the date of the election for members of the district board is in the best interests of the district, provide by resolution that future elections for members of the district board shall be held on the third Tuesday of April, rather than the first Tuesday of April, of each year.

A copy of such resolution shall be filed with the Secretary of State.

An election shall be held for the election of the required number of members of the district board on the third Tuesday of April of each year thereafter and the members elected to the district board at such election shall take office on the first Tuesday of the next month, May, and shall hold office for a term of three years, or until their successors are elected or appointed and qualified.

SEC. 6. Section 14068 is added to said code, to read:

14068. Any election which is required by this article may be consolidated with any other election which is to be held on the same day pursuant to the provisions of Chapter 4 (commencing with Section 23300), Part 2, Division 12 of the Elections Code.

CHAPTER 1567

An act to add Section 1381.5 to the Penal Code, relating to time for trial of prisoners.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 1381.5 is added to the Penal Code, to read:

1381.5. Whenever a defendant has been convicted of a crime and has entered upon a term of imprisonment therefor in a federal correctional institution, and at the time of entry upon such term of imprisonment or at any time during such term of imprisonment there is pending in any court of this State any indictment, information, or complaint charging such defendant with the commission of a crime, it is mandatory that the district attorney of the county in which such charge is pending, upon receiving from such defendant a request that he be brought to trial on such charge, promptly inquire of the warden or other head of the federal correctional institution in which such defendant is confined whether and when such defendant can be released for trial. If an assent from authorized federal authorities for release of the defendant for trial is received by the district attorney he shall bring him to trial within 90 days after receipt of such assent, unless the federal authorities specify a date of release after 90 days, in which event the district attorney shall bring the prisoner to trial at such specified time, or unless the defendant requests, in open court, and receives, or, in open court, consents to, a continuance, in which event he may be brought to trial within 90 days from such request or consent.

If an action is not brought to trial as provided by this section, the court in which the charge is pending shall, on motion or suggestion of the district attorney, or representative of the United States, or the defendant or his counsel, dismiss the charge.

CHAPTER 1568

An act authorizing the conveyance of certain real property to the City of Los Angeles.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. The Director of Finance is hereby authorized to convey to the City of Los Angeles, upon such terms and conditions as he deems to be in the best interests of the State, real property lying between the abandoned portion of the Pacific Coast Highway 80 feet wide and the relocated portion of the Pacific Coast Highway 100 feet wide, more particularly described as follows:

All the real property lying between the southwesterly line of Pacific Coast Highway, 80 feet wide, shown as Malibu Road on map of Tract No. 10426, recorded in Book 165, pages 11 and 12 of Maps, in the office of the County Recorder of Los Angeles County, and the northeasterly line of relocated Pacific Coast Highway, 100 feet wide, the center line of said relocated Highway being described as follows:

Beginning at a point in that certain course in the center line of Pacific Coast Highway, 80 feet wide, shown as having a length of 1275.23 feet on pages 20 and 21 of City Engineer's Field Book 21410 on file in the office of the City Engineer of The City of Los Angeles, distant on said course N 59° 47′ 44″ W 400 feet from the southeasterly terminus of said course (said southeasterly terminus being also the southeasterly terminus of the course shown on said map of Tract No. 10426 as having a length of 1275.60 feet); thence along the center line of relocated Pacific Coast Highway through the following curves and courses; southeasterly along a curve concave to the southwest, tangent at its beginning to said last mentioned course and having a radius of 1150 feet an arc distance of 260.17 feet; thence S 46° 50′ 00″ E and tangent to said curve a distance of 201.18 feet; thence southeasterly along a curve concave to the northeast tangent to said last mentioned course and having a radius of 1150 feet an arc distance of 334.52 feet; thence S 63° 29′ 59″ E and tangent to said last mentioned curve 1760.65 feet; thence southeasterly along a curve concave to the northeast tangent at its point of beginning to said last mentioned course and having a radius of 1150 feet an arc distance of 259.25 feet; thence S 76° 24′ 59″ E and tangent to

said last mentioned curve a distance of 202.69 feet; thence southeasterly along a curve concave to the southwest tangent at its point of beginning to said last mentioned course and having a radius of 1150 feet an arc distance of 277.99 feet to a point of tangency in the northwesterly prolongation of that certain course in the center line of Pacific Coast Highway shown on page 24 of said City Engineer's Field Book 21410 as having a length of 611.707 feet; thence S 62° 33′ 59″ E along said prolongation a distance of 239.75 feet to the northwesterly terminus of said last mentioned certain course.

CHAPTER 1569

An act to add Chapter 5D (commencing with Section 853.9) to Title 3, Part 2 of the Penal Code, relating to accusatory pleadings in criminal cases.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Chapter 5D (commencing with Section 853.9) is added to Title 3, Part 2 of the Penal Code, to read:

CHAPTER 5D. FILING COMPLAINT AFTER CITATION

853.9. Whenever written notice to appear has been prepared, delivered, and filed with the court pursuant to the provisions of Section 853.6 of this code or pursuant to the provisions of a county, city or city and county ordinance enacted pursuant to the provisions of Section 853 1 of this code, an exact and legible duplicate copy of the notice when filed with the magistrate, in lieu of a verified complaint, shall constitute a complaint to which the defendant may plead "guilty."

If, however, the defendant violates his promise to appear in court, or does not deposit lawful bail, or pleads other than "guilty" of the offense charged, a complaint shall be filed which shall conform to the provisions of this code and which shall be deemed to be an original complaint; and thereafter proceedings shall be had as provided by law, except that a defendant may, by an agreement in writing, subscribed by him and filed with the court, waive the filing of a verified complaint and elect that the prosecution may proceed upon a written notice to appear.

CHAPTER 1570

An act to amend Section 30609 of the Streets and Highways Code, relating to the use of toll revenues from San Francisco Bay toll bridges.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 30609 of the Streets and Highways Code is amended to read:

30609. Subject to the limitations hereinafter prescribed and under the provisions of Chapter 1 (commencing with Section 30000) of this division, the department may make such revisions of, and improvements or alterations to, the San Francisco-Oakland Bay Bridge, its approaches, connections and other appurtenances, including the terminal building in San Francisco, as are deemed desirable and necessary by the department to permit the use of the entire San Francisco-Oakland Bay Bridge for traffic. Such revisions may include work necessary for the routing of traffic in one direction on each deck of the bridge and the construction of a viaduct, with suitable connections to the existing approaches to the bridge, from the vicinity of the Port of Oakland overhead to a point near the intersection of State Highway Route 17 as designated and renumbered in Chapter 385 of the Statutes of 1963 and West Grand Avenue.

The department may use for such purposes and for the completion of the work on the San Mateo-Hayward Bridge authorized by Article 6 (commencing with Section 30790) of this chapter any funds now on hand from the revenues of the San Francisco-Oakland Bay Bridge, and the future revenues of the bridge accruing up to December 31, 1964, or so much thereof as may be necessary, over and above those required to provide the costs of maintenance, operation, insurance and other expenses of the San Francisco-Oakland Bay Bridge.

In the event bonds are issued for the construction of the rapid transit tube to be secured by the revenues of the San Francisco-Oakland Bay Bridge, the authority may provide for the completion of the work on the San Francisco-Oakland Bay Bridge, for the construction of the described viaduct and connections and for any work on the San Mateo-Hayward Bridge, from the proceeds of bonds to be included in such an issue or it may reserve from the revenues which would secure such a bond issue sufficient revenues to complete the work.

In the event matters relating to such rapid transit tube or to the issuance of such bonds would cause any delay in the construction of the described viaduct and connections, then the authority shall so reserve sufficient revenues to complete such work, to the end that no such delay shall be permitted to occur.

CHAPTER 1571

An act to amend Section 3032 of the Fish and Game Code, relating to hunting licenses.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 3032 of the Fish and Game Code is amended to read:

3032. No hunting license shall be issued to any person under the age of 18 years unless he presents to the person authorized to issue such license either (a) evidence that he has held a hunting license issued by this State in a prior year or (b) a certificate of competency as provided in this section.

The department shall provide for a course of instruction in the safe handling of firearms, and for the purpose may cooperate with any reputable association or organization having as one of its objectives the promotion of safety in the handling of firearms.

The department may designate any person found by it to be competent to give instructions in the handling of firearms to persons under the age of 18 years. A person so appointed shall give such course of instruction, and upon the successful completion thereof shall issue to the person instructed a certificate of competency in the safe handling of firearms.

SEC. 2. This act shall be operative July 1, 1964.

CHAPTER 1572

An act to amend Section 10055 of the Business and Professions Code, relating to the Real Estate Commission.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 10055 of the Business and Professions Code is amended to read:

10055. Each member of the commission, except the commissioner, shall serve without compensation.

The commissioner shall receive an annual salary provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code, to be paid monthly out of the State Treasury upon a warrant of the Controller.

Each member shall be allowed his actual and necessary expenses in the discharge of his duties.

CHAPTER 1573

An act to amend Section 21264 of the Government Code, relating to local safety members of the State Employees' Retirement System.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 21264 of the Government Code is amended to read:

21264. Upon the death of a local safety member after the effective date of this section and after the effective date of his retirement for service or for industrial disability, including such members heretofore and hereafter retired, one-half his retirement allowance as it was at his death, excluding any portion of said allowance which is based on service other than fire service or police service or any service rendered as an employee of the State or a contracting agency not subject to the provisions of this section or which was derived from accumulated additional contributions of the member, shall be continued throughout life or until remarriage, to his surviving spouse. If there be no surviving spouse entitled to an allowance hereunder, or if she die or remarry before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age; provided, that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children under the age of 18 years, but leave a parent or parents dependent upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving spouse unless she was married to the member at least one year prior to his retirement. If at the effective date of said retirement, said member has no spouse, children or dependent parents, who would so qualify and if said member elects as provided in Section 21330 to have the actuarial equivalent of his retirement allowance applied to a lesser retirement allowance, in accordance with an optional settlement, no allowance shall be paid under this Section 21264.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made

after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

This section applies to the surviving husband of a local safety member, but only if he was dependent upon her, as well as the surviving wife of a local safety member.

CHAPTER 1574

An act to amend Sections 21366 and 21405 of the Vehicle Code, relating to street and highway signs.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 21366 of the Vehicle Code is amended to read:

21366. At each signal-controlled intersection on streets and highways, there shall be a street name sign clearly visible to traffic approaching from all directions. The cost of erecting and maintaining the street name signs may be paid out of funds derived from the Highway Users Tax Fund or the Motor Vehicle License Fee Fund.

SEC. 2. Section 21405 of said code is amended to read:

21405. (a) The Department of Public Works shall determine and prescribe the standards and specifications, regarding location, kind, size, color, and height, for all street name signs erected on or after January 1, 1948, on streets or highways.

(b) Any street name sign erected on or after January 1, 1948, on any street or highway shall conform to uniform standards and specifications for street and highway name signs prescribed by the Department of Public Works.

CHAPTER 1575

An act to amend Sections 5500 and 5505 of, and to add Section 5815 to, the Labor Code, relating to workmen's compensation.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 5500 of the Labor Code is amended to read:

5500. No pleadings other than the application and answer shall be required. Both shall be in writing and shall conform to forms prescribed by the commission in its rules of practice

and procedure, simply but clearly and completely delineating all relevant matters of agreement and all issues of disagreement within the jurisdiction of the commission, and providing for the furnishing of such additional information as the commission may properly determine necessary to expedite its hearing and determination of the claim.

SEC. 2. Section 5505 of said code is amended to read:

5505. If any defendant desires to disclaim any interest in the subject matter of the claim in controversy, or considers that the application is in any respect inaccurate or incomplete, or desires to bring any fact, paper, or document to the attention of the commission as a defense to the claim or otherwise, he may, within 10 days after the service of the application upon him, file with or mail to the commission his answer in such form as the commission may prescribe, setting forth the particulars in which the application is inaccurate or incomplete, and the facts upon which he intends to rely. A copy of the answer shall be forthwith served upon all adverse parties. Evidence upon matters not pleaded by answer shall be allowed only upon the terms and conditions imposed by the commission, or by the commissioner or referee holding the hearing.

SEC. 3. Section 5815 is added to said code, to read:

5815. Every order, decision or award, other than an order merely appointing a trustee or guardian, shall contain a determination of all issues presented for determination by the commission prior thereto and not theretofore determined. Any issue not so determined will be deemed decided adversely as to the party in whose interest such issue was raised.

CHAPTER 1576

An act to add Sections 3547, 3548, 3549 and 3550 to the Public Utilities Code, relating to the leasing of motor vehicles.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 3547 is added to the Public Utilities Code, to read:

3547. The commission may regulate the leasing of motor vehicles by highway carriers to other highway carriers or to city carriers or to any other persons or corporations.

SEC. 2. Section 3548 is added to said code, to read:

3548. The leasing of motor vehicles for the transportation of property to any person or corporation other than to a highway carrier, is prohibited as a device or arrangement which

constitutes an evasion of this chapter, unless the parties to such lease conduct their operation according to the terms of the lease agreement, which shall be in writing, and shall provide that the vehicle shall be operated by the lessee or an employee thereof and the operation and use of such vehicle shall be subject to the lessee's supervision, direction, and control for the full period of the lease. The lessor or any employee of the lessor shall not qualify as an employee of the lessee for the purposes of this section. The provisions of this section shall not apply to the leasing of motor vehicles to the State, a city, a county, or a city and county.

SEC. 3. Section 3549 is added to said code, to read:

3549. Any person or corporation engaged in any business or enterprise other than the transportation of persons or property who also transports property by motor vehicle for compensation shall be deemed to be a highway carrier for hire through a device or arrangement in violation of this chapter unless such transportation is within the scope and in furtherance of a primary business enterprise, other than transportation, in which such person or corporation is engaged.

SEC. 4. Section 3550 is added to said code, to read:

3550. "Device or arrangement," as used in this chapter, means and includes any and all methods, means, agreements, circumstances, operations, or subterfuges under which any person or corporation undertakes for hire to conduct, direct, control, or otherwise perform, the transportation by motor vehicle of property upon the public highways of this State.

CHAPTER 1577

An act to add Section 17199 to the Education Code, relating to accounting system.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 17199 is added to Article 2 of Chapter 1 of Division 14 of Part 3 of the Education Code, to read:

17199. The accounting system used to record the financial affairs of any school district shall be in accordance with the definitions, instructions, and procedures published in the California School Accounting Manual as approved by the State Board of Education and furnished by the Superintendent of Public Instruction.

The provisions of this section shall become operative beginning July 1, 1964.

CHAPTER 1578

An act to add Section 13026 to the Water Code, relating to detergents.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 13026 is added to the Water Code, to read:

13026. The State Water Pollution Control Board, together with the State Department of Public Health and the State Department of Water Resources shall undertake a study of detergents, the effect of synthetic detergent residues on the waters of this State, and the need for developing standards of biodegradability for synthetic detergents offered for sale in this State.

Their findings shall be reported to the Legislature not later than the fourth legislative day of the 1965 Regular Session of the Legislature.

CHAPTER 1579

An act to add Section 15007.5 to the Education Code, relating to joint exercise of the power of eminent domain by a school district and another public agency.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 15007.5 is added to the Education Code, to read:

15007.5. The governing board of any school district may enter into an agreement with the governing body of any public agency for the joint exercise by such school district and such agency of their respective powers of eminent domain, whether or not possessed in common, for the acquisition of real property as a single parcel. Such agreement shall be entered into and performed pursuant to the provisions of Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code, and each public agency therein designated is authorized to enter into such an agreement with the governing board of any school district for such purpose.

CHAPTER 1580

An act to add Article 7 (commencing with Section 31540) to Division 13 of the Vehicle Code, relating to transportation of removable containers.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Article 6 (commencing with Section 31530) is added to Division 13 of the Vehicle Code, to read:

Article 7. Tank Containers

31540. (a) The department shall adopt and enforce such regulations as it determines are necessary for public safety regarding the transportation of freight van or tank containers which can be removed from the running gear or chassis of a truck or trailer.

(b) Violation of any provision of the regulations adopted by the department shall be a misdemeanor.

CHAPTER 1581

An act to add Section 20364 to the Government Code, relating to retirement benefits for legislative employees.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 20364 is added to the Government Code, to read:

20364. An employee of the Senate or the Assembly, or the respective committees thereof, whose salaries or wages are paid from the Contingent Funds of the Senate or the Assembly, shall be deemed a "legislative employee." Such employee is excluded from membership in this system unless he files with the board an election in writing to become a member. Such election shall not be required of a legislative employee who is a member of this system on October 1, 1963. He may so elect at any time prior to retirement and he shall have the option as to how much of his previous legislative service is to be credited. The legislative employee shall make contributions to this system in respect to the previous service as a legislative employee for which he desires credit, in the amount which he would have contributed had he been a member at any time that he previously rendered such service, plus an amount equal

to the interest, to the date or dates of his payment, which would have been credited to those contributions had he been a member when the previous service as a legislative employee was rendered. Such contributions and interest shall be paid to this system at times, in amounts, and in a manner fixed by the board. If he affirmatively exercises the option:

(a) He shall receive credit for previous service as a legislative employee in the same manner as if he had been a member when the service was rendered, and

(b) His rate of contribution shall be based on the nearest age at the time he first rendered service for which he is seeking credit by his election, with the total period of any breaks in such service added to his age for the purpose of this computation.

CHAPTER 1582

An act to amend Sections 2550 and 2552 of the Business and Professions Code, relating to dispensing opticians.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 2550 of the Business and Professions Code is amended to read:

2550. Individuals and firms filling prescriptions of physicians and surgeons licensed by the Board of Medical Examiners for prescription lenses and kindred products, and, as incidental to the filling of such prescriptions, doing any or all of the following acts, either singly or in combination with others, taking facial measurements, fitting and adjusting such lenses and fitting and adjusting spectacle frames, shall be known as dispensing opticians and shall not engage in such business unless registered with the Board of Medical Examiners.

SEC. 2. Section 2552 of said code is amended to read:

2552. Each application, to enable the board to determine if applicant is entitled to be registered under this chapter, shall be verified under oath by the person or persons required to sign the application and shall contain the matters referred to in (a) hereof and be accompanied by the affidavits referred to in (b):

(a) The name, address and time, place and extent of the previous experience of each person signing the application and likewise of the person or persons who will have charge of or manage applicant's general dispensing operations, and of each person having any proprietary interest in applicant who will engage in dispensing operations. The person or persons who will be in charge of or who will manage applicant's general dispensing operations and each person having any proprietary

interest in applicant who will engage in dispensing operations shall have at least five (5) full years of actual experience in fitting and adjusting any prescription lens or lenses.

(b) The sworn affidavits, in a form prescribed by the board, of three (3) physicians and surgeons who specialize in the treatment of eyes and who are (1) duly licensed by the Board of Medical Examiners or (2) eligible to be admitted to practice medicine in this State without written examination, stating and certifying according to the personal knowledge of each physician and surgeon signing the same, that each person referred to in (a) has the required experience, is of good moral character, and that applicant and each such person is fully competent and qualified to accurately fill prescriptions for such prescription lens or lenses or kindred products and to fit and adjust such lenses.

Applicant shall furnish such additional information or proof, oral or written, with respect to the competency, qualifications and moral integrity of applicant and each of the foregoing persons which the board may request.

The board in considering any application for a renewal of a certificate may in its discretion require from applicant the same information and proof with respect to any or all of the foregoing matters.

CHAPTER 1583

An act to amend Sections 597f and 599e of the Penal Code, relating to animal regulation.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 597f of the Penal Code is amended to read:

597f. Every owner, driver, or possessor of any animal, who shall permit the same to be in any building, enclosure, lane, street, square, or lot, of any city, city and county, or judicial district, without proper care and attention, shall, on conviction, be deemed guilty of a misdemeanor. And it shall be the duty of any peace officer, officer of the humane society, or officer of a pound or animal regulation department of a public agency, to take possession of the animal so abandoned or neglected and care for the same until it is redeemed by the owner or claimant, and the cost of caring for such animal shall be a lien on the same until the charges are paid. Every sick, disabled, infirm, or crippled animal which shall be abandoned in any city, city and county, or judicial district, may, if after due search no owner can be found therefor, be killed by such officer; and it shall be the duty of all peace officers, an officer of said society, or officer

of a pound or animal regulation department of a public agency to cause the same to be killed on information of such abandonment. Such officer may likewise take charge of any animal that by reason of lameness, sickness, feebleness, or neglect, is unfit for the labor it is performing, or that in any other manner is being cruelly treated; and, if such animal is not then in the custody of its owner, such officer shall give notice thereof to such owner, if known, and may provide suitable care for such animal until it is deemed to be in a suitable condition to be delivered to such owner, and any necessary expenses which may be incurred for taking care of and keeping the same shall be a lien thereon, to be paid before the same can be lawfully recovered.

SEC. 2. Section 599e of the Penal Code is amended to read:

599e. Every animal which is unfit, by reason of its physical condition, for the purpose for which such animals are usually employed, and when there is no reasonable probability of such animal ever becoming fit for the purpose for which it is usually employed, shall be by the owner or lawful possessor of the same, deprived of life within 12 hours after being notified by any peace officer, officer of said society, or employee of a pound or animal regulation department of a public agency who is a veterinarian, to kill the same, and such owner, possessor, or person omitting or refusing to comply with the provisions of this section shall, upon conviction, be deemed guilty of a misdemeanor, and after such conviction the court or magistrate having jurisdiction of such offense shall order any peace officer, officer of said society, or officer of a pound or animal regulation department of a public agency, to immediately kill such animal; provided, that this shall not apply to such owner keeping any old or diseased animal belonging to him on his own premises with proper care.

CHAPTER 1584

An act to add Section 13558.5 to the Education Code, relating to the control of school affairs.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 13558.5 is added to the Education Code, to read:

13558.5. Every minor over 16 years of age or adult who is not a pupil of the school, including but not limited to any such minor or adult who is the parent or guardian of a pupil of the school, who comes upon any school ground or into any schoolhouse and there willfully interferes with the discipline, good order, lawful conduct, or administration of any school

class or activity of the school, with the intent to disrupt, obstruct, or to inflict damage to property or bodily injury upon any person, is guilty of a misdemeanor, and is punishable by a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500), or by imprisonment in the county jail for not more than six months, or both.

CHAPTER 1585

An act to amend Section 21655 of the Vehicle Code, relating to driving rules.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 21655 of the Vehicle Code is amended to read:

21655. (a) Whenever the State Department of Public Works or local authorities with respect to highways under their respective jurisdictions determines upon the basis of an engineering and traffic investigation that the designation of a specific lane or lanes for the travel of vehicles required to travel at reduced speeds would facilitate the safe and orderly movement of traffic, the department or local authority may designate specific lane or lanes for the travel of vehicles which are subject to the provisions of Sections 22406 through 22414, inclusive, and shall erect signs at reasonable intervals giving notice thereof.

(b) Any vehicle subject to the provisions of Sections 22406 through 22414, inclusive, shall be driven in the lane or lanes designated pursuant to subdivision (a) whenever signs have been erected giving notice of such designation. When specific lane or lanes have not been so designated, any such vehicle shall be driven in the right-hand lane for traffic or as close as practicable to the right edge or curb. When overtaking and passing another vehicle proceeding in the same direction, such drivers shall use either the designated lane, the lane to the immediate left of the right-hand lane, or the right-hand lane for traffic as permitted under the provisions of this code.

This subdivision shall not apply to a driver who is preparing for a left- or right-hand turn or who is in the process of entering a highway.

CHAPTER 1586

An act to amend Section 1 of Chapter 1939 of the Statutes of 1955, relating to certain lands lying under inland navigable waters situated in the San Joaquin River.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 1 of Chapter 1939 of the Statutes of 1955 is amended to read:

Section 1. There is hereby granted to the City of Antioch, State of California, and to its successors, all the right, title and interest now held by the State of California by virtue of its sovereignty in and to all of the tide and submerged lands in the San Joaquin River and fronting on the City of Antioch, more particularly described as follows:

Beginning at the point where a line running directly north from the monument at the southeast corner of the intersection of Wilbur Avenue and A Street intersects the ordinary high-water mark; thence continuing north on said line into the San Joaquin River to where it intersects the common boundary of Contra Costa and Sacramento Counties; thence downstream in the San Joaquin River along said common boundary to where the west line of O Street in the City of Antioch extended meets said common boundary; thence southerly along said west line of O Street extended to a point of intersection with the ordinary high-water mark of the San Joaquin River; thence easterly along said ordinary high-water mark to the point of beginning, excepting from the foregoing any sovereign lands heretofore sold validly by the State of California.

To be forever held by said city, and its successors, in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That said lands shall be used by said city, and its successors, for the establishment, improvement and conduct of a harbor, including an airport or aviation facilities, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures, facilities and appliances necessary or convenient for the promotion and accommodation of commerce and navigation by air as well as by water, and for the construction, maintenance, and operation thereon of public buildings and public parks and playgrounds, and for public recreational purposes, and said city, or its successors, shall not at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purposes whatsoever; provided, that said city, or its successors, may grant franchises thereon for limited periods (but in no event exceeding 50 years), for wharves and other public uses and purposes and may lease said lands, or any part thereof, for limited periods

(but in no event exceeding 50 years), for purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce and navigation at said harbor, and collect and retain rents from such leases, franchises and privileges, except that there is hereby reserved to the State of California during the term or any extension thereof, the jurisdiction and all revenues payable to the State under that certain lease between the State of California and John J. Rodgers, dated May 21, 1953 (P.R.C. 805.1).

(b) That said lands shall be substantially improved by said city within 20 years of the effective date of Chapter 1939 of the Statutes of 1955 without expense to the State, and shall always remain available for public use for all purposes consistent with the trust under which the State holds sovereign lands, and the State of California shall have at all times the right to use, without charge, all wharves, docks, piers, slips, quays, and other improvements and facilities constructed on said lands, or any part thereof, for any vessel or other watercraft or aircraft, or railroad, owned or operated by the State of California. If the State Lands Commission determines that the city has failed during said 20-year period to improve said lands as herein required, all right, title, and interest of said city in and to all lands granted by this act shall cease and said lands shall revert and vest in the State.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures, appliances or facilities mentioned in paragraph (a), no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors.

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purposes together with the right of navigation.

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

(f) The lands herein described are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes or for other state purposes, including small boat harbors, without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interests.

CHAPTER 1587

An act to amend Section 7011 of the Business and Professions Code, and to amend Section 11559 of the Government Code, relating to the registrar of contractors.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 7011 of the Business and Professions Code is amended to read:

7011. The board by and with the approval of the director shall appoint a registrar of contractors and fix his compensation.

The registrar shall be the executive officer and secretary of the board and shall carry out all of the administrative duties as provided in this chapter and as delegated to him by the board.

For the purpose of administration of this chapter, there may be appointed a deputy registrar, a chief reviewing and hearing officer and such other assistants and subordinates as may be necessary.

Appointments shall be made in accordance with the provisions of civil service laws.

SEC. 2. Section 11559 of the Government Code is amended to read:

11559. An annual salary of twelve thousand dollars ($12,000) shall be paid to each of the following:

(a) Each member of the Alcoholic Beverage Control Appeals Board.

(b) Chief of the Division of Industrial Welfare.

(c) Chief of the Division of Housing.

(d) State Librarian.

(e) Secretary of the California Horse Racing Board.

(f) Secretary of the State Athletic Commission.

CHAPTER 1588

An act to add Section 15854.5 to the Government Code, relating to properties for schools and colleges.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 15854.5 is added to the Government Code, to read:

15854.5. To promote the safety of students, comprehensive community planning, and greater educational usefulness of

state college sites, the Trustees of the California State Colleges, before the board acquires title to property for any such site, shall undertake the following action:

Immediately after receiving notice of the proposed acquisition of property which is within two miles, measured by air line, of that point on an airport boundary which is nearest the site, the Trustees of the California State Colleges shall notify the California Aeronautics Commission, in writing, of the proposed acquisition. The California Aeronautics Commission shall make an investigation and report to the trustees within 25 days after receipt of the notice. If the California Aeronautics Commission is no longer in operation, the trustees shall, in lieu of notifying the commission, notify the Federal Aviation Agency or any other appropriate agency, in writing, of the proposed acquisition for the purpose of obtaining from the authority or other agency such information or assistance as it may desire to give.

The Trustees of the California State Colleges shall investigate the proposed site and within 30 days after receipt of the notice shall submit to the board a written report and its recommendations concerning acquisition of the site. The board shall not acquire title to the property until the report of the trustees has been received. If the report does not favor the acquisition of the property for a state college site or an addition to a state college site, the board shall not acquire title to the property until 30 days after the trustees' report is received and until the trustees' report has been read at a public hearing duly called after 10 days' notice published once in a newspaper of general circulation within the county in which the property is located.

CHAPTER 1589

An act to amend Section 3556 of the Elections Code, relating to drafting arguments on measures submitted to the voters.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 3556 of the Elections Code is amended to read:

3556. If a measure submitted to the voters by the Legislature was not adopted unanimously, one member of each house who voted against it shall be appointed by the presiding officers of the respective houses, at the same time as appointments to draft an argument in its favor are made, to write an argument against the measure. The argument shall not exceed 500 words.

If those members appointed to write an argument against the measure so choose, each may write a separate argument opposing it, but the combined length of the two arguments shall not exceed 500 words.

CHAPTER 1590

An act to add Section 1411.5 to the Health and Safety Code, relating to hospitals.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 1411.5 is added to the Health and Safety Code, to read:

1411.5. The rules of the hospital may include provisions for use of the hospital facilities by duly licensed podiatrists subject to rules and regulations governing such use established by the medical staff or the podiatric staff of the hospital. Such staff comprised of physicians and surgeons, podiatrists, or any combination thereof, may regulate the admission, conduct, suspension, or termination, of the podiatrists while using the facilities of the hospital. No classification of hospitals by the state department pursuant to Section 1411, nor any other classification of hospitals based on quality of service or otherwise, by any person, body, or governmental agency of this State or any subdivision thereof shall be effected by a hospital's provision for use of its facilities by duly licensed podiatrists, nor shall any such classification be effected by the subjection of the podiatrists to the rules and regulations of a staff comprising podiatrists, physicians and surgeons, or any combination thereof, which govern the podiatrists' use of hospital facilities. No classification of hospitals by any governmental agency of this State or any subdivision thereof pursuant to present law or law passed hereinafter for the purposes of ascertaining eligibility for compensation, reimbursement, or other benefit for treatment of patients shall be effected by a hospital's provision for use of its facilities by duly licensed podiatrists, nor shall any such classification be effected by the subjection of the podiatrists to the rules and regulations of a staff comprising podiatrists, physicians and surgeons, or any combination thereof, which govern the podiatrists' use of hospital facilities.

CHAPTER 1591

An act to amend Section 454 of the Elections Code, relating to indexes of registration.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 454 of the Elections Code is amended to read:

454. Upon demand of any Member of the Legislature or of Congress or any candidate who is to be voted for in the county, or in a city therein, or in a political subdivision of either, or upon written demand of his campaign committee, or of any committee for or against any proposed ballot measure, or of any committee for or against any referendum or initiative measure for which legal publication has been made, the county clerk shall furnish to such Member of the Legislature or of Congress or to either the candidate or his campaign committee or to the ballot measure committee no more than two copies of the printed indexes of the registration for the primary and general elections in which such Member of the Legislature or of Congress may participate as a candidate, or for the election in which the candidate will participate, or the ballot measure will be voted upon, at a charge of fifty cents ($0.50) per thousand names. All moneys collected shall be deposited in the county treasury to the credit of the general fund.

CHAPTER 1592

An act to amend Section 25500 of the Corporations Code, relating to the Corporate Securities Law.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 25500 of the Corporations Code is amended to read:

25500. No company shall sell any security of its own issue, except upon a sale for a delinquent assessment against the security made in accordance with the laws of this State, or offer for sale, negotiate for the sale of, or take subscriptions for any such security, until it has first applied for and secured from the commissioner a permit authorizing it so to do.

The provisions of this section do not apply to the issue or reclassification of shares of stock in any of the following transactions:

(a) The issue of shares in a stock split, as defined in Section 115.1;

(b) The issue of shares in a reverse stock split, as defined in Section 115.2;

(c) The reclassification of outstanding shares having par value into an equal number of shares of a different par value or into an equal number of shares without par value; or

(d) The reclassification of outstanding shares without par value into an equal number of shares having par value; provided that, in each such case, (i) such issue or reclassification of shares does not change the proportionate interests of the holders of shares outstanding immediately prior thereto; (ii) no change is made in the rights, preferences, privileges or restrictions on outstanding shares other than such changes as necessarily result from such stock split, reverse stock split or reclassification of shares; (iii) the corporation has only one class of shares outstanding; and (iv) the shares to be outstanding immediately after such stock split, reverse stock split or reclassification will have a par value or, in the case of shares without par value, a stated value of not less than one dollar ($1) per share.

CHAPTER 1593

An act to reconvey to the City of Manhattan Beach a portion of the real property granted to the State by the city for National Guard armory purposes.

[Approved by Governor July 13, 1963 Filed with Secretary of State July 16, 1963.]

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

SECTION 1. There is hereby granted and conveyed to the City of Manhattan Beach all the right, title and interest of the State of California in and to that real property situated in the City of Manhattan Beach, County of Los Angeles, State of California, described as follows:

Beginning at the northeast corner of lot one, tract number 4861, as per map recorded in book 56, page 44, of maps in the office of the county recorder of said county; thence north 89° 48′ east 669.42 feet to a point; thence south 27° 59′ east 31.74 feet to a point; thence south 62° 01′ west 225 feet to a point; thence south 27° 59′ east 190 feet to a point; thence south 62° 01′ west 195 feet to a point; thence south 28° 26′ 54″ east 190.28 feet to a point; thence south 3° 18′ 35″ east 226.51 feet more or less to a point in the north boundary line of a water main easement as reserved by the City of Manhattan Beach in deed recorded January 4, 1950, in document 486, book 31866, page 380, of official record on file in the office of the county recorder of said county; thence with said easement line north 79° 57′ 56″ west 200 feet more or less to a point in the east right of way line of Grandview Avenue, said right of way line being located 20 feet easterly of and parallel to the center line of Grandview Avenue; thence with said right of way line north 19° 36′ 30″ west 739.87 feet more or less

to a point; said point being the intersection of the east right of way line and north right of way line of Grandview Avenue; thence with said north right of way line south 70° 23′ 30″ west 40 feet to the southwest corner of the before mentioned lot one, tract number 4861; thence with the east boundary of said lot one north 19° 36′ 30″ west 69.64 feet to the point of beginning; containing 5.92 acres more or less.

SEC. 2. The Legislature hereby finds and declares that in 1948 the City of Manhattan Beach granted to the State a parcel of land situated in said city for the purpose of constructing a National Guard armory. The deed pursuant to which said land was granted to the State contained a condition subsequent that if the State failed to commence construction of said armory on the land within three years, the title to the land would revert to the city. While the State did commence construction of an armory within said three-year period, only a portion of said land was used for said purpose and no construction was undertaken, or is intended to be undertaken, on the remaining portion of said land, being the parcel described in Section 1 of this act, and it is hereby found and declared that said portion is unnecessary for said armory purposes.

In recognition, therefore, of the condition subsequent in the deed under which the State was granted the land by the city, it is the purpose of this act to reconvey the portion of the land granted which has not been, and will not be, used in connection with the construction of the National Guard armory.

CHAPTER 1594

An act to add Section 5162 to the Public Resources Code, relating to beaches and seashore recreation areas.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 5162 is added to the Public Resources Code, to read:

5162. Any beach or seashore recreation area owned, leased, operated, controlled, maintained or managed by a city or county which is open to the use of residents of such city or county shall be open to all members of the public upon the same terms, fees, charges and conditions as are applicable to the residents of such city or county.

CHAPTER 1595

An act to add Article 4 (commencing with Section 54090) to Chapter 5 of Part 1 of Division 2 of Title 5 of the Government Code, relating to access to public beaches.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Article 4 (commencing with Section 54090) is added to Chapter 5 of Part 1 of Division 2 of the Government Code, to read:

Article 4. Beach Access

54090. As used in this article "public beach" means any beach area used for recreational purposes which is owned, operated or controlled by the State, any state agency or any local agency.

54091. Any city, county or other local agency which owns, operates, or controls any public beach shall allow the use of such public beach by all persons regardless of color, race, religion, ancestry, national origin, or residence. Nonresidents of the city, county, or other local agency shall be permitted to use such public beach upon the same terms and conditions as are residents of such city, county, or local agency.

54092. Any city, county or other local agency which allows any property owned, operated or controlled by it to be used as a means of access to any public beach shall allow free access over such property to all persons regardless of color, race, religion, ancestry, national origin or residence.

54093. The Department of Parks and Recreation, on behalf of the State, may acquire by appropriate means, including by right of eminent domain, easements in property owned, operated or controlled by any city, county or other local agency in order to provide free public access to any public beach. However, any such easement shall terminate if the property is developed by the city, county or other public agency in a manner which would not be compatible with the use of such easement for access purposes and if the city, county or other public agency refunds to the State the amount of money the State paid for such easement.

CHAPTER 1596

An act to authorize the sale by the Director of the Department of Parks and Recreation of land and timber in Del Norte County.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963]

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

SECTION 1. The Director of the Department of Parks and Recreation is authorized to sell, subject to the approval of the Director of Finance, those certain parcels of land hereinafter described, having been acquired for exchange purposes by grant deed recorded in Book 57, pages 476 to 479, inclusive, County of Del Norte, and consisting of 1,525 acres, more or less, more specifically described as:

All State lands lying within Sections 7, 8, 17, 18, 19, 20, 29, 30, and 32 of Township 17 N., Range 1 E., Humboldt Meridian.

Notwithstanding any other provision of law, the director may, after proper advertising, sell to the highest bidder at cash sale the above described lands including timber.

The described lands may be disposed of in a manner as determined by the Director of Parks and Recreation to be most advantageous for immediate sale, the proceeds to be deposited into the State General Fund.

CHAPTER 1597

An act to amend Section 9359.85 of the Government Code, relating to the Legislators' Retirement System.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 9359.85 of the Government Code is amended to read:

9359.85. Upon the death of any person, after retirement and while receiving a retirement allowance from this system, there shall be paid to his estate or to such beneficiaries as he shall nominate the sum of six hundred dollars ($600).

CHAPTER 1598

An act to add Section 313 to the Fish and Game Code, relating to tuna.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 313 is added to the Fish and Game Code, to read:

313. The commission may prohibit the taking or possessing of tuna in the same manner as taking or possessing tuna is prohibited by federal law or by rules or regulations adopted pursuant to the Tuna Conventions Act of 1950, as amended by Public Law 87-814 of the 87th Congress, notwithstanding any other provision of this code.

CHAPTER 1599

An act to amend Section 692 of the Code of Civil Procedure, relating to notice of sale of property.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 692 of the Code of Civil Procedure is amended to read:

692. Before the sale of property on execution or under power contained in any mortgage or deed of trust, notice thereof must be given as follows:

1. In case of perishable property: by posting written notice of the time and place of sale in three public places in the city where the property is to be sold, if the property is to be sold in a city, or, if not, then in three public places in the judicial district in which the property is to be sold, for such time as may be reasonable, considering the character and condition of the property.

2. In case of other personal property: by posting a similar notice in three public places in the city where the property is to be sold, if the property is to be sold in a city, or, if not, then in three public places in the judicial district in which the property is to be sold, for not less than 5 days nor more than 10 days.

3. In case of real property: by posting a similar notice particularly describing the property at least 20 days before date of sale, in one public place in the city where the property is to be sold if the property is to be sold in a city, or, if not,

then in one public place in the judicial district in which the property is to be sold and publishing a copy thereof once a week for the same period, in some newspaper of general circulation published in the city in which the property or some part thereof is situated, if any part thereof is situated in a city, if not, then in some newspaper of general circulation published in the judicial district in which the property or some part thereof is situated, or, in case no newspaper of general circulation and published in the city or judicial district, as the case may be, in some newspaper of general circulation published in the county in which the property or some part thereof is situated; provided, that where real property is to be sold under power of sale contained in any deed of trust or under power of sale contained in a mortgage or where real property is to be sold under execution upon a judgment a copy of said notice shall be posted in some conspicuous place on the property to be sold, at least 20 days before date of sale. The term newspaper of general circulation as used herein is as defined in Article 1 (commencing with Section 6000) of Chapter 1, Division 7, Title 1 of the Government Code.

4. When the judgment under which the property is to be sold is made payable in a specified kind of money or currency, the several notices required by this section must state the kind of money or currency in which bids may be made at such sale, which must be the same as that specified in the judgment.

CHAPTER 1600

An act to amend Sections 12008, 12200, 12201.1, 12202, 12203, 12204, and 12214 of the Business and Professions Code, relating to sealers of weights and measures.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 12008 of the Business and Professions Code is amended to read:

12008. "Sealer," when used without qualification, includes the State Sealer, deputy state sealers, and county sealers and their deputies and inspectors.

SEC. 2. Section 12200 of said code is amended to read:

12200. There is in each county the office of county sealer of weights and measures. The county sealer shall be appointed by the board of supervisors, except in chartered counties where a different method of appointment is prescribed. The term of office of such sealer is four years from and after his appointment and until his successor is appointed but he may be removed as hereinafter provided.

In addition to his salary each county sealer and deputy county sealer is entitled to his necessary traveling and other expenses incurred in the performance of his duties.

A county sealer may, with the consent of the power appointing him, appoint a deputy or deputies when necessary or expedient to carry out the duties of his office. Such deputies shall serve at the pleasure of the county sealer.

The sealer may employ such clerks and employees as may be approved by the appointing power. Any such clerk or employee shall not have authority to enforce the provisions of this chapter.

A county may in its discretion refer to a deputy county sealer as a weights and measures inspector.

SEC. 3. Section 12201.1 of said code is amended to read:

12201.1. The salary and other compensation provided for the county sealer, deputy county sealers and inspectors and clerks shall be paid out of the county treasury in the same manner and at the same time as other county officers are paid. The county sealer, deputy county sealers and inspectors shall each be entitled to receive his traveling and incidental expenses incurred in the performance of his duties.

SEC. 4. Section 12202 of said code is amended to read:

12202. The director shall cause to be examined persons desiring to become county sealers, deputy county sealers or inspectors and shall prescribe rules and regulations governing such examinations given for the purpose of determining the fitness, experience, and qualifications of candidates for these positions. The director may provide for inspectors qualified to be employed in designated categories. Successful candidates shall be given a certificate of eligibility which shall be good for five years unless revoked.

SEC. 5. Section 12203 of said code is amended to read:

12203. No person shall hereafter be appointed to the office of county sealer, deputy county sealer or inspector unless he has a certificate of eligibility from the director; provided that, if the position of deputy county sealer cannot be filled from the lists, a temporary appointment may be made, upon the written recommendation of the director for a period not exceeding six months. Certificates of eligibility of incumbent county sealers, deputy county sealers or inspectors shall be renewed upon expiration without further examination.

SEC. 6. Section 12204 of said code is amended to read:

12204. In chartered counties providing for civil service examination of sealers, deputy sealers or inspectors the director shall issue a certificate of eligibility without further examination upon presentation of a certificate showing the candidate has passed such examination. In such counties the board or commission responsible for such civil service examination may require a certificate of eligibility from the director as a minimum qualification.

SEC. 7. Section 12214 of said code is amended to read:

12214. Upon satisfactory evidence presented to the director that the county sealer of any county is guilty of neglect of duty, incompetence, or misconduct in office, the trial board hereinafter provided for shall hold a hearing or hearings at such times and places as it shall provide.

The director and the president of the voluntary association of the sealers of the State shall select an impartial third person who, with them, shall compose a county sealer's trial board to determine whether the sealer is guilty of the charges presented.

At least 10 days prior to the date of hearing the director shall give notice in writing to said sealer of the time and place of hearing and such information as to the nature of the charges as will enable the sealer to make a defense thereto.

At such hearing or hearings, the trial board shall hear such evidence as is offered and thereafter within 30 days make an order dismissing the charges or an order disqualifying the sealer.

In case the order disqualifies the sealer, the director shall forthwith revoke the sealer's certificate of eligibility and declare the office vacant and a copy of the order shall be immediately transmitted by the director to the board of supervisors and the auditor of the county in which the sealer held office.

The certificate of a deputy sealer or inspector may be revoked in the same manner and for the same causes that a certificate of a sealer may be revoked.

CHAPTER 1601

An act to add Section 3264 to Division 5 of the Education Code as enacted by Senate Bill 718 of the 1963 Regular Session, relating to school districts.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 3264 is added to Division 5 of the Education Code as enacted by S.B. 718 of the 1963 Regular Session, to read:

3264. When an elementary school district is excluded from a unification proposal, the elementary school district may, on petition of the governing board of the district, be joined to a contiguous high school district or unified district, within three years after the effective date of the unification proposal.

The petition shall be submitted to the board of supervisors of the county, the superintendent of schools of which has jurisdiction of the high school district or unified school district to

which joinder is being sought. At the time of submitting such petition to the county board of supervisors, the governing board of the elementary school district shall also submit copies of the petition to the governing board of the high school district or the unified school district to which joinder is being sought. Within 60 days following the date upon which the petition was submitted to the county board of supervisors, that board shall issue an order effecting the joinder of the elementary school district to the high school district or unified school district, unless a formally adopted written protest to such joinder has in the meantime been submitted to the board of supervisors by the governing board of such high school district or unified school district.

If the elementary district, as a result of being excluded from the unification, becomes a unified district because its boundaries are coterminous with the boundaries of a high school district, it shall automatically again become an elementary district upon joining a contiguous high school district pursuant to this section.

CHAPTER 1602

An act to amend Section 1804.2 of the Civil Code, relating to retail installment sales.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 1804.2 of the Civil Code is amended to read:

1804.2. No right of action or defense arising out of a retail installment sale which the buyer has against the seller, other than as provided in Section 1812.7, and which would be cut off by assignment, shall be cut off by assignment of the contract to any third party whether or not he acquires the contract in good faith and for value unless the assignee gives notice of the assignment to the buyer as provided in this section, and within 15 days of the mailing of such notice receives no written notice of the facts giving rise to the claim or defense of the buyer. A notice of assignment shall be in writing addressed to the buyer at the address shown on the contract and shall: identify the contract; state the name of the seller and buyer; describe the goods and/or services; state the time balance and the number and amounts of the installments. The notice of assignment shall contain the following warning to the buyer:

You have 15 days within which to notify us of any claims or defenses which you may have against the seller. If you have any complaints or objections to make, you should notify us at this time.

Nothing contained in this section shall be construed as modifying or restricting rights, equities or defenses afforded under Section 1459 of this code or Section 368 of the Code of Civil Procedure with respect to transactions regulated by this chapter.

CHAPTER 1603

An act to amend Sections 1801.1 and 1803.2 and to repeal Section 1801.3 of, and to add Section 1803.9 to, the Civil Code, relating to retail installment sales.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 1801.1 of the Civil Code is amended to read:

1801.1. Any waiver by the buyer of the provisions of this chapter shall be deemed contrary to public policy and shall be unenforceable and void.

SEC. 2. Section 1801.3 of said code is repealed.

SEC. 3. Section 1803.2 of said code is amended to read:

1803.2. Except as provided in Sections 1803.9 and 1808.3, every retail installment contract shall be contained in a single document which shall contain:

(a) The entire agreement of the parties with respect to the cost and terms of payment for the goods and services, including any promissory notes or any other evidences of indebtedness between the parties relating to the transaction, and including any promise, whether made in writing or orally, by the seller, made as an inducement to the buyer to become a party to the contract or which is part of the contract or which is made incidental to negotiations between the seller and the buyer with respect to the sale of the goods or services that are the subject of the contract, that the seller will compensate the buyer for referring customers or prospective customers to the seller for goods or services which the seller has for sale or for referring the seller to such customers or prospective customers. In any case in which, pursuant to the preceding provisions, the contract contains a promise to compensate the buyer for referring customers or prospective customers to the seller or the seller to such customers, the contract must contain a provision to the effect that the amount otherwise owing under the contract at any time is reduced by the amount of compensation owing pursuant to such promise.

(b) Either at the top of the contract or directly above the space reserved for the signature of the buyer, the words "Security Agreement" or "Lien Contract," as the case may be, shall appear in at least 10-point bold type where a security

interest in the goods is retained or a lien on other goods or realty is obtained by the seller as security for the goods or services purchased. Either at the top of the contract or directly above the space reserved for the signature of the buyer, the words "Retail Installment Contract" shall appear in at least 10-point bold type where security is not obtained by the seller for the goods or services purchased.

(c) A notice in at least eight-point bold type reading as follows: "Notice to the buyer: (1) Do not sign this agreement before you read it or if it contains any blank space. (2) You are entitled to a completely filled-in copy of this agreement. (3) Under the law, you have the right to pay off in advance the full amount due and under certain conditions to obtain a partial refund of the service charge."

SEC. 4. Section 1803.9 is added to said code, to read:

1803.9. If a retail installment sale is a sale of goods or services for a cash sale price of fifty dollars ($50) or less, then the retail installment contract need not be contained in a single document. If the contract is contained in more than one document, one such document shall be an original document signed by the retail buyer, stated to be applicable to purchases of goods or services to be made by the retail buyer from time to time. In such case such document, together with the sales slip, account book or other written statement relating to each purchase, shall set forth all of the information required by Section 1803.3 and shall constitute a separate retail installment contract for each purchase. On each succeeding purchase pursuant to such original document, the sales slip, account book or other written statement may at the option of the seller constitute the memorandum required by Section 1808.3.

CHAPTER 1604

An act to amend Section 40517 of the Vehicle Code, relating to justice court appearance.

[Approved by Governor July 13, 1963 Filed with Secretary of State July 16, 1963]

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

SECTION 1. Section 40517 of the Vehicle Code is amended to read:

40517. (a) Whenever any person has given his written promise to appear before a justice court judge who is other than a justice court judge at the county seat of the county wherein the offense is alleged to have been committed, he may demand a transfer of the case to a municipal court judge or other magistrate having jurisdiction of the offense at the county seat upon filing with the justice court judge before whom he has promised to appear an affidavit that he believes

that a fair trial without excessive penalties cannot be had before the justice court judge. In the event that a trial date has been set before the justice court judge, such affidavit must be filed at least 10 days prior to the trial date.

(b) Thereupon the justice court judge with whom the affidavit is filed shall be without jurisdiction to proceed with the case and shall immediately transfer the case and all papers in connection therewith for further proceedings before a municipal court judge or other magistrate having jurisdiction of such offense at the county seat.

(c) The foregoing method of securing a change of venue is in addition to any other method provided by law for obtaining a change of venue.

CHAPTER 1605

An act to amend Section 496 of the Penal Code, relating to purchasing or receiving stolen property.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 496 of the Penal Code is amended to read:

496. 1. Every person who buys or receives any property which has been stolen or which has been obtained in any manner constituting theft or extortion, knowing the same to be so stolen or obtained, or who conceals, withholds or aids in concealing or withholding any such property from the owner, knowing the same to be so stolen or obtained, is punishable by imprisonment in a state prison for not more than 10 years, or in a county jail for not more than 1 year.

2. Every person whose principal business is dealing in or collecting used or secondhand merchandise or personal property, and every agent, employee or representative of such person, who buys or receives any property which has been stolen or obtained in any manner constituting theft or extortion, under such circumstances as should cause such person, agent, employee or representative to make reasonable inquiry to ascertain that the person from whom such property was bought or received had the legal right to sell or deliver it, without making such reasonable inquiry, shall be presumed to have bought or received such property knowing it to have been so stolen or obtained. This presumption may, however, be rebutted by proof.

3. When in a prosecution under this section it shall appear from the evidence that the defendant's principal business was as set forth in the preceding paragraph, that the defendant bought, received, or otherwise obtained, or concealed, withheld

or aided in concealing or withholding from the owner, any property which had been stolen or obtained in any manner constituting theft or extortion, and that the defendant bought, received, obtained, concealed or withheld such property under such circumstances as should have caused him to make reasonable inquiry to ascertain that the person from whom he bought, received, or obtained such property had the legal right to sell or deliver it to him, then the burden shall be upon the defendant to show that before so buying, receiving, or otherwise obtaining such property, he made such reasonable inquiry to ascertain that the person so selling or delivering the same to him had the legal right to so sell or deliver it.

CHAPTER 1606

An act to amend Section 3369 of the Civil Code, relating to specific and preventive relief.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 3369 of the Civil Code is amended to read:

3369. 1. Neither specific nor preventive relief can be granted to enforce a penalty or forfeiture in any case, nor to enforce a penal law, except in a case of nuisance or unfair competition.

2. Any person performing or proposing to perform an act of unfair competition within this State may be enjoined in any court of competent jurisdiction.

3. As used in this section, unfair competition shall mean and include unlawful, unfair or fraudulent business practice and unfair, untrue or misleading advertising and any act denounced by Business and Professions Code Sections 17500 to 17535, inclusive.

4. As used in this section, the term person shall mean and include natural persons, corporations, firms, partnerships, joint stock companies, associations and other organizations of persons.

5. Actions for injunction under this section may be prosecuted by the Attorney General or any district attorney in this State in the name of the people of the State of California upon their own complaint or upon the complaint of any board, officer, person, corporation or association or by any person acting for the interests of itself, its members or the general public.

CHAPTER 1607

An act to amend Sections 39059, 39080, 40382, 41152, 41153, 42226, 42227, 42275, 42280, 42300, 42301, 42325, 42328, 42329, 42332, 42355, 42356, 42357, 42358, 42359, 42500, 42501, 42525, 42526, 42700, 42725, 42726, 42750, 43159, 43160, 43503, 43704, 44032, 44427, 44429, 44430, 44431, 44432, 44433, 44600, 44904, 44911, 45100, 45102, 45400, 45900, 46000, 46002, 46004, 46008, 46150, 46153, 46154, 46155, 46200, 46204, 46205, 46209, 46225, 46255, 46305, 46327, 46355, 46377, 46500, 47551, 47802, 47806, 48000, 48003, 48025, 48027, 48029, 48030, 48055, 48057, 48080, 48081, 48083, 48200, 48203, 48205, 48225, 48227, 48228, 48230, 48250, 48251, 48252, 48257, and the titles of Chapter 4 (commencing with Section 39080) of Part 1 of Division 14, Article 4 (commencing with Section 42275) of Chapter 1 of Part 5 of Division 14, Article 1 (commencing with Section 42300) of Chapter 2 of Part 5 of Division 14, and Article 1 (commencing with Section 42500) of Chapter 3 of Part 5 of Division 14 of, to repeal Sections 45101 and 45701 of, and to add Section 39032 to, the Water Code, relating to California water storage districts.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 39032 is added to the Water Code, to read:

39032. "Commission" means the California Districts Securities Commission.

SEC. 2. Section 39059 of said code is amended to read:

39059. The powers herein conferred upon the department, commission, and board are police and regulatory powers and are necessary to the accomplishment of a purpose that is indispensable to the public interest.

SEC. 3. The title of Chapter 4 (commencing with Section 39080) of Part 1 of Division 14 of said code is amended to read:

CHAPTER 4. DEPARTMENT OF WATER RESOURCES AND CALIFORNIA DISTRICTS SECURITIES COMMISSION

SEC. 4. Section 39080 of said code is amended to read:

39080. The department and the commission shall have the powers and duties conferred upon them by this division and further powers and authority necessary to enable them to fully perform the duties imposed upon them by this division, including the employment of any assistants they deem necessary, and the fixing of their compensation. The compensation of assistants and the cost and expense of all work done by the

department and the commission pursuant to this division shall be paid by the district as provided in this division for payment of other expenses of the district.

SEC. 5. Section 40382 of said code is amended to read:

40382. The commission shall ascertain whether the duties relating to the levying and collection of any assessment provided for in this division have been performed by the proper officer. If the commission learns that any officer of the district or of any county therein has neglected or refused to perform the duty it shall notify the district attorney of the office county. The district attorney shall, after due notice to the officer involved, take such proceedings in court as are necessary to compel the performance of the duty.

SEC. 6. Section 41152 of said code is amended to read:

41152. After any district has adopted its project, the board shall, not less than 60 days prior to the next general election thereafter to be held in the district, but not otherwise, redivision the district by dividing it into the same number of divisions into which it had heretofore been divided, but changing the basis of the divisions and the boundaries so that the divisions shall be as nearly equal as to the number of holders of title to land entitled to vote therein as may be conveniently possible.

SEC. 7. Section 41153 of said code is amended to read:

41153. The redivision order of the board shall be filed in the office of the secretary and a copy certified by the secretary shall be filed with the commission and the department.

SEC. 8. Section 42226 of said code is amended to read:

42226. In the event of the division of the project into units of construction, and the specification of one or more units for future construction, the board shall, when it determines upon the construction of any unit, pass a resolution to that effect and cause a certified copy to be transmitted to the commission.

SEC. 9. Section 42227 of said code is amended to read:

42227. Upon resolving to construct a unit, the board may amend the plans, specifications, and estimates of costs of the unit by making changes, modifications, and additions. In the event of any such change, modification, or addition, the board shall cause to be filed with the commission the plans, specifications, and estimates of costs of the unit as amended.

SEC. 10. The title of Article 4 (commencing with Section 42275) of Chapter 1 of Part 5 of Division 14 of said code is amended to read:

Article 4. Report to California Districts Securities Commission

SEC. 11. Section 42275 of said code is amended to read:

42275. Upon completion of the examination and study of the proposed project by the board, the board shall prepare and file in duplicate a report in the office of the commission and a copy in the office of the secretary.

SEC. 12. Section 42280 of said code is amended to read:

42280. If the board of any district fails to complete and file its report within 10 years from the date of the filing of the order of the department declaring the district duly organized, the project of the district shall be deemed abandoned and the board shall within 90 days thereafter pay all outstanding debts and claims against the district and shall within that time remit to the assessment payers of the district in proportion to the amount paid by the assessment payers on the last call or assessment levied by the board the balance of any funds then remaining with the treasurer of the district or to its credit with the county treasurers of affected counties. The commission, on hearing and after good cause shown, may extend the time to complete and file the report for an additional period or periods of time which shall not exceed five years altogether; provided, that if such extension has been granted, the commission, on hearing and after good cause shown for a further extension, may again extend the time to complete and file the report for a further additional period or periods of time which shall not exceed a further five years; provided, that notwithstanding preceding extensions including the last further extension above provided, the commission on hearing and after good cause shown for another extension, may again extend the time to complete and file the report for another period or periods of time which shall not exceed five years more.

SEC. 13. The title of Article 1 (commencing with Section 42300) of Chapter 2 of Part 5 of Division 14 of said code is amended to read:

Article 1. Investigation by California Districts Securities Commission

SEC. 14. Section 42300 of said code is amended to read:

42300. The commission shall transmit a copy of the board's report to the department. If the board recommends in its report that the project be abandoned, the commission shall make such further investigation of the project as is in its judgment desirable. Upon request of the commission, the engineering feasibility of the project shall be investigated by the department, which shall report on such investigation to the commission.

SEC. 15. Section 42301 of said code is amended to read:

42301. The commission shall within 60 days after the filing of the report enter upon its records an order either:

(a) Approving and confirming the report and recommendation and declaring the project abandoned. The order shall be without prejudice to the presentation of another petition covering the same matter.

(b) Approving and adopting the report but taking no action with respect to the recommendation, and requesting the board to call a special election to be held in the district for

the purpose of determining whether the recommendation of the board shall be adopted or rejected. Within 45 days from the receipt of such request, the board shall call such election.

SEC. 16. Section 42325 of said code is amended to read:

42325. If a special election is called by the board pursuant to Article 1 of this chapter, the board shall within 30 days after calling the election give notice of the election.

SEC. 17. Section 42328 of said code is amended to read:

42328. For the purposes of the special election, the board shall establish a convenient number of election precincts and define their boundaries.

SEC. 18. Section 42329 of said code is amended to read:

42329. At the time of calling the election, the board shall in its order designate voting places and appoint three landholders of the district to act as a board of election at each voting place.

SEC. 19. Section 42332 of said code is amended to read:

42332. The votes cast at the election shall be canvassed by the board in the same manner as votes cast at the formation election, and the result of the special election shall be declared and entered of record in the minutes of the board.

SEC. 20. Section 42355 of said code is amended to read:

42355. If the canvass of the votes cast at the special election shows more than one-half of all votes cast are "Completion of project—Yes" and also shows that more than one-half of the qualified voters who voted at the election voted "Completion of project—Yes" the commission shall appoint the commissioners provided for in Article 1 of Chapter 2 of Part 9 of this division and thereafter such proceedings shall be taken and followed as are provided in this division for assessments and completion of projects.

SEC. 21. Section 42356 of said code is amended to read:

42356. If completion of the project is not approved at the election, the board may modify the project or propose a new project, and may submit a revised report to the commission. If a revised report is not so submitted within six months of such election, or within such extension of time as the commission may allow, the commission may enter in its records an order declaring the project abandoned.

SEC. 22. Section 42357 of said code is amended to read:

42357. The order of abandonment shall require all persons having claims against the district or proposed district, except the holders of warrants issued pursuant to the provisions of this division and presented for payment, to file them with the necessary vouchers in the office of the commission within three months from the date of the order.

SEC. 23. Section 42358 of said code is amended to read:

42358. Notice of the order requiring presentation of claims stating the time and place shall be published in the county in which the office of the district is located by the commission once a week for four successive weeks, commencing within 10 days after the making of the order.

SEC. 24. Section 42359 of said code is amended to read:

42359. After all warrants issued under the provisions of this division which have been presented for payment and all claims that have been presented and have been allowed and approved by the commission or the board have been paid, the commission shall cause a certified copy of the order declaring the project abandoned to be filed for record in the office of the recorder of each affected county.

SEC. 25. The title of Article 1 (commencing with Section 42500) of Chapter 3 of Part 5 of Division 14 of said code is amended to read:

Article 1. Investigation by California Districts Securities Commission

SEC. 26. Section 42500 of said code is amended to read:

42500. If the board recommends that the project be carried out in accordance with the plans and specifications in its report, the commission shall make such further investigation of the project as it desires and shall as soon as possible after the expiration of 60 days after the filing of the report enter upon its records an order either approving and confirming or disapproving the report and recommendation and transmit a copy of the order to the board. Upon request of the commission, the engineering feasibility of the project shall be investigated by the department, which shall report on such investigation to the commission.

SEC. 27. Section 42501 of said code is amended to read:

42501. Pending final approval or disapproval by the commission, the board may amend, modify, or supplement its report and the plans, specifications, estimates, and other matters accompanying it, either on its initiative or in response to suggestions by the commission.

SEC. 28. Section 42525 of said code is amended to read:

42525. Within 45 days after the board receives a copy of the order provided for by Article 1 of this chapter, the board shall call a district election for the purpose of determining whether the recommendation and report shall be adopted.

SEC. 29. Section 42526 of said code is amended to read:

42526. The election shall be noticed, held, and conducted and the result determined and declared in all respects as nearly as possible as provided in Article 2 of Chapter 2 of this part. The notice of election shall state whether the report and recommendation is approved or disapproved by the commission.

SEC. 30. Section 42700 of said code, as amended by Chapter 68 of the Statutes of 1963, is amended to read:

42700. If any project, whether original, modified, substituted or other, already adopted under this part, remains uncompleted, whether in whole or in part, and any assessment levied under Part 9 (commencing with Section 46000) of this

division on the basis of such project remains uncalled, either in whole or in part, and if the board finds, through resolution adopted by a two-thirds vote of its entire membership, that, for reasons explicitly stated in such resolution, such project should be materially modified or should be completely abandoned and another project be substituted in its place, then the board shall proceed under Chapter 1 (commencing with Section 42200) of this part to prepare and file with the commission a new report which shall be complete in itself and which shall set up the existing project as materially modified or a new project to be substituted in its place.

SEC. 31. Section 42725 of said code is amended to read:

42725. If the vote at either of the elections prescribed in this part is adverse to the report, the commission shall enter in its records an order declaring that the proposed project is abandoned. Thereafter the district shall continue, and the original project shall be and remain in the same full force and effect, as though no proceedings had been taken under this chapter.

SEC. 32. Section 42726 of said code, as amended by Chapter 68 of the Statutes of 1963, is amended to read:

42726. If the vote at either of the elections is favorable to the new report, the commission shall proceed as required by this part and nothing further shall be done toward completion of the former project so modified or eliminated. If there is any uncalled portion of principal or interest of any outstanding assessment already levied and in effect to carry out such former project, the board shall, by resolution, cancel so much thereof as is not required for a refund to landowners who have already paid all or a part of their pro rata share of the portion to be canceled. The board shall specify in this resolution the portion of the assessment levied against each tract which is to be canceled, describing each tract as described in the assessment roll or by the number of the tract as used in the assessment roll. These and subsequent proceedings under this section shall be governed by Sections 47806, 47807, 47808, 47809, and 47810.

SEC. 33. Section 42750 of said code is amended to read:

42750. If the board shall find, by a two-thirds vote of its entire membership, that some project, other than any project (whether original, modified, substituted, or other) already adopted, should be adopted then the board shall proceed under Chapter 1 of this part to prepare and file with the commission an additional report which shall be complete in itself and shall set up the project as an additional project for the district. The additional report shall not modify, rescind, or terminate any other project which has already been adopted.

SEC. 34. Section 43159 of said code is amended to read:

43159. The department, commission, and board shall, respectively, cause to be entered in books to be kept for that purpose a complete and connected record of all their acts and

transactions. All contracts and other written instruments shall be executed in duplicate, one copy of each of which, together with any other documents, instruments, or other papers filed with them, shall be kept and preserved on file in their respective offices and open to inspection by the public during business hours.

SEC. 35. Section 43160 of said code is amended to read:

43160. The records and all documents, instruments, or other papers filed with the department, commission, or board, or a copy or copies of any thereof certified by the department, commission, or secretary, shall be received in evidence without further proof in any court of this State, or before any board or tribunal authorized to hear or consider a matter wherein the same are properly admissible in evidence.

SEC. 36. Section 43503 of said code is amended to read:

43503. Before any purchase of property located in the district at a price exceeding five hundred thousand dollars ($500,000), the price shall be approved by the commission. It shall give its approval if it finds the price not excessive.

SEC. 37. Section 43704 of said code is amended to read:

43704. All findings of fact or conclusions of the department, commission, or board upon all matters shall be conclusive unless the action, proceeding, or contest is instituted within six months after the findings or conclusions are made.

SEC. 38. Section 44032 of said code is amended to read:

44032. If a contract with the State, the department, or the United States requires the establishment of a reserve fund for the payment by the district under the contract of periodic service charges or capital charges, or both, or if the board finds it to be necessary or desirable in the interest of the district, the board may, with the approval of the commission, determine to levy an assessment to provide such a reserve fund. In that event the board, with the approval of the commission, shall also determine the amount of the initial deposit or deposits to be made in the reserve fund and the amount of the balance, if any, to be maintained therein. The total amount of the initial deposit or deposits to be made in the reserve fund may be levied at one time, or in a series of installments from time to time, in the same manner as periodic service charges, as provided in Section 44030. Any later deposits necessary in order to maintain a required balance in the reserve fund shall be levied in the same manner. The reserve fund shall be used solely for the payment of the charges for which it is established, until all such charges have been paid. Any balance then remaining in the reserve fund shall be transferred to the general fund of the district.

SEC. 39. Section 44427 of said code is amended to read:

44427. During the construction of any works in carrying out the project of any district, the board shall, within one week after each regular meeting, forward to the commissioner a report of the progress of the construction together with a statement of the amount paid for the doing of the work.

SEC. 40. Section 44429 of said code is amended to read:

44429. Immediately after the publication of the statement of financial condition, the board shall file a copy with the commission, accompanied by a report stating the progress of the work under construction, the general condition of the project, whether or not the same is being successfully and satisfactorily carried out, and any other matter which the board may deem proper.

SEC. 41. Section 44430 of said code is amended to read:

44430. The commission shall examine the statement and report and may make recommendations and comments to the board. The commission may publish the recommendations and comments in the manner it deems advisable.

SEC. 42. Section 44431 of said code is amended to read:

44431. The commission may at any time make or cause to be made an examination of the affairs of any district or call upon the board for such information as it may desire, and may make and publish such report thereon as it deems advisable.

SEC. 43. Section 44432 of said code is amended to read:

44432. The commission may prescribe the form of all reports and accounts provided for in this article and may require such methods of accounting and itemization as shall in its judgment tend to the uniformity of reports and accounting. The requirements of the commission may from time to time be changed by it.

SEC. 44. Section 44433 of said code is amended to read:

44433. The records of the board, including copies of the project, copies of assessment rolls, and reports to the commission, are public records and shall be kept in the office of the board and open to inspection during office hours.

SEC. 45. Section 44600 of said code is amended to read:

44600. Warrants drawn by the department and the commission shall be drawn upon the treasurer of the district.

SEC. 46. Section 44904 of said code is amended to read:

44904. Warrants payable at a future time or times may also be issued to obtain funds or property for any lawful purpose of the district; provided, that, unless approved by the commission, the total amount of warrants payable in any one year shall not exceed one-fourth of 1 percent of the total valuation of the land in the district according to the last equalized assessment roll.

SEC. 47. Section 44911 of said code is amended to read:

44911. All warrants issued pursuant to vote of the electors may be certified as legal investments in accordance with the provisions of Division 10 of the Water Code. The proceeds of such warrants may, with the approval of the commission, be used and applied to the purchase or redemption of any outstanding warrants of the district.

SEC. 48. Section 45100 of said code is amended to read:

45100. Whenever in any district any assessment has been levied and assessed upon land and remains unpaid in whole

or in part, and in the judgment and opinion of the board it is for the best interest of the district or the landowners therein to issue bonds for the purpose of obtaining money to pay the costs of the proposed project, the indebtedness of the district, or any other lawful charge, or when a petition signed by the holders of title to more than one-fourth in assessed value of the land requesting it is filed with the secretary, the board shall by order entered upon its records call a special election to be held in the district and shall file a certified copy of a resolution of the board with the commission requesting the certification of the proposed bonds pursuant to the California Districts Securities Commission Law, Division 10 of this code. No bond or bonds of the district may be sold, exchanged, delivered, or otherwise issued by the board unless and until the bond or bonds shall have been investigated and certified pursuant to said Division 10. At the special election the question shall be submitted to the holders of title to assessed land whether or not bonds of the district shall be issued in an amount equal to the amount of the assessment, or the part of the assessment remaining unpaid. The amount shall be entered by the board in its records and stated in the order calling the special election.

SEC. 49. Section 45101 of said code is repealed.

SEC. 50. Section 45102 of said code is amended to read:

45102. Notwithstanding the provisions of Section 45100, whenever in any district (1) a report and recommendation as to a project, or a report as to a contract with the United States, has been adopted by the voters at an election held pursuant to Part 5 (commencing with Section 42200) of this division or Chapter 6 of Part 6 (commencing with Section 44000) of this division, (2) an assessment to finance the project or the contract has been levied and assessed and remains unpaid in whole or in part, and (3) in the judgment of the board it is for the best interest of the district or the landowners therein to issue bonds for the purpose of obtaining money to pay the costs of the project or charges pursuant to the contract, the board may, by a resolution adopted by a two-thirds vote of its members, authorize the issuance of bonds in an amount not exceeding the amount of the assessment remaining unpaid, without calling or holding any special election pursuant to Section 45100 or Chapter 2 (commencing with Section 45250) of this part. The resolution shall be submitted to the commission and shall become effective if and when it is approved by the commission. When any such resolution has been approved by the commission, a copy thereof shall be filed with the county treasurer of each affected county. If bonds are thus authorized by a resolution of the board, the bonds shall be in substantially the form set forth in Section 45557, with such changes therein as may be necessary in view of the absence of a special bond election.

The provisions of this section shall apply to all districts, including any district in which a report and recommendation

as to a project, or a report as to a contract with the United States, has been adopted at an election held at any time heretofore, and shall apply in the case of any assessment at any time heretofore or hereafter levied and assessed, if the assessment remains unpaid in whole or in part at the time of adoption of the resolution of the board authorizing the issuance of bonds.

SEC. 51. Section 45400 of said code is amended to read:

45400. If a majority of the votes cast at the election are in favor of the issuance of bonds, or if a resolution authorizing the issuance of bonds has been adopted and approved in accordance with Section 45102, the board shall cause bonds in the amount stated in the order calling the election or in such resolution, as the case may be, to be executed and delivered, together with the assessment list segregated as to affected counties, to the treasurer.

SEC. 52. Section 45701 of said code is repealed.

SEC. 53. Section 45900 of said code is amended to read:

45900. For the purpose of financing a district project or government contract which has been approved by the voters of the district, the board of directors may, by a two-thirds ($\frac{2}{3}$) vote of its members, with the approval of the commission, issue written obligations which may be denominated notes, certificates of indebtedness or warrants. The term "direct assessment warrants," as used in this chapter, means such obligations, howsoever denominated.

SEC. 54. Section 46000 of said code is amended to read:

46000. A preliminary assessment is an assessment levied by the board of an equal amount upon each acre of land in the district sufficient to pay all warrants issued by the department and commission in accordance with the provisions of this division, and to defray all other expenses as estimated by the board incurred and to be incurred for the general benefit of the district up to the time of the levy of assessments provided for in Chapter 2 of this part, including expenses incurred prior to the organization of the district but in the judgment of the board properly incurred for the general benefit of the district.

SEC. 55. Section 46002 of said code is amended to read:

46002. The amounts required to be raised to pay warrants of the department and commission and to pay expenses shall be separately stated in the resolution levying the preliminary assessment.

SEC. 56. Section 46004 of said code is amended to read:

46004. Except as otherwise provided in this chapter, the total of all preliminary assessments, exclusive of the amount assessed for the purpose of paying warrants of the department and commission, shall not exceed fifty cents ($0.50) per acre.

SEC. 57. Section 46008 of said code is amended to read:

46008. At the time appointed for the open meeting by the board, it shall consider the matter of levying the additional preliminary assessment and hear any objection. At or after the meeting, the board may, upon approval of the commission,

levy the additional assessment, if in its judgment the levy is in the best interests of the district.

SEC. 58. Section 46150 of said code is amended to read:

46150. If a district project is adopted as provided in Part 5 of this division, the commission shall appoint three commissioners, one of whom shall be a civil engineer and one shall have a practical knowledge of irrigation.

SEC. 59. Section 46153 of said code is amended to read:

46153. The commissioners shall be paid as compensation for the services rendered by them such sum, or sums, as the commission fixes, which is a part of the cost of the project.

SEC. 60. Section 46154 of said code is amended to read:

46154. The commission may issue warrants as compensation to the commissioners, payable out of the funds of the district, which may be included in any bond issue authorized for the purposes of the district.

SEC. 61. Section 46155 of said code is amended to read:

46155. The commissioners shall receive from the board a copy of the detailed plans, specifications, and estimate of the costs of the project which have been filed with the commission.

SEC. 62. Section 46200 of said code is amended to read:

46200. The commissioners shall prepare and certify to the commission in triplicate assessment rolls which shall contain:

(a) A description of each tract held in separate ownership by legal subdivisions, governmental surveys, or other boundaries sufficient to identify it. If any area composed of more than one tract held in separate ownership is not assessed because the land therein will not be benefited by the expenditure of the funds to be raised by the assessment, a description of the area as a whole without a description of each tract shall be sufficient.

(b) The number of acres in each tract.

(c) The name and address of the owner of each tract, if known, and if unknown, that fact. No mistake or error in the name of the owner or supposed owner of the property assessed, and no mistake in any other particular, shall render the assessment invalid.

(d) The rate per acre of the assessment upon each tract assessed, or if no assessment is made upon any tract or area composed of more than one tract, a statement of that fact.

(e) The rate per acre of the assessment upon each tract assessed for the costs of the properties which are necessary to be used in connection with the generating of electric power, or if no assessment of such costs is made upon any tract or area composed of more than one tract, a statement of that fact.

(f) The total amount of the assessment as computed.

(g) Any other statement which may be required by the commission and as to which notice is given in writing to the commissioners at the time of transmitting the plans and specifications and costs of the work for the district.

SEC. 63. Section 46204 of said code is amended to read:

46204. When completed, the rolls shall be certified by the commissioners and filed by them in the office of the commission.

SEC. 64. Section 46205 of said code is amended to read:

46205. The commission shall transmit two copies of the rolls to the board. The board shall file one copy in its records and transmit to the county treasurer of each affected county that portion of the roll relating to land within such county.

SEC. 65. Section 46209 of said code is amended to read:

46209. If no objections are filed with respect to a particular assessment roll, as provided in Sections 46206 and 46207, then upon the expiration of the time fixed by the board for the filing of such objections the secretary of the board shall execute certificates in which he shall certify to the fact that no objections were so filed. The secretary of the board shall file one copy of such certificates with the commission and one copy with the county treasurer of each county in which lands appear on the assessment roll.

SEC. 66. Section 46225 of said code is amended to read:

46225. In the event objections are filed with respect to a particular assessment roll, as provided in Sections 46206 and 46207, the commission shall appoint two disinterested persons, who together with the president of the board constitute a board in the nature of a board of equalization which shall be known and designated as the "adjustment board" and whose functions shall be to consider and act upon objections presented as provided in this article to the assessment made by the commissioners. Each of the two appointed members of the board shall receive twenty dollars ($20) for each day employed by him in the performance of his duties, and actual traveling expenses while engaged in his duties. The compensation and expenses are a part of the cost of the project of the district for which the duties are performed.

SEC. 67. Section 46255 of said code is amended to read:

46255. After hearing of objections, the adjustment board shall make an order approving the assessment as finally fixed or modified. The order shall be filed with and entered in the records of the commission, and the apportionment and determination of the adjustment board shall be final and conclusive, and no action or defense shall ever be maintained attacking them in any respect.

SEC. 68. Section 46305 of said code is amended to read:

46305. Upon receipt by the commission of a resolution to construct additional units pursuant to Article 2, Chapter 1, Part 5 of this division, the same proceedings for levying, approving, and collecting an assessment to meet the cost of the unit or units to be constructed shall be had as provided in this chapter for an assessment to meet the cost of the unit or units first constructed.

SEC. 69. Section 46327 of said code is amended to read:

46327. The board shall file copies of the supplementary assessment rolls with the commission.

SEC. 70. Section 46355 of said code is amended to read:

46355. At any time after the commissioners have assessed the cost of the project upon the benefited land within the district and the costs of the portion of the project used for the generation of electric energy, the commission, upon the request of the board, shall appoint three commissioners to reassess the costs of the project upon the benefited land. At the expiration of five years after the commissioners have originally assessed the cost of the project upon the benefited land within the district and the costs of the portion of the project used for the generation of electric energy, and thereafter at any time not less than five years after the next previous reassessment, the commission, upon petition of holders of title to 10 percent of the land, shall appoint three commissioners to reassess the costs of the project upon the benefited land.

SEC. 71. Section 46377 of said code is amended to read:

46377. Upon approval of the commission, the board may by resolution levy an interim project assessment, if in its judgment the levy is in the best interests of the district.

SEC. 72. Section 46500 of said code is amended to read:

46500. The assessment list of each county shall remain open for payment in the office of the county treasurer of the affected counties for a period of 30 days and shall continue to remain open thereafter until such time, if ever, as the board makes an order calling a special election for the issuance of bonds to be secured by the assessment or until such time as the board files with the county treasurer a resolution, adopted and approved in accordance with Section 45102, authorizing the issuance of bonds to be secured by the assessment. If the result of the election, if any is called, is that the proposal to issue bonds is defeated, or if no bonds are issued within six months after such a resolution has been so filed, the assessment list shall again become open.

SEC. 73. Section 47551 of said code is amended to read:

47551. The commission shall appoint commissioners to make the assessment in the number and manner provided by Article 1 of Chapter 2 of this part.

SEC. 74. Section 47802 of said code is amended to read:

47802. A copy of the resolution of intention, certified by the secretary, shall be filed with the commission within one week from the date of the resolution.

SEC. 75. Section 47806 of said code is amended to read:

47806. When a resolution to cancel is adopted, a copy thereof, certified by the secretary, shall be filed with the commission, and another copy thereof, certified by the secretary, shall be attached to the assessment roll by the county treasurer of each county in which the assessment roll is filed.

SEC. 76. Section 48000 of said code is amended to read:

48000. The holder or holders of title to one or more tracts of land which constitute a portion of a district may jointly or severally file with the board a petition, praying that the tract

or tracts, and any other tracts contiguous thereto, may be excluded from the district.

SEC. 77. Section 48003 of said code is amended to read:

48003. The board shall cause a notice of the filing of the petition to be published once a week for two successive weeks in some newspaper published in the office county, and in a newspaper published within each other affected county. If no newspaper be published therein, the notice shall be posted for the same time in at least three public places in the district, and one of the notices shall be posted on the land proposed to be excluded.

SEC. 78. Section 48025 of said code is amended to read:

48025. At the time and place provided in the notice of hearing on the exclusion petition published pursuant to Article 1 of this chapter, or at the time to which the hearing may be adjourned, the board shall hear all the following:

(a) The petition.

(b) All evidence or proofs that may be introduced by or on behalf of the petitioners.

(c) All objections to the petition that may be presented in writing by any person showing cause as provided in Article 1 of this chapter.

(d) All evidence or proofs that may be introduced in support of objections to the petition.

SEC. 79. Section 48027 of said code is amended to read:

48027. The filing of the petition with the board constitutes an assent by each and all of the petitioners to the exclusion from the district of the land mentioned in the petition, or any part thereof.

SEC. 80. Section 48029 of said code is amended to read:

48029. Upon the hearing of an exclusion petition the board shall order that the petition be denied:

(a) Entirely when no evidence in support of the petition is introduced.

(b) As to any land described in the petition as to which the evidence introduced fails to sustain the petition.

(c) As to any land described in the petition which the department deems it not for the best interests of the district to exclude, except when the board judges that the land will not be benefited by the operations of the district.

SEC. 81. Section 48030 of said code is amended to read:

48030. The board, after the hearing of any exclusion petition, shall order the exclusion of all or any part of the land described in it when as to the land to be excluded either:

(a) The board judges that the land will not be benefited by the operations of the district.

(b) The board deems the exclusion to be for the best interests of the district and one of the following is true:

(1) No interested person has filed objections in writing showing cause why the land should not be excluded.

(2) All written objections made to the exclusion have been withdrawn.

(3) No written objection made to the exclusion is sustained at the hearing.

SEC. 82. Section 48055 of said code is amended to read:

48055. If there are outstanding bonds of the district at the time of the filing of the exclusion petition, the holders of the outstanding bonds may give their assent, in writing, to the effect that they severally consent that the land mentioned in the petition, or such portion thereof as may be excluded from the district by order of the board, may be excluded from the district. If the land or any portion thereof is thereafter excluded from the district, the land so excluded is released from the lien of such outstanding bonds.

SEC. 83. Section 48057 of said code is amended to read:

48057. The assent shall be filed with the department and be recorded in its minutes. The minutes, or a copy thereof, certified by the board, shall be admissible in evidence with the same effect as the assent. The certified copy may be recorded in the office of the county recorder of the county wherein the land is situated.

SEC. 84. Section 48080 of said code is amended to read:

48080. In the event the department excludes any land from the district upon petition therefor, the board shall make an entry in its minutes describing the boundaries of the district, should the exclusion of the land change its boundaries. For that purpose the board may cause a survey to be made of such portions of the district as it deems necessary.

SEC. 85. Section 48081 of said code is amended to read:

48081. A certified copy of the entry in the minutes of the board excluding any land shall be filed for record in the recorder's office of each affected county.

SEC. 86. Section 48083 of said code is amended to read:

48083. In case land is excluded from any district, the board may, not less than 60 days before any election in the district, re-establish the boundaries of the divisions within the district.

SEC. 87. Section 48200 of said code is amended to read:

48200. The holders of title representing one-half or more of any body of land within the same watershed as an existing district may file with the board a written petition praying that the boundaries of the district may be so changed as to include their land. The land need not be contiguous to the existing boundaries of the district and need not consist of contiguous parcels. A copy of the petition shall be filed with the board.

SEC. 88. Section 48203 of said code is amended to read:

48203. The board shall cause a notice of the filing of the petition to be published in the same manner and for the same time that notices of special elections for the issue of bonds are required by this division to be published.

SEC. 89. Section 48205 of said code is amended to read:

48205. The petitioners shall advance to the board sufficient money to pay the estimated costs of all proceedings upon the petition.

SEC. 90. Section 48225 of said code is amended to read:

48225. At the time and place mentioned in the notice of filing of the inclusion petition, or at such other time or times to which the hearing of the inclusion petition may be adjourned, the board shall proceed to hear the petition and all the objections thereto presented in writing by any person showing cause why the proposed change of the boundaries of the district should not be made.

SEC. 91. Section 48227 of said code is amended to read:

48227. The board shall order the boundaries of the district changed so as to include the land described in the inclusion petition, or such portion thereof as the board has found it feasible to irrigate by the system of works of the district and for the best interests of the district to include, only if:

(a) No protest against such change is made to the board in writing by the board, or a protest has been made and withdrawn.

(b) No protest against such change is made by holders of title to land pursuant to Section 48250, or such protest has been made and enough signatures withdrawn to render it insufficient.

SEC. 92. Section 48228 of said code is amended to read:

48228. The order of the board shall describe the boundaries as changed, and shall also describe the entire boundaries of the district as they will be after the change is made; and for that purpose the board may cause a survey to be made of such portions of the boundaries as it deems necessary.

SEC. 93. Section 48230 of said code is amended to read:

48230. If the board determines that it is not feasible and practicable to irrigate any of the land described in the petition or that it is not for the best interest of the district that any of the land be included, it shall make an order denying the petition.

SEC. 94. Section 48250 of said code is amended to read:

48250. If upon the inclusion hearing the board concludes that it is feasible to irrigate the land, or a portion thereof, described in the inclusion petition, and that it is for the best interest of the district to include the land, or a portion thereof, within the district, it shall make a finding in writing describing the boundaries of the land which it proposes to include, if a protest signed by not less than 3 percent of the holders of title to not less than 3 percent in value of the land within the district according to the last equalized county tax assessment roll has been presented to the board, and after deducting all withdrawals is still signed by 3 percent of the holders of title to land within the district.

SEC. 95. Section 48251 of said code is amended to read:

48251. Upon the making of a finding by the board as provided in Section 48250, it shall order that an inclusion election be held within the district to determine whether the

boundaries of the district shall be changed to include the land specified in the finding.

SEC. 96. Section 48252 of said code is amended to read:

48252. The board shall fix the time at which the election shall be held and cause notice thereof to be published.

SEC. 97. Section 48257 of said code is amended to read:

48257. If a majority of the votes are in favor of the change of boundaries, the board shall make its order, as provided in Article 2 of this chapter, that the boundaries of the district are changed so as to include the land therein.

SEC. 98. This act shall become operative on July 1, 1965. Notwithstanding anything elsewhere contained in this act, where a report of a water storage district on a project or on a contract is or has been filed with the department pursuant to the Water Storage District Law (Division 14 of the Water Code) prior to the date this act becomes operative, none of the revisions made in said law by this act shall apply to the adoption, construction, operation, maintenance, financing, including the issuance of any securities, or administration of such project or to the adoption, financing, or administration of such contract, and all of the provisions of said law shall remain in full force and effect with respect to such project or contract, as though the foregoing sections of this act had not been adopted, until July 1, 1968.

CHAPTER 1608

An act to amend Section 802 of the Agricultural Code, relating to fruit, nut and vegetable standards, and declaring the urgency thereof, in effect immediately.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

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

802. As applied to grapes:

(a) "Mature" means that each bunch of the varieties classified above in group A shall test not less than 17 percent soluble solids in juice, as determined by the Balling or Brix scale hydrometer; however, in view of differences in climatic conditions prevailing north and west of San Gorgonio Pass, which results in the Malaga variety of grapes grown in that area having, at maturity, a higher percentage of soluble solids than mature grapes of this variety grown in the area south and east of San Gorgonio Pass, Malaga grapes produced in the area north and west of San Gorgonio Pass shall so test not less than 18 percent; however, Thompson Seedless variety shall so test not less than 17 percent if grown south and east of San

Gorgonio Pass or 17½ percent if grown north and west of the San Gorgonio Pass, but shall be considered mature regardless of where grown in the State if they so test not less than 16½ percent and if the juice contains soluble solids equal to or in excess of 22 parts to every part of acid contained in the juice (the acidity of the juice to be calculated as tartaric acid without water of crystallization); however, the varieties Emperor, Gros Colman, Bleu Grau, Drodelabi, Fresno Beauty, Servian Blue, Pierce Isabella, Pierce, Isabella Regia, California Concord, Concord, Dattier de Beyrouth, Red Malaga, Khalili, Persian 23, Dizmar, Ribier, Delight, Perlette and Queen shall so test not less than 16 percent and the varieties Olivette Blanche, Ladyfinger, Rish Baba, and Khandahar shall so test not less than 15 percent; however, the Blackrose, Cardinal, and Exotic varieties shall so test either not less than 16 percent or not less than 15 percent if the juice contains soluble solids equal to or in excess of 25 parts to every part of acid contained in the juice (the acidity of the juice to be calculated as tartaric acid without water of crystallization).

"Mature" in the case of all other varieties shall mean that the average or composite test of all the grapes in any container or bulk lot shall be not less than 17 percent soluble solids in juice, as determined by the Balling or Brix scale hydrometer; however, white varieties of the Muscat type shall test not less than 18 percent and the variety Burger shall test not less than 16 percent.

In the event that the maturity standard fixed for the Malaga variety of grapes produced in that area northwest of the San Gorgonio Pass should be declared void, it is the intent of the Legislature that the other maturity standards prescribed in this section shall prevail.

Any varieties included in group A may be placed in the standard for juice grapes and other varieties may be placed in the standard established for table grapes, but regardless of standard, the maturity of varieties included in group A shall be determined by testing the juice from entire bunches representative of the least mature grapes in any container and constituting not less than 10 percent by weight of the contents of the container. The maturity of all varieties not included in group A shall be determined by testing the juice from a composite sample representative of the average of the grapes in any container or bulk lot. The standards provided by this section are minimum standards, and the tolerances allowed by Sections 800 and 801 shall not be applied to any test made in accordance with this section for the purpose of determining whether any lot of grapes complies with the maturity standard for the variety; however, no lot of grapes of the varieties classified in group A shall be considered as failing to meet the maturity requirements of this section because the sample of grapes from one container fails to meet the required test.

(b) "Waterberry" means a disease characterized by a watery, soft or flabby condition of the berries. Such affected berries are low in sugar content, have tender skins and are very easily crushed.

(c) "Redberry" means a condition closely resembling waterberry generally found in black varieties. Such grapes show a red or brownish-red color in addition to the general characteristics of waterberry.

(d) "Raisined berries" means grape berries which are fully cured, resembling raisins, which do not contain sufficient juice to drop from the berry under ordinary pressure between thumb and finger.

(e) "Sunburned or dried berries" means grapes which show complete drying out, from any cause, of part or all of any individual berries.

(f) "Severe freezing injury" means damage affecting the pulp of the berries.

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

In order to avoid waste of a valuable food product and at the same time properly protect the consuming public during the 1963 season, it is necessary that this act be in effect immediately.

CHAPTER 1609

An act to amend Section 1262 of the Penal Code, relating to disposition of fines.

[Approved by Governor July 13, 1963 Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 1262 of the Penal Code is amended to read:

1262. If a judgment against the defendant is reversed, such reversal shall be deemed an order for a new trial, unless the appellate court shall otherwise direct. If the appellate court directs a final disposition of the action in the defendant's favor, the court must, if he is in custody, direct him to be discharged therefrom; or if on bail that his bail may be exonerated; or if money or other property was deposited instead of bail, that it be refunded to the defendant or to the person or persons found by the court to have deposited said money or other property on behalf of said defendant. If a judgment against the defendant is reversed and the case is dismissed,

or if the appellate court directs a final disposition of the action in defendant's favor, and defendant has theretofore paid a fine in the case, such act shall also be deemed an order of the court that the fine, including any penalty assessment thereon, be returned to defendant.

CHAPTER 1610

An act to amend Sections 7373, 7374, and 7442 of the Business and Professions Code, relating to the practice of cosmetology.

[Approved by Governor July 13, 1963 Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 7373 of the Business and Professions Code is amended to read:

7373. Every applicant for a license as a cosmetologist satisfactorily passing the examination conducted by the board to determine his fitness to engage in the practice of the occupation of a cosmetologist, shall receive from the board a certificate of registration and license as a cosmetologist.

This license entitles the holder to engage in the practice of the occupation of a cosmetologist upon the public in a licensed cosmetological establishment.

SEC. 2. Section 7374 of said code is amended to read:

7374. Every applicant for registration to engage in the practice of electrolysis or manicuring satisfactorily passing the examination conducted by the board to determine his fitness to engage in the practice of electrolysis or manicuring, shall receive from the board a certificate of registration and license to engage in the practice of electrolysis or manicuring, as the case may be.

SEC. 3. Section 7442 of said code is amended to read:

7442. The amount of the fees required by this chapter relating to licenses as a cosmetologist, as an electrologist, or as a manicurist is that fixed by the following schedule:

(a) The fee for examination as a cosmetologist shall be set by the board annually at not more than twenty-one dollars ($21) and not less than five dollars ($5).

(b) The fee for examination as an electrologist shall be set by the board annually at not more than twenty-one dollars ($21) and not less than five dollars ($5).

(c) The fee for examination as a manicurist shall be set by the board annually at not more than twelve dollars ($12) and not less than two dollars ($2).

(d) The application fee for a junior operator shall be set by the board annually at not more than five dollars ($5) and not less than one dollar ($1).

(e) The application fee for junior electrologist shall be set by the board annually at not more than five dollars ($5) and not less than one dollar ($1).

(f) The renewal fee shall be set by the board at not more than ten dollars ($10) and not less than two dollars ($2).

(g) The delinquency fee is five dollars ($5).

CHAPTER 1611

An act to amend Section 7109 of the Business and Professions Code, relating to contractors.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 7109 of the Business and Professions Code is amended to read:

7109. Willful departure from or disregard of plans or specifications or, in the absence of specific requirements within the plans or specifications, of accepted trade standards for good and workmanlike construction in any material respect, and prejudicial to another without consent of the owner or his duly authorized representative, and without the consent of the person entitled to have the particular construction project or operation completed in accordance with such plans and specifications constitutes a cause for disciplinary action.

CHAPTER 1612

An act to add Section 12.2 to the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes of 1949), relating to special drainage areas.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 12.2 is added to the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes of 1949), to read:

Sec. 12.2. The board of supervisors, by resolution thereof adopted from time to time, may establish special drainage areas within the district without reference to the boundaries of other zones or special drainage areas, setting forth in such resolutions descriptions thereof by metes and bounds and entitling each of such areas by an area designation or number,

and institute drainage plans for the specific benefit of such areas.

Before acquiring authority to proceed with the establishment of any special drainage area, the exterior boundaries of which will include any land lying within the exterior boundary of any chartered or incorporated city within the district, the board shall first obtain the concurrence of such city by a resolution or ordinance adopted by a majority of the members of the city council of such city.

A special drainage area may include all lands contributing to the drainage requirements of an area, excluding such lands as are already developed or those adequately served by existing local drainage facilities serving the area at the time of the adoption of a plan for additional drainage facilities.

Whenever drainage facilities, conforming to the instituted drainage plan, are required in the development of any land within a special drainage area and where, in the opinion of the board, it is necessary that other facilities be constructed which can be, or will be, used for the benefit of other property in the drainage area, and such drainage facilities are dedicated to the public, the board may contract with the developer and agree to reimburse, and may reimburse him, for all or any portion of such drainage facilities. Such contract shall provide that the board may collect a reasonable charge from any person, corporation or agency using such facilities for the benefit of other property in the special drainage area.

Fees may be collected pursuant to this section for payment of all or any portion of any such drainage facility costs if the costs, whether actual or estimated, are based upon findings by the board, that development of property within the planned special drainage area will require construction of the facilities described in the drainage plan, and that fees are fairly apportioned within the local drainage area on the basis of benefits conferred on property within the area. The fee as to any property within the special drainage area may be charged as a condition precedent to the development of such property, and no building permit therefor shall be issued until payment thereof, and said fee shall not exceed the pro rata share of the amount of the total actual or estimated costs of all such drainage facilities within the special drainage area which would be assessable on such property if such costs were apportioned uniformly on a per-acre basis, excluding, however, such property within the area as, in the opinion of the board, is incapable of development.

The fees collected by the district, pursuant to this section, shall be paid into a special drainage facilities fund. A separate fund shall be established for each special drainage area. Any money placed in such fund shall be expended solely for land acquisition and construction or reimbursement for the same, in whole or in part, of local drainage facilities within the planned special drainage area from which the fees comprising the fund were collected.

The term "developer," as used herein, shall include a subdivider, industrial developer, or any person, corporation, district, public or private agency, or group that may participate in the special drainage facilities constructed pursuant to this section.

Any drainage facilities constructed in any special drainage area may be installed by the developer at his sole cost and expense in accordance with plans and specifications prepared or approved by the district, by the district with its own funds, or by the district with funds supplied by the developer, and the cost thereof may be collected and repaid, in whole or in part, in the manner provided for in this section.

CHAPTER 1613

An act to add Section 6912.5 to the Education Code, relating to mentally retarded minors.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 6912.5 is added to the Education Code, to read:

6912.5. Individual counseling and guidance in social and vocational matters shall be provided as part of the instructional program for mentally retarded pupils. Upon approval by the State Department of Education the governing board of any school district may separately, or in co-operation with the governing board or boards of one or more other school districts, or in co-operation with the Bureau of Vocational Rehabilitation of the State Department of Education, employ a special co-ordinator, who shall make a study of employment and occupational opportunities and shall assist in the co-ordination of the education of the mentally retarded minors with the commercial and industrial pursuits of the community, so as to prepare the minors for employment.

CHAPTER 1614

An act to amend Section 899 of the Penal Code, relating to selection of names for the grand jury list.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 899 of the Penal Code is amended to read:

899. The names for the grand jury list shall be selected from the different wards or judicial districts of the respective counties in proportion to the number of inhabitants therein, as nearly as the same can be estimated by the persons making the lists. The grand jury list shall be kept separate and distinct from the trial jury list. In a county of the first class, the names for such list may be selected from the county at large.

CHAPTER 1615

An act to add Sections 33339.5 and 33701.5 to the Health and Safety Code, relating to community redevelopment.

[Approved by Governor July 13, 1963 Filed with Secretary of State July 16, 1963]

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

SECTION 1. Section 33701.5 is added to the Health and Safety Code, to read:

33701.5. Every redevelopment agency shall extend reasonable preference to persons who are engaged in business in the project area to re-enter in business within the redeveloped area if they otherwise meet the requirements prescribed by the redevelopment plan.

With respect to each redevelopment project, each agency shall, within a reasonable time before its adoption of the redevelopment plan adopt and make available for public inspection rules to implement the operation of this section in connection with the plan.

SEC. 2. Section 33339.5 is added to said code, to read:

33339.5. Every redevelopment agency shall extend reasonable preference to persons who are engaged in business in the project area to re-enter in business within the redeveloped area if they otherwise meet the requirements prescribed by the redevelopment plan.

With respect to each redevelopment project, each agency shall, within a reasonable time before its adoption of the redevelopment plan adopt and make available for public inspection rules to implement the operation of this section in connection with the plan.

SEC. 3. Section 2 of this act shall become operative only if the addition of Part 1 (commencing with Section 33000) to Division 24 of the Health and Safety Code as proposed by Assembly Bill No. 1734 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as Assembly Bill No. 1734 takes effect; at which time Section 33701.5 of the Health and Safety Code as amended by Section 1 of this act is repealed.

CHAPTER 1616

An act to add Section 9202 to the Education Code, relating to the public schools.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 9202 is added to the Education Code, to read:

9202. It shall be unlawful for any person, including a student, to use, without the prior consent of the teacher and the principal of the school having been obtained, any electronic listening or recording device in any classroom of a public school in this State.

CHAPTER 1617

An act to add Section 264 to the Code of Civil Procedure, relating to court rules concerning interpreters.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 264 is added to the Code of Civil Procedure, to read:

264. The judges of each superior and municipal court may adopt rules designed to assure, by requiring an examination or by other suitable means, that any interpreter whose services are used in such court performs such services competently.

CHAPTER 1618

An act to add Section 20802.8 to the Education Code, relating to school district taxation.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 20802.8 is added to the Education Code, to read:

20802.8. The maximum rate of school district tax for any school year is hereby increased by such amount as will produce the amount of the proposed expenditures of the school district for adult education purposes as shown by the budget of the district for such school year less state apportionment, as finally

adopted by the governing board of the district, less any unencumbered balances remaining at the end of the preceding school year derived from the revenue from the increase in the rate of tax provided by this section.

The increase provided by this section shall not exceed ten cents ($0.10) per each one hundred dollars ($100) of the assessed value of property within the district, and the increase shall be in addition to any other school district tax authorized by law to be levied.

If at the end of any school year there remains an unencumbered balance derived from the revenue of the increase in tax rate hereby provided, such balance shall be used exclusively in the following school year for the expenditures of the school district during that year for adult education purposes.

No district funds shall be used for adult education purposes except the proceeds of the tax rate herein provided and any other available district funds other than those derived from the proceeds of the statutory maximum tax rate prescribed in Section 20801.

As used in this section, "adult education purposes" means all current expenses of the district, excluding the expenses for which district taxes may be levied under Sections 14214, 14657, 20801.5, 20802.6 and 20806 of this code and Section 20532 of the Government Code, for classes for adults, as such classes are authorized under Articles 12 and 12.5 of Chapter 6 of Division 6 of this code. "Adult education purposes" does not include classes for adults deficient in English, as described in Section 6001, or classes in citizenship for adults seeking citizenship.

CHAPTER 1619

An act to amend Sections 651, 656 and 718 of the Harbors and Navigation Code, relating to vessels.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 651 of the Harbors and Navigation Code is amended to read:

651. As used in this chapter, unless the context clearly requires a different meaning:

(a) "Commission" means the Small Craft Harbors Commission, Department of Parks and Recreation.

(b) "Department" means the Department of Parks and Recreation.

(c) "Division" means the Division of Small Craft Harbors, Department of Parks and Recreation.

(d) "Vessel" includes every description of watercraft used or capable of being used as a means of transportation on water, except the following:

(1) A seaplane on the water.

(2) A watercraft specifically designed to operate on a permanently fixed course, the movement of which is restricted to or guided on such permanently fixed course by means of a mechanical device on a fixed track or arm to which the watercraft is attached or by which the watercraft is controlled, or by means of a mechanical device attached to the watercraft itself.

(e) "Motorboat" means any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion but shall not include a vessel which has a valid marine document issued by the Bureau of Customs of the United States government or any federal agency successor thereto.

(f) "Owner" is a person having all the incidents of ownership, including the legal title, of a vessel whether or not such person lends, rents, or pledges such vessel; the person entitled to the possession of a vessel as the purchaser under a conditional sale contract; or the mortgagor of a vessel. "Owner" does not include a person holding legal title to a vessel under a conditional sales contract, the mortgagee of a vessel, or the renter or lessor of a vessel to the State or to any county, city, district, or political subdivision of the State under a lease, lease-sale, or rental-purchase agreement which grants possession of the vessel to the lessee for a period of 30 consecutive days or more.

(g) "Legal owner" is a person holding the legal title to a vessel under a conditional sale contract, the mortgagee of a vessel, or the renter or lessor of a vessel to the State, or to any county, city, district or political subdivision of the State, under a lease, lease-sale, or rental-purchase agreement which grants possession of the vessel to the lessee for a period of 30 consecutive days or more.

(h) "Registered owner" is the person registered by the Division of Small Craft Harbors as the owner of the vessel.

(i) "Waters of this State" means any waters within the territorial limits of this State.

(j) "Person" means an individual, partnership, firm, corporation, association or other entity, but does not include the United States, the State or a municipality or subdivision thereof.

(k) "Operate" means to navigate or otherwise use a motorboat or vessel upon the waters of this State.

(*l*) "Undocumented vessel" means any vessel which is not required to have and does not have a valid marine document issued by the Bureau of Customs of the United States or any federal agency successor thereto.

SEC. 2. Section 656 of said code is amended to read:

656. (a) It shall be the duty of the operator of a vessel involved in a collision, accident or other casualty, so far as he

can do so without serious danger to his own vessel, crew, and passengers, to render to other persons affected by the collision, accident or other casualty such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident or other casualty, and also to give his name, address, and identification of his vessel in writing to any person injured and to the owner of any property damaged in the collision, accident or other casualty.

(b) In the case of collision, accident or other casualty involving an undocumented vessel, the operator thereof, if the collision, accident or other casualty results in death or injury to a person or damage to property in excess of one hundred dollars ($100) shall file with the division a full description of the collision, accident or other casualty on such forms and including such information as the commission may, by regulation, require. The division shall furnish approved forms for the filing of such reports. In case the operator is unable to report by reason of circumstances beyond his control, the owner of the vessel shall file the report, if he has knowledge of the accident.

(c) Neither the report required by this section nor any action taken by the department with regard to such report shall be referred to in any way, or be any evidence of negligence or due care of any party, at the trial of any action at law to recover damages.

(d) All required accident reports, and supplemental reports, shall be without prejudice to the individual so reporting and shall be for the confidential use of the Division of Small Craft Harbors and any peace officer actually engaged in the enforcement of this chapter, except that the Division of Small Craft Harbors shall disclose the names and addresses of persons involved in, or witnesses to, an accident, the registration numbers and descriptions of vessels involved, and the date, time, and location of an accident to any person who may have a proper interest therein, including the operator or operators involved, or the legal guardian thereof, the parent of a minor operator, the authorized representative of an operator or to any person injured therein and the owners of vessels or property damaged thereby.

SEC. 3. Section 718 of said code is amended to read:

718. No chattel mortgage on any vessel numbered under this code, irrespective of whether such number was effected prior or subsequent to the execution of such mortgage, is valid as against creditors or subsequent purchasers, or encumbrancers, until the mortgagee, or his successor or assignee, has deposited with the Division of Small Craft Harbors, at its office in Sacramento, or at any other office as may be designated by the Chief of the Division of Small Craft Harbors, a properly endorsed certificate of ownership to the vessel, subject to the mortgage, showing the chattel mortgagee as legal

owner if the vessel is then numbered under this code; or if the vessel is not so numbered, the owner shall file an initial application for number as provided for in this code and the certificate of ownership issued under said application shall show said chattel mortgagee as the legal owner.

CHAPTER 1620

An act to amend Section 19572 of, and to repeal Section 19250 of, the Government Code, relating to state civil service.

[Approved by Governor July 13, 1963 Filed with Secretary of State July 16, 1963]

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

SECTION 1. Section 19250 of the Government Code is repealed.

SEC. 2. Section 19572 of said code is amended to read:

19572. Each of the following constitutes cause for discipline of an employee, or person whose name appears on any employment list:

(a) Fraud in securing appointment.

(b) Incompetency.

(c) Inefficiency.

(d) Inexcusable neglect of duty.

(e) Insubordination.

(f) Dishonesty.

(g) Drunkenness on duty.

(h) Intemperance.

(i) Addiction to the use of narcotics or habit-forming drugs.

(j) Inexcusable absence without leave.

(k) Conviction of a felony or conviction of a misdemeanor involving moral turpitude. A plea or verdict of guilty, or a conviction following a plea of nolo contendere, to a charge of a felony or any offense involving moral turpitude is deemed to be a conviction within the meaning of this section.

(*l*) Immorality.

(m) Discourteous treatment of the public or other employees.

(n) Improper political activity.

(o) Willful disobedience.

(p) Misuse of state property.

(q) Violation of this part or board rule.

(r) Violation of the prohibitions set forth in accordance with Section 19251.

(s) Refusal to take and subscribe any oath or affirmation which is required by law in connection with his employment.

(t) Other failure of good behavior either during or outside of duty hours which is of such a nature that it causes discredit to his agency or his employment.

CHAPTER 1621

An act to amend Section 13521 of the Penal Code, relating to penalty assessments for criminal offenses.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 13521 of the Penal Code is amended to read:

13521. On and after the effective date of this section, there shall be levied a penalty assessment in an amount equal to two dollars ($2) for every twenty dollars ($20), or fraction thereof, of every fine, penalty, and forfeiture imposed and collected by the courts for criminal offenses, other than a fine, penalty or forfeiture for a violation of the Vehicle Code, or for any local ordinance relating to the stopping, standing, parking, or operation of a vehicle, and other than for a violation of the Fish and Game Code. Where multiple offenses are involved, the penalty assessment shall be based upon the total fine or bail for all offenses. When a fine is suspended, in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

When any deposit of bail is made for an offense to which this section applies, the person making such deposit shall also deposit a sufficient amount to include the assessment prescribed in this section for forfeited bail. If bail is forfeited, the amount of such assessment shall be transmitted by the clerk of the court to the county treasury and thence to the State Treasury pursuant to this section. If bail is returned, the assessment made thereon pursuant to this section shall also be returned.

After a determination by the court of the amount due, the clerk of the court shall collect the same and transmit it to the county treasury. It shall then be transmitted to the State Treasury to be deposited in the Peace Officers' Training Fund. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the State by a county.

In any case where a person convicted of any offense to which this section applies is imprisoned until the fine is satisfied, the judge may waive all or any part of the penalty assessment the payment of which would work a hardship on the person convicted or his immediate family.

CHAPTER 1622

An act to add Section 13520.1 to the Education Code, relating to public school employment.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 13520.1 is added to the Education Code, to read:

13520.1. Notwithstanding the provisions of Section 13520 or any other provision of law to the contrary, if a person is employed by a school district in a position requiring certification qualifications at the beginning of the second semester of a school year for services during that semester, the compensation of such employee shall be not less than one-half of the annual compensation for that position.

CHAPTER 1623

An act to amend Section 6407 of the Labor Code, relating to workmen's compensation.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 6407 of the Labor Code is amended to read:

6407. Every employer, insurer and physician or surgeon who attends any injured employee shall file with the Division of Labor Statistics and Research a complete report of every injury to each employee arising out of or in the course of his employment unless disability resulting from such injury does not last through the day or does not require medical service other than ordinary first aid treatment. Each such report of injury shall indicate the social security number of the injured employee. The Division of Labor Statistics and Research may, in accordance with the provisions of Chapter 4, Part 1, Division 3, Title 2 of the Government Code, adopt reasonable rules and regulations prescribing the detail and time limits of such report.

CHAPTER 1624

An act to add Section 4711.5 to the Revenue and Taxation Code, relating to tax sale proceeds.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 4711.5 is added to the Revenue and Taxation Code, to read:

4711.5. In a county which has elected to follow the alternative method provided in this chapter a refund may be made from the tax losses reserve fund if all of the following circumstances exist:

(a) The tax collector has heretofore sold or hereafter sells property assessed on the secured assessment roll for more than the minimum price established by the board of supervisors and recorded a deed to the purchaser.

(b) The assessee at the time of the delinquency for which the property was sold has continued to own the property until the time of sale.

(c) The assessee has not received the notice of the intended sale under Section 3701, and did not know from any other source that the sale would be held.

(d) The property has not been redeemed.

(e) Verified application is made to the auditor for the return of the difference between the amount for which the property was sold and the minimum price established for the property.

(f) Such verified application is received by the auditor not more than 90 days after the date of recording of the deed to the purchaser, or not more than 90 days after the effective date of this amendment, whichever is later.

On satisfactory proof, a refund may be made by the auditor from the tax losses reserve fund on order of the board of supervisors with the written consent of the district attorney.

CHAPTER 1625

An act to amend Section 588 of the Penal Code, relating to damage to highways by water.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 588 of the Penal Code is amended to read:

588. Every person who negligently, willfully or maliciously digs up, removes, displaces, breaks down or otherwise injures

or destroys any state or other public highway or bridge, or any private way, laid out by authority of law, or bridge upon any such highway or private way, or who negligently, willfully or maliciously sprinkles, drains, diverts or in any manner permits water from any sprinkler, ditch, canal, flume, or reservoir to flow upon or saturate by seepage any public highway, which act tends to damage such highway or tends to be a hazard to traffic thereon, shall be guilty of a misdemeanor. This section shall not apply to the natural flow of surface or flood waters that are not diverted, accelerated or concentrated by such person.

CHAPTER 1626

An act to add Section 272 to the Health and Safety Code, relating to physically handicapped children.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 272 is added to the Health and Safety Code, to read:

272. A handicapped child shall not be denied services pursuant to this article because he is mentally retarded.

CHAPTER 1627

An act to add Sections 9359.83 and 75032.5 to the Government Code and to add Section 14378 to the Education Code, relating to deductions from retirement allowances for group life insurance premiums.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 9359.83 is added to the Government Code, to read:

9359.83. Retired members of the system, and beneficiaries, who are entitled to receive allowances under the provisions of this chapter, may authorize deductions to be made from their retirement allowance payments, in accordance with regulations established by the board, for the payment of group life insurance premiums for a group life insurance plan approved by the Director of Finance.

SEC. 2. Section 75032.5 is added to said code, to read:

75032.5. Retired judges, and beneficiaries, who are entitled to receive allowances under the provisions of this chapter, may

authorize deductions to be made from their retirement allowance payments, in accordance with regulations established by the Controller for payment of group life insurance premiums for a group life insurance plan approved by the Director of Finance.

SEC. 3. Section 14378 is added to the Education Code, to read:

14378. Retired members of the system, and beneficiaries, who are entitled to receive allowances under the provisions of this chapter, may authorize deductions to be made from their retirement allowance payments, in accordance with regulations established by the board for the payment of group life insurance premiums for a group life insurance plan approved by the Director of Finance.

CHAPTER 1628

An act to amend Sections 4002, 4003, and 9258 of the Vehicle Code, relating to the operation of vehicles exempt under permit.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 4002 of the Vehicle Code is amended to read:

4002. When moved or operated under a permit issued by the department, registration is not required of:

(a) A vehicle not previously registered while being moved or operated from a dealer's, distributor's, or manufacturer's place of business to a place where essential parts of the vehicle are to be altered or supplied.

(b) A vehicle while being moved from a place of storage to another place of storage.

(c) A vehicle which has been disabled as the result of an accident, while being moved for the purpose of repairs.

(d) A vehicle while being moved or operated for the purpose of dismantling or wrecking the same and permanently removing it from the highways.

(e) A vehicle, while being moved from one place to another for the purpose of inspection by the department or weighing the vehicle.

(f) A vehicle, the construction of which has not been completed, until such time as the construction thereof is completed and final weights and costs can be determined for registration purposes.

SEC. 2. Section 4003 of said code is amended to read:

4003. A permit as described in Section 9258 may be issued by the department for operating:

(a) A vehicle while being moved or operated unladen for one continuous trip from a place within this State to another place either within or without this State or from a place without this State to a place within this State.

(b) A vehicle while being moved or operated unladen for one round trip to be completed within 60 days from a place of operation or usage, where registration of the vehicle is otherwise not required, to a garage or repair shop for the purpose of alteration or repairs, provided that the total round trip does not exceed 100 miles.

(c) A vehicle while being moved or operated for one round trip to be completed within 60 days from one place to another for the purpose of participating as a vehicular float or display in a lawful parade or exhibition, provided that the total round trip does not exceed 100 miles.

The department may issue a quantity of permits under this subsection in booklet form upon payment of the proper fee for each permit contained in said booklet. Each permit shall be valid for only one vehicle and for only one continuous trip, and only after a copy describing the vehicle has been forwarded to the department. Such permit shall be posted upon the windshield or other prominent place upon a vehicle and shall identify the vehicle to which it is affixed. When so affixed, such permit shall serve in lieu of California registration.

SEC. 3. Section 9258 of said code is amended to read:

9258. A fee of five dollars ($5) shall be paid to the department for each one-trip permit issued pursuant to Section 4003.

CHAPTER 1629

An act to amend Section 723 of the Code of Civil Procedure, relating to superior court referees.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 723 of the Code of Civil Procedure is amended to read:

723. A referee appointed by a judge of the superior court of a county or city and county having a population of one million inhabitants or more, pursuant to the provisions of this chapter, must be an attorney duly licensed to practice law in all the courts of this State at least five years prior to the date of such appointment, and said referee of the superior court of such county or city and county of the State shall have the same powers as the court to grant adjournments, to preserve order, to subpoena witnesses to attend before him and to compel the attendance of witnesses by attachment.

CHAPTER 1630

An act authorizing a conveyance of an easement in state lands to the City of Santa Monica for public roadway purposes in exchange for the conveyance of city land to the State for beach and park purposes.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. The Director of Finance is hereby authorized to convey to the City of Santa Monica an easement for public roadway purposes in certain state lands in exchange for the conveyance to the State of certain property owned by the City of Santa Monica for beach and park purposes.

SEC. 2. The easement which the Director of Finance is authorized by Section 1 of this act to convey to the City of Santa Monica for public roadway purposes is in the following property:

The northeasterly 40 feet of the following described lots in the City of Santa Monica, County of Los Angeles, State of California:

Lots 18, 20, 22, 24, 26, 28, 30, 32, 34 and 36 in Block 1; Lots 1, 3, 5, and 7 in Block 2; Lots 15, 17, 19, 21, 23, 25, 27, and 29 in Block 10; Lots 41, 43, 45, 47, 49, 51, 53, 55, 57 and 59 in Block 11; all in Crescent Bay Tract as per map recorded in Book 2, Pages 13 and 14 of Maps in the office of the Recorder of said County;

Lots 1 through 5, inclusive, in Ocean Park Tract as per map recorded in Book 72, Page 18 of Miscellaneous Records in the office of said Recorder;

Lots 1 through 6, inclusive, in Block H; Lots 1 through 6, inclusive, in Block G; Lots 1 through 6, inclusive, in Block F, all in Central Beach Tract as per map recorded in Book 78, Pages 77 and 78 of Miscellaneous Records in the office of said Recorder;

Lots 1, 2, 4 and 5 in Block 6, in Wadsworth and Hollister Tract as per map recorded in Book 2, Pages 9 and 10 of Maps in the office of said Recorder; and

The northeasterly 40 feet of G. A. Hart Tract as per map recorded in Book 3, Page 61 of Maps in the office of said Recorder, being a portion of Lot 3 and all of Lot 4.

The northeasterly 40 feet of the following vacated streets between the southwesterly line of The Speedway, 20 feet wide, and the northeasterly line of The Promenade, 20 feet wide:

Fraser Avenue and Hill Street vacated by Resolution No. 2386 (CCS) recorded November 29, 1960 in Book 1048, Page 404 of Deeds in the office of said Recorder; and

Ocean Park Boulevard, Grand Avenue, and Surf Street vacated by Resolution No. 2761 (CCS) recorded February 19,

1963 in Book 1926 Page 31 of Deeds in the office of said Recorder.

SEC. 3. The property which the City of Santa Monica is required to convey to the State for beach and park purpose in exchange for the easement which is authorized to be conveyed to the city is the following property:

That portion of Rancho La Ballona in the City of Santa Monica, County of Los Angeles, State of California, as per map recorded in Book 1, pages 301 to 10 of Patents, bounded by Bay Street, 60 feet wide, Ocean Avenue, 60 feet wide, Bicknell Street, 80 feet wide, and The Promenade, 20 feet wide.

Bicknell Street, 80 feet wide, as shown on map of South Santa Monica Tract, recorded in Book 3, pages 86 and 87, Miscellaneous Records of Los Angeles County, from the southwesterly line of Ocean Avenue, shown on said map as "Promenade," to the northeasterly line of what is now known as The Promenade.

Lots 31, 33, and 35, except the northeasterly 40 feet of said lots, in Block 10 of the Crescent Bay Tract, in the City of Santa Monica, County of Los Angeles, State of California, as per map recorded in Book 2, Pages 13 and 14 of Maps, in the office of the County Recorder of said County.

SEC. 4. The exchange which is authorized by this act shall be made only if the Director of Finance determines that the property to be conveyed to the State is of at least substantially equivalent value to the easement which is to be conveyed to the City of Santa Monica.

SEC. 5. There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas in any property of the State which may be conveyed pursuant to this act to the City of Santa Monica and to the State of California or persons authorized by the State of California the right to prospect for, mine and remove such deposits from said property.

SEC. 6. The public roadway which is to be constructed by the City of Santa Monica on the easement which is authorized to be conveyed to the city pursuant to this act shall be constructed to standards compatible to those of other city streets in the area.

SEC. 7. The Legislature hereby finds and declares that the exchange of public property which is authorized by this act is necessary for the public good in that the State at large will better be served by improvements which will be made by the City of Santa Monica on the easement which is authorized by this act to be conveyed to the city. The public roadway which is to be constructed on the easement is expressly determined to be for the public purpose of enhancing the value of the contiguous state-owned lands which are being used for beaches and parks purposes, and in fact will allow the public to derive more benefit from those lands.

CHAPTER 1631

An act to amend Section 2193.5 of the Business and Professions Code, relating to the practice of medicine.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 2193.5 of the Business and Professions Code is amended to read:

2193.5. An applicant who at the time of his application is a citizen of the United States and whose application is based on a diploma issued to him by a foreign medical school, except a Canadian school, shall furnish documentary evidence, satisfactory to the board that:

(a) He has completed in a medical school or schools a resident course of professional instruction equivalent to that required in this article for a physician and surgeon applicant.

(b) Subsequent thereto, he has had issued to him by such medical school, a medical diploma, as evidence of the completion of the course of medical instruction required in this chapter.

Applicants under this section must serve at least one year in a service satisfactory to the board in a hospital located in the United States and approved by the board for the training of interns. Before a certificate may be issued, the applicant must not only meet the requirements of subdivisions (a) and (b) of this section, but must also pass the written examination as provided under Article 10 of Chapter 5 of Division 2 of this code prior to commencing an internship in a hospital located in this State or at any time after the satisfactory completion of an internship in an approved hospital located in another state, and must also pass an oral and clinical examination at the satisfactory completion of the one-year internship.

Nothing contained in this section shall prohibit the board from disapproving any foreign medical school nor from denying the application if, in the opinion of the board, the instruction received by the applicant or the courses were not equivalent to that required in this article for a physician and surgeon applicant.

CHAPTER 1632

An act to amend Section 4200 of the Government Code, relating to bonds.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 4200 of the Government Code is amended to read:

4200. Every person to whom is awarded a contract involving an expenditure in excess of two thousand five hundred dollars ($2,500) for the improvement, erection or construction of any building, road, bridge or other structure, excavating, or other mechanical work for the State, or for any political subdivision or agency of the State shall, before entering upon the performance of the work, file a good and sufficient bond with the officer or body by whom the contract was awarded.

CHAPTER 1633

An act to add Article 5.5 (commencing with Section 380) to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, relating to nursing education scholarships.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Article 5.5 (commencing with Section 380) is added to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, to read:

Article 5.5. Nursing Education Scholarships

380. Recognizing that there is a shortage in supply of registered nurses, and that if the number of nursing students is to be materially increased to meet the demand there must first be an increase in the number of persons qualified for teaching or supervising in clinical areas, and further recognizing that the cost of education deters nurses from obtaining the education necessary to qualify them for teaching or supervision in clinical areas, there are hereby created state scholarships which shall be maintained by the State and awarded and administered pursuant to the provisions of this article.

381. There shall be available 10 scholarships per year. The scholarships shall be available to any registered nurse who is enrolled in either of the following programs in a college or

university in California which is accredited by the Western Association of Schools and Colleges:

(a) The senior year in a bachelor's degree program in nursing.

(b) A master's degree program in teaching or supervision in a clinical nursing area.

382. No person shall be awarded a scholarship under subdivision (a) of Section 381 unless:

(a) He is a resident of California.

(b) He is licensed as a registered nurse by this State.

(c) He has complied with all the rules and regulations adopted pursuant to this article.

(d) He has agreed that upon completion of the bachelor's degree program he will immediately enroll in an accredited master's degree program in teaching or supervision in a clinical nursing area.

(e) He agrees that immediately upon completion of his master's degree he will assume an employment obligation in California in teaching or supervision in a clinical nursing area, for not less than one year.

383. No person shall be awarded a scholarship under subdivision (b) of Section 381 unless he satisfies the requirements prescribed by subdivisions (a), (b), (c), and (e) of Section 382.

384. The State Department of Public Health shall administer the program of nursing education scholarships and shall for such purpose, adopt such rules and regulations as it determines are necessary to carry out the provisions of this article.

385. Applications for scholarships shall be made to the state department, upon forms provided by it, at the times and in the manner prescribed by the rules and regulations adopted by the state department.

386. The state department shall award the scholarships to the applicants which it determines are best fitted to undertake the educational program for which the scholarships are awarded and will be the best qualified to teach or supervise. In awarding the scholarships the state department may give a preference to applicants who are willing to be available, upon the completion of their educational program, for a position in any part of the State. The state department shall not, however, award any scholarship to an applicant if it determines that the applicant has adequate financial resources to pay the cost of the education necessary to qualify him for teaching or supervision in a clinical area.

387. Scholarships shall be awarded without regard to race, religion, creed, or sex.

388. Each scholarship under this article is for the period of one academic year, and the award shall be:

(a) For a person qualifying under subdivision (a) of Section 381, the sum of two hundred dollars ($200) per month for 10 months, plus school fees.

(b) For a person qualifying under subdivision (b) of Section 381, the sum of two hundred fifty dollars ($250) per month for 12 months, plus school fees.

389. A scholarship shall remain in effect only during the period, as determined by the state department, that the person receiving the award achieves satisfactory progress and is regularly enrolled, within the terms of this article, as a full-time student.

SEC. 2. The nursing education scholarships which are provided for by Article 5.5 (commencing with Section 380), Chapter 2, Part 1, Division 1 of the Health and Safety Code, as enacted by Section 1 of this act, shall only be available if the Legislature appropriates the money necessary for the scholarships for the 1964-1965 fiscal year or for any fiscal year thereafter.

CHAPTER 1634

An act to add Section 30775.5 to the Streets and Highways Code, relating to the San Francisco-Oakland Rapid Transit Tube.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 30775.5 is added to the Streets and Highways Code, to read:

30775.5. The department and the district may by agreement provide for the engineering work and construction described in Sections 30772 and 30775 to be done in whole or in part by the district. Such agreement may prescribe the methods of handling the work, the times and manner of transferring funds to the district, the reporting and auditing procedures to be followed by the district and any engineers or contractors engaged by it; may provide for the preparation by the district and approval by the department of estimates of cost to determine the amounts to be raised by the issuance of revenue bonds under the California Toll Bridge Authority Act (Chapter 1 (commencing with Section 30000) of this division) for the project; and may provide for any other matters considered by the parties necessary or desirable to carry out the project as contemplated by this article.

CHAPTER 1635

An act to add Section 23661.2 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 23661.2 is added to the Business and Professions Code, to read:

23661.2. Notwithstanding any other provision of law, any unlicensed adult person may apply to the Department of Alcoholic Beverage Control and be issued a permit to receive a shipment of wine, including vermouth and champagne, from another state of the United States. Such shipment shall be made in accordance with rules promulgated by the department, but the total shipments permitted in any calendar month to a person shall not be in excess of 2.4 gallons. A common carrier to whom the permit is presented is authorized to make delivery of the shipment to the person named in the permit. Delivery of a shipment pursuant to the permit shall not be deemed to constitute a sale in this State.

CHAPTER 1636

An act to amend Section 15135 of the Government Code, relating to the state teletype system.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 15135 of the Government Code is amended to read:

15135. The Attorney General shall lease facilities and equipment to connect the state teletype system with the police department of each of the following cities:

(a) San Leandro.
(b) San Mateo.
(c) Escondido.
(d) Coronado.
(e) Portola.
(f) Watsonville.
(g) Brawley.
(h) Tulare.
(i) Long Beach.
(j) Palo Alto.
(k) Bakersfield.
(*l*) Delano.

CHAPTER 1637

An act to amend Section 53 of the Drainage District Act of 1903 (Chapter 238, Statutes of 1903), relating to compensation of directors.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 53 of the Drainage District Act of 1903 (Chapter 238, Statutes of 1903) is amended to read:

Sec. 53. Each member of the board of directors shall receive twelve dollars ($12) and his actual and necessary expenses for each meeting of the board of directors attended by him. The board may employ the services of one of its members in the conduct of the business and affairs of the district and for such services fix and prescribe additional compensation payable to such member not exceeding a rate of twelve dollars ($12) per day while he is so employed.

CHAPTER 1638

An act to amend Section 216 of the Revenue and Taxation Code, relating to tax exemptions.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 216 of the Revenue and Taxation Code is amended to read:

216. The stock in trade up to one thousand five hundred dollars ($1,500) of a vending stand operated by a blind person licensed by the Bureau of Vocational Rehabilitation pursuant to federal or state law is exempt from taxation.

CHAPTER 1639

An act to add Section 20804.1 to the Education Code, relating to school district taxation.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 20804.1 is added to the Education Code, to read:

20804.1. When either a separate high school district, the boundaries of which are not coterminous with a junior college district, or a unified school district, operates a junior college and has, pursuant to the provisions of Section 20803, increased the maximum tax rate otherwise applicable to the district, and thereafter, while such increased tax rate continues in effect, ceases to operate the junior college, the maximum tax rate as so increased shall, beginning with the school year in which the district ceases to operate the junior college, be reduced by thirty-five cents ($0.35) on each one hundred dollars ($100) of assessed valuation.

CHAPTER 1640

An act to add Section 1032.5 to the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 1032.5 is added to the Unemployment Insurance Code, to read:

1032.5. (a) Any base period employer may, within 15 days after mailing of a notice of computation under Section 1329, submit to the department facts within its possession disclosing that the individual claiming benefits is rendering services for that employer in less than full-time work and is receiving wages less than his weekly benefit amount, and that the individual has continuously, commencing in or prior to the beginning of the base period, rendered services for that employer in such less than full-time work for wages less than the weekly benefit amount.

(b) The department shall consider facts submitted under subdivision (a) of this section together with any information in its possession and promptly issue to the employer its ruling. If the department finds that an individual is, under Section 1252, unemployed in any week on the basis of his having less than full-time work and receiving wages less than his weekly benefit amount, and that the employer submitting facts under this section is a base period employer for whom the individual has continuously, commencing in or prior to the beginning of the base period, rendered services in such less than full-time work for wages less than the weekly benefit amount, that employer's account shall not be charged for benefits paid the individual in any week in which such wages are payable by that employer to the individual. Any ruling issued by the department under this section may for good cause be reconsidered within 15 days of the issuance of the ruling. Appeals may be taken from said rulings in the same manner as appeals from determinations on benefit claims.

CHAPTER 1641

An act to amend Section 18 of, and add Sections 18.1, 18.2, 18.3, 18.4, 38.1, 38.2, and 38.3 to, the Contra Costa County Storm Drainage District Act (Chapter 1532, Statutes of 1953), relating to storm drainage districts.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 18 of the Contra Costa Storm Drainage District Act (Ch. 1532, Stats. 1953) is amended to read:

Sec. 18. For the purpose of acquiring authority to proceed with the establishment of a zone, or any such project, as requested by petition, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimates of the cost of same to be borne by the particular zones or participating zones and fixing a time and place for public hearing of said resolution and which shall refer to a map or maps showing the general location and general construction of said project. Notice of such hearing shall be given by publication pursuant to Section 6066 of the Government Code in a newspaper of general circulation designated by the board, circulated in such zone or each of said participating zones, if there be such newspaper, and if there be no such newspaper then by posting notice for two consecutive weeks prior to said hearing in five public places designated by the board, in such zone or in each of said participating zones. Publication shall be complete at least seven days before the date of the hearing. Said notice must designate a public place in such zone or in each of said participating zones where a copy or copies of the map or maps of said joint project may be seen by any interested person; said map must be posted in each of said public places so designated in said notice at least two weeks prior to said hearing.

At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board shall consider all written and oral objections to the proposed zone or project. Upon the conclusion of the hearing the board may abandon the proposed zone or project or proceed with the same.

Notice of the board's decision shall be published in a newspaper of general circulation within the territory of the proposed zone within seven (7) days after the conclusion of the board's hearing upon formation of the proposed zone.

The board shall not proceed with formation of the zone until fifteen (15) days after the date of publication of its decision to establish the zone. If an election is called under the provisions of Section 18.1 of this code, the board shall not proceed with formation of the zone unless a majority of the votes cast at the election favor formation of the zone.

SEC. 2. Section 18.1 is added to said act, to read:

Sec. 18.1. If a petition for election, signed by at least 10 percent of the registered voters residing within the proposed zone protesting the formation of the zone, is presented to the board of supervisors within fifteen (15) days after the date of publication of the decision of the board to form the zone, the board shall, upon examining the petition and determining its sufficiency, within thirty (30) days call and give notice of an election.

SEC. 3. Section 18.2 is added to said act, to read:

Sec. 18.2. If 50 percent or more of the registered voters residing within the territory to be included in the proposed zone file written protests against establishment of the zone with the board within 15 days after publication of the board's decision to proceed, the board shall abandon the proposed establishment of the storm drainage zone.

SEC. 4. Section 18.3 is added to said act, to read:

Sec. 18.3. The election provided for in Section 18.1 of this act shall be held within not less than 75 days, nor more than 90 days after the first date of publication of the board's decision to form the zone.

(a) Notice of the election shall be published in a newspaper of general circulation within the territory of the proposed zone. Such notice shall be published at least twice, with an interval of at least six days between the first and last publication. Publication shall be complete at least six days before the date of the election.

The notice of the election shall contain the date of the election and the proposition to be voted upon.

The ballot for the election shall contain such instructions as are required by law to be printed thereon and in addition thereto the following:

Shall the "(giving name of storm drainage district zone)" be created and established in Contra Costa County?	Yes	
	No	

SEC. 5. Section 18.4 is added to said act, to read:

Sec. 18.4. If the majority of the votes cast at the election, provided for in Section 18.1 of this act, do not favor formation of the zone, the board cannot accept and consider another petition or the board upon its own motion adopt a resolution for formation of the zone until six months after the date of the election.

If the board abandons formation of a zone under the provisions of Section 18.2 of this act, it shall not accept and consider another petition or the board upon its own motion adopt a resolution for formation of the zone until nine months after the date of publication of the board's decision to proceed with formation of the zone.

SEC. 6. Section 38.1 is added to said act, to read:

Sec. 38.1. If a petition for dissolution signed by at least 10 percent of the registered voters residing within a zone is presented to the board of supervisors, the board shall, upon examining the petition and determining its sufficiency, within thirty (30) days, call and give notice of an election.

SEC. 7. Section 38.2 is added to said act, to read:

Sec. 38.2. The election shall be held within not less than 75 days nor more than 90 days after the petition for dissolution has been presented to the board of supervisors.

Notice of the election shall be published in a newspaper of general circulation within the territory of the zone. Such notice shall be published at least twice, with an interval of at least six days between the first and last publication. Publication shall be complete at least six days before the date of the election.

The notice of the election shall contain the date of the election and the proposition to be voted upon.

The ballot for the election shall contain such instructions as are required by law to be printed thereon and in addition thereto the following:

Shall the "(giving name of storm drainage district zone)" be dissolved?	Yes	
	No	

SEC. 8. Section 38.3 is added to said code, to read:

Sec. 38.3. If a majority of votes cast at the election provided for in Section 38.2 of this act favor the dissolution of the storm drainage district zone, the board of supervisors shall by resolution order the dissolution of such zone and the zone shall thereupon be dissolved.

CHAPTER 1642

An act to amend Sections 23820 and 23958 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 23820 of the Business and Professions Code is amended to read:

23820. The department may make all rules consistent with the provisions of Section 22 of Article XX of the Constitution, or the provisions of this division, necessary to carry into effect the provisions of this article, and to restrict the issuance of alcoholic beverage licenses, including seasonal li-

censes, but not including beer, offsale beer and wine, beer and wine wholesaler's and winegrower's licenses, to such number in any county as the department shall determine is in the interest of public welfare and morals, convenience, or necessity.

SEC. 2. Section 23958 of said code is amended to read:

23958. Upon receipt of an application for a license or for a transfer of a license and the applicable fee, the department shall make a thorough investigation to determine whether the applicant and the premises for which a license is applied qualify for a license and whether the provisions of this division have been complied with, and shall investigate all matters connected therewith which may affect the public welfare and morals. The department shall deny an application for a license or for a transfer of a license if either the applicant or the premises for which a license is applied do not qualify for a license under this division.

The department further may deny an application for a license if issuance of such license would tend to create a law enforcement problem, or if issuance would result in or add to an undue concentration of licenses and the applicant fails to show that public convenience or necessity would be served by such issuance.

CHAPTER 1643

An act to amend Section 1418.5 of the Health and Safety Code, relating to nursing and convalescent homes.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 1418.5 of the Health and Safety Code is amended to read:

1418.5. The director may bring an action to enjoin the violation, threatened violation, or continued violation by any nursing and convalescent home of the provisions of this chapter, including the operation of such a home without a license, or of any of the regulations promulgated under this chapter for nursing and convalescent homes, in a case where such violations threaten the health or safety of patients in the home in the superior court located in the county in which the violation occurred or is about to occur. Any proceeding under the provisions of this section shall conform to the requirements of Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that the director shall not be required to allege facts necessary to show or tending to show the lack of an adequate remedy at law or to show

or tending to show irreparable damage or loss. Upon a finding by the director that such violations threaten the health or safety of patients in the home, the health officer of any county or city health department which has been delegated inspection authority as defined in Section 1421 may bring an action to enjoin the violation, threatened violation, or continued violation by any nursing and convalescent home which is located in an area which is under his local health jurisdiction of the provisions of this chapter, including the operation of such home without a license, or of any of the regulations promulgated under this chapter for nursing and convalescent homes.

CHAPTER 1644

An act to amend Section 14376 of the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 14376 of the Education Code is amended to read:

14376. Any person who retired for service may be employed as a substitute in a position requiring certification qualifications, or as a curriculum writer or consultant in a field in which he is specially qualified, or as a teacher in a rest home for the aged, or in a community center operated exclusively for the aged, for not to exceed 90 teaching days in any one fiscal year and may be paid not to exceed one thousand eight hundred dollars ($1,800) in any one fiscal year. Such employment shall not operate to reinstate the person as a member of this system, or to terminate or suspend his retirement allowance, and no deductions shall be made from his salary as contributions to this system. Such person may be re-employed only if able to pass a physical examination prescribed by the State Board of Education.

A certificate from a physician or surgeon licensed under Chapter 5 (commencing at Section 2000) of Division 2 of the Business and Professions Code showing that he has submitted to and passed a physical examination within one year last past and filed with the county superintendent of schools shall be conclusive evidence of his passing the physical examination required by this section.

CHAPTER 1645

An act to amend Section 27282 of the Government Code, relating to county recorders.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 27282 of the Government Code is amended to read:

27282. (a) The following documents may be recorded without acknowledgment, certificate of acknowledgment, or further proof:

(1) A judgment affecting the title to or possession of real property, authenticated by the certificate of the clerk of the court in which the judgment was rendered.

(2) A notice of location of mining claim.

(3) Certificates of amounts of taxes, interest and penalties due and extensions thereof executed by the State, county, or city taxing agencies or officials pursuant to Sections 2191.3, 2191.4, 6757, 7872, 8996, 10099, 11495, 16063, 16064, 18881 through 18883, inclusive, 26161 and 30322 of the Revenue and Taxation Code, and Section 1703 of the Unemployment Insurance Code, and releases executed pursuant to Sections 2191.4, 6758, 6759, 7873, 8997, 10100, 11496, 16066, 16067, 18884, 18885, 26162, 30323 and 30324 of the Revenue and Taxation Code, and Sections 1704 and 1705 of the Unemployment Insurance Code.

(b) Any document described in this section, from the time it is filed with the recorder for record, is constructive notice of the contents thereof to subsequent purchasers and mortgagees.

CHAPTER 1646

An act to amend Section 13831 of the Health and Safety Code, relating to fire protection districts.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 13831 of the Health and Safety Code is amended to read:

13831. A petition or resolution which proposes the formation of a district shall specify one of the following methods of selecting the board of directors of the district:

(a) That the board of directors shall be composed of the supervising authority.

(b) That the board of directors shall have five members appointed by the supervising authority.

Where the members of the board of directors are appointed by the supervising authority, the board shall determine whether the members of the board of directors shall serve at the pleasure of the supervising authority, or for a term of four years subject to removal by the supervising authority for cause. If the members of the board of directors are appointed for four-year terms, the terms of members first appointed shall expire as follows: one member, one year from the effective date of his appointment; one member, two years from the effective date of his appointment; one member three years from the effective date of his appointment; and two members four years from the effective date of their appointments. The determination as to which members of the board of directors shall serve the one-, two-, three- and four-year terms shall be determined by the supervising authority by lot.

(c) That the board of directors shall have 5 or 11 members appointed by and from the board of supervisors and by and from the city councils of the cities included within the district.

If unincorporated territory and territory of one or more cities, or portions thereof, are included within the district, or if all or a portion of the unincorporated territory in a district subsequently becomes incorporated territory the directors shall be appointed from the incorporated territory and the unincorporated territory according to the proportionate share of population of the incorporated and unincorporated territory included within the district.

Directors representing the unincorporated territory included within the district shall be appointed by and from members of the board of supervisors. Directors representing the incorporated territory included in the district shall be elected by and from the city councils of those cities so included.

When two or more cities, or portions thereof are included within the district, each city council shall appoint one of its members to cast their vote in determining which of the combined councilmen shall be members of the board of directors from the incorporated territory within the district.

Whenever unincorporated territory and all or portions of one or more cities are included within the district, at least one director shall be appointed by and from the board of supervisors and at least one director shall be appointed by and from the city councils of the cities included within the district.

The members of the board of directors of the board first appointed shall serve for four-year terms and for two-year terms and shall determine by lot which three members shall serve for four-year terms and which of two members shall serve for two-year terms. Vacancies resulting from a member's loss of his office on the board of supervisors or a city council, or from other causes, shall be filled by the appointing authority for the unexpired term.

(d) That the board of directors shall be composed of three or five members to be elected as provided in this part.

CHAPTER 1647

An act to add Section 1203.4a to the Penal Code, relating to rehabilitation of misdemeanants.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 1203.4a is added to the Penal Code, to read:

1203.4a. Every defendant convicted of a misdemeanor and not granted probation shall, at any time after the lapse of one year from the date of pronouncement of judgment, if he has fully complied with and performed the sentence of the court, is not then serving a sentence for any offense and is not under charge of commission of any crime and has, since such pronouncement of judgment, lived an honest and upright life and has conformed to and obeyed the laws of the land, be permitted by the court to withdraw his plea of guilty and enter a plea of not guilty; or if he has been convicted after a plea of not guilty, the court shall set aside the verdict of guilty; and in either case the court shall thereupon dismiss the accusatory pleading against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense of which he has been convicted. The defendant shall be informed of the provisions of this section at the time he is sentenced. The defendant may make such application and change of plea in person or by attorney, or by the probation officer authorized in writing; provided, that in any subsequent prosecution of such defendant for any other offense, such prior conviction may be pleaded and proved and shall have the same effect as if relief had not been granted pursuant to this section.

CHAPTER 1648

An act to amend Section 5097.1 of the Revenue and Taxation Code, relating to the refund of taxes.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 5097.1 of the Revenue and Taxation Code is amended to read:

5097.1. Notwithstanding the provisions of Sections 5096 and 5097 any taxes paid before or after delinquency may be refunded by the tax collector or redemption officer within 90 days after the date of the last payment if:

(a) Paid more than once.

(b) The amount paid exceeds the amount due on the property as shown on the roll.

CHAPTER 1649

An act to amend Sections 1011, 1281, 1282, and 1303 and to repeal Section 1471 of the Insurance Code, relating to reciprocal or interinsurance exchanges.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 1011 of the Insurance Code is amended to read:

1011. The superior court of the county in which is located the principal office of such person in this State shall, upon the filing by the commissioner of the verified application showing any of the following conditions hereinafter enumerated to exist, issue its order vesting title to all of the assets of such person, wheresoever situated, in the commissioner or his successor in office, in his official capacity as such, and direct the commissioner forthwith to take possession of all of its books, records, property, real and personal, and assets, and to conduct, as conservator, the business of said person, or so much thereof as to the commissioner may seem appropriate, and enjoining said person and its officers, directors, agents, servants, and employees from the transaction of its business or disposition of its property until the further order of said court:

(a) That such person has refused to submit its books, papers, accounts, or affairs to the reasonable inspection of the commissioner or his deputy or examiner.

(b) That such person has neglected or refused to observe an order of the commissioner to make good within the time prescribed by law any deficiency in its capital if it is a stock corporation, or in its reserve if it is a mutual insurer.

(c) That such person, without first obtaining the consent in writing of the commissioner, has transferred, or attempted to transfer, substantially its entire property or business or, without such consent, has entered into any transaction the effect of which is to merge, consolidate, or reinsure substantially its entire property or business in or with the property or business of any other person.

(d) That such person is found, after an examination, to be in such condition that its further transaction of business will

be hazardous to its policyholders, or creditors, or to the public.

(e) That such person has violated its charter or any law of the State.

(f) That any officer of such person refuses to be examined under oath, touching its affairs.

(g) That any officer or attorney in fact of such person has embezzled, sequestered, or wrongfully diverted any of the assets of such person.

(h) That a domestic insurer does not comply with the requirements for the issuance to it of a certificate of authority, or that its certificate of authority has been revoked; or

(i) That the last report of examination of any person to whom the provisions of this article apply shows such person to be insolvent within the meaning of Article 13, Chapter 1, Part 2, Division 1 of this code or if a reciprocal or interinsurance exchange within the applicable provisions of Sections 1370.2, 1370.4, 1371 or 1372.

SEC. 2. Section 1281 of said code is amended to read:

1281. Reciprocal or interinsurance contracts, the exchange thereof, the subscribers, attorneys in fact, agents, and representatives, and all matters incident to or concerned with such contracts and relationship, shall be exclusively subject to and regulated by the provisions of this chapter, and by no other law relating to insurance heretofore or hereafter enacted, except as provided in this chapter, or when such other law relating to insurance specifically uses the words "reciprocal" or "interinsurance."

When such other law is made applicable, it shall be construed in accordance with the fundamental nature of a reciprocal insurer. In the event of any direct conflicts between such law and the provisions of this chapter, the latter shall prevail. Such other law may, however, be used to supplement or explain the provisions of this chapter.

SEC. 3. Section 1282 of said code is amended to read:

1282. (a) The following provisions shall be applicable to reciprocal or interinsurance exchanges and their contracts, subscribers, attorneys in fact, agents and representatives:

(1) The general provisions;

(2) Division 1, Part 1 (commencing with Section 100), relating to the contract of insurance;

(3) Division 1, Part 2, Chapter 1, Article 1.5 (commencing with Section 685), relating to retaliation;

(4) Section 703;

(5) Section 704;

(6) Section 704.5;

(7) Section 706;

(8) Section 706.5;

(9) Section 706.7;

(10) Division 1, Part 2, Chapter 1, Article 4 (commencing with Section 730), relating to examination by commissioner;

(11) Division 1, Part 2, Chapter 1, Article 5 (commencing with Section 750), relating to unlawful rebates, profits and commissions;

(12) Division 1, Part 2, Chapter 1, Article 5.5 (commencing with Section 770), relating to insurance in connection with sales and loans;

(13) Division 1, Part 2, Chapter 1, Article 5.7 (commencing with Section 777.1), relating to free insurance;

(14) Division 1, Part 2, Chapter 1, Article 5.9 (commencing with Section 779.1), insofar as it relates to credit disability insurance;

(15) Division 1, Part 2, Chapter 1, Article 6 (commencing with Section 780), relating to misrepresentation of policies;

(16) Division 1, Part 2, Chapter 1, Article 6.5 (commencing with Section 790), relating to unfair practices;

(17) Division 1, Part 2, Chapter 1, Article 7.5 (commencing with Section 815), relating to restrictions on compensation of adjusters;

(18) Division 1, Part 2, Chapter 1, Article 8 (commencing with Section 820), relating to issue of securities;

(19) Division 1, Part 2, Chapter 1, Article 10 (commencing with Section 900), relating to financial statements of insurers;

(20) Division 1, Part 2, Chapter 1, Article 11 (commencing with Section 939), relating to deposit of securities;

(21) Division 1, Part 2, Chapter 1, Article 12 (commencing with Section 970), relating to bond for payment of taxes;

(22) Division 1, Part 2, Chapter 1, Article 13.5 (commencing with Section 997), relating to disability insurance reserves;

(23) Division 1, Part 2, Chapter 1, Article 14 (commencing with Section 1010), relating to proceedings in cases of insolvency and delinquency;

(24) Division 1, Part 2, Chapter 1, Article 15 (commencing with Section 1070), relating to withdrawal of insurers;

(25) Division 1, Part 2, Chapter 1, Article 17 (commencing with Section 1100), relating to loans and investments;

(26) Division 1, Part 2, Chapter 1, Article 18 (commencing with Section 1110), relating to multiple insurer operations;

(27) Division 1, Part 2, Chapter 2, Article 2 (commencing with Section 1150) but not including Section 1152, relating to restrictions on activities of insurers;

(28) Division 1, Part 2, Chapter 2, Article 3 (commencing with Section 1170), relating to general investments;

(29) Division 1, Part 2, Chapter 2, Article 4 (commencing with Section 1190), relating to property authorized for excess funds investments;

(30) Division 1, Part 2, Chapter 2, Article 6 (Section 1240 only), relating to foreign investments;

(31) Division 1, Part 2, Chapter 2, Article 7 (commencing with Section 1250), relating to valuation of investments;

(32) Division 1, Part 2, Chapter 4, Article 4 (commencing with Section 1610), relating to actions against nonadmitted insurers;

(33) Division 1, Part 2, Chapter 4, Article 4.5 (commencing with Section 1620.1), the Unauthorized Insurers False Advertising Process Act;

(34) Division 1, Part 2, Chapter 5 (commencing with Section 1621), relating to production agencies;

(35) Division 1, Part 2, Chapter 9 (commencing with Section 1800), relating to rates and rating and other organizations;

(36) Division 2, Part 1, Chapter 1 (commencing with Section 1880), relating to the marine contract;

(37) Division 2, Part 1, Chapter 2 (commencing with Section 2030), relating to the fire insurance contract;

(38) Division 2, Part 2, Chapter 1 (commencing with Section 10110), insofar as it relates to disability insurance contracts;

(39) Division 2, Part 2, Chapter 4 (commencing with Section 10220), relating to standard provisions in disability policies;

(40) Division 2, Part 3, Chapter 1 (commencing with Section 11550), containing general regulations relating to liability, workmen's compensation and common carrier liability insurance;

(41) Division 2, Part 3, Chapter 2 (commencing with Section 11630), relating to workmen's compensation policies;

(42) Division 2, Part 3, Chapter 3 (commencing with Section 11690), relating to regulation of business of workmen's compensation insurance;

(43) Division 2, Part 4 (commencing with Section 12050), relating to miscellaneous casualty insurance;

(44) Division 2, Part 6, Chapter 2 (commencing with Section 12420), relating to mortgage insurance;

(45) Division 2, Part 6, Chapter 2A (commencing with Section 12640.01), relating to mortgage guaranty insurance;

(46) Division 2, Part 6, Chapter 3 (commencing with Section 12660), relating to land value insurance;

(47) Division 3 (commencing with Section 12900), relating to the commissioner;

(b) Such of the provisions set forth in (a) hereof which refer to incorporated insurers shall refer to reciprocal or interinsurance exchanges whether incorporated or not.

(c) Such of the provisions set forth in (a) hereof which refer to paid-in-capital or surplus shall be deemed to refer to the amounts required to be maintained by the reciprocal or interinsurance exchange by the applicable provisions of Article 5 (commencing with Section 1370) of this chapter.

SEC. 4. Section 1303 of said code is amended to read:

1303. The organization under which such subscribers so exchange contracts is termed a reciprocal or interinsurance exchange, and shall be deemed the insurer while each subscriber shall be deemed an insured.

SEC. 5. Section 1471 of said code is repealed.

CHAPTER 1650

An act to provide for a three-year study of school library needs and making an appropriation therefor.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. It is essential to the provision of quality education that an adequate, effective library service be furnished by the schools. In order that the school libraries may keep pace with new developments in education, meet the increasing demands for general as well as technical information and for new services that modern educational techniques require, it is necessary to compile a description of existing services, and the extent to which they are available and to evaluate their adequacy against available standards. It is the purpose of this act to provide for such a study over a two-year period.

SEC. 2. A school library research co-ordinator shall be appointed by the Superintendent of Public Instruction with the approval of the State Board of Education.

SEC. 3. The school library research co-ordinator shall receive a salary as fixed by the Superintendent of Public Instruction, in accordance with law.

SEC. 4. The Superintendent of Public Instruction may appoint such assistants and employees as the school library research co-ordinator requires to assist him in the discharge of his duties.

SEC. 5. The school library research co-ordinator shall accomplish studies of the following:

(a) The appropriateness of provisions of the Education Code to the present needs and usages of school libraries.

(b) Library services offered by county superintendents of schools and contract services with county free libraries.

(c) Library services offered in each of the major levels of the schools:

(1) Elementary schools.

(2) Junior high schools.

(3) Senior high schools.

(4) Junior colleges.

(d) Library services offered by school district library centers.

(e) The relationship between school libraries and public, college, university and special libraries.

These studies shall include consideration of financing, personnel resources, physical facilities, technical services, new technology, district organization for administration of library services, and other aspects of library service contributing to quality education.

These studies shall also include the collection of statistics concerning the quantities of various kinds of materials provided, and to evaluate their adequacy against available standards or the curriculum needs of the schools served.

Nothing in this act shall be construed as authorizing an investigation into the suitability of any specific book, periodical, film, picture, or other material for inclusion in any school library.

SEC. 6. In carrying out the purposes of this act the Department of Education may:

(a) Contract with public and private agencies and individuals for research, consultant and other services as may be necessary and convenient.

(b) Do such other acts as may be incidental to the exercise of his powers and functions as conferred by this act.

SEC. 7. Each agency, officer, and employee of the State shall co-operate with the school library research co-ordinator in carrying out his functions under this act.

SEC. 8. The school library research co-ordinator shall make an annual report to the Department of Education setting forth his findings and recommendations in the area of study.

At the end of the second year of this study a comprehensive final report shall be prepared and submitted to the Department of Education. This final report may also incorporate a recommendation for further research in school library service.

Nothing in this act shall be construed as authorizing the recommendation or requirement that any school library be directed to acquire or exclude any specific title, or to acquire or exclude any classification of books, periodicals, films, pictures or other materials by author, subject matter, or type.

SEC. 9. To aid the school library research co-ordinator the Superintendent of Public Instruction shall appoint, with the approval of the State Board of Education, an advisory committee as follows:

(a) One school principal.

(b) One school superintendent.

(c) One curriculum specialist.

(d) Two school librarians.

(e) One representative from a school accrediting agency.

(f) One person from a school offering professional education in school librarianship.

(g) Three public members.

The consultant in school library education shall be an ex officio member.

The members of such advisory committee shall receive no compensation for their services except that they shall receive their actual and necessary expenses incurred in the discharge of their duties.

The advisory committee shall select its own chairman and shall hold meetings as called by the Superintendent of Public Instruction.

SEC. 10. It shall be the function of the advisory committee to make recommendations to the school library research coordinator concerning the accomplishment of the purposes of this act.

SEC. 11. There is hereby appropriated from the General Fund in augmentation of Item 77 of the Budget Act of 1963 the sum of twenty-five thousand dollars ($25,000) to the Department of Education for allocation by it to the purposes of this act.

SEC. 12. Funds for the remaining year of this study shall be included in the annual budget of the Department of Education.

CHAPTER 1651

An act to add Section 970 to the Education Code, relating to school district governing boards.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 970 is added to the Education Code, to read:

970. The first meeting of any newly elected or appointed school district governing board, and any annual meeting required by law to be held by such board for purposes of its organization, shall be deemed a regular meeting of the board for purposes of any requirement of law that periodic meetings shall be held by such board, and the regular business of the board may be transacted at such a meeting.

CHAPTER 1652

An act to add Section 5360.3 to the Streets and Highways Code, relating to streets and alleys.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 5360.3 is added to the Streets and Highways Code, to read:

5360.3. Whenever the legislative body has ordered any acquisition of lands, rights-of-way or easements for the opening or widening of streets or alleys under the provisions of Section 5102 and such opening or widening will establish a uniform street or alley alignment in conformity with rights-of-way or easements granted subsequent to the resolution or ordinance

ordering the work and acquisition without compensation therefor and included in the improvement, the lots or lands fronting on said granted rights-of-way or easements shall be assessed for acquisition at a rate per square foot of said rights-of-way or easements granted therefrom or thereover equal to the average cost per square foot of the lands, rights-of-way or easements acquired pursuant to said order but shall be given offset credits not to exceed the total amounts so assessed.

CHAPTER 1653

An act to add Section 13045 to the Water Code, relating to public officers.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 13045 is added to the Water Code, to read:

13045. Public officers, whether elected or appointed, may be appointed to, and may serve contemporaneously as members of, a regional water pollution control board.

CHAPTER 1654

An act to amend Section 11041 of the Government Code, relating to state agencies.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 11041 of the Government Code is amended to read:

11041. Sections 11042 and 11043 are not applicable to the Regents of the University of California, Divisions of Contracts and Rights of Way, Division of Labor Law Enforcement, Industrial Accident Commission, Public Utilities Commission, State Compensation Insurance Fund, Legislative Counsel Bureau, Inheritance Tax Department, Secretary of State, State Lands Commission, Alcoholic Beverage Control Appeals Board (except when the board affirms the decision of the Department of Alcoholic Beverage Control), and Department of Education, nor to any other state agency which by law enacted after Chapter 213, of the Statutes of 1933, is authorized to employ legal counsel.

CHAPTER 1655

An act to amend Sections 73772 and 73773 of the Government Code, relating to municipal courts.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 73772 of the Government Code is amended to read:

73772. There shall be one clerk, who shall be secretary of the court and who shall receive a minimum salary of eight hundred thirty-two dollars ($832) monthly with increments of thirty-nine dollars ($39), forty-one dollars ($41), forty-three dollars ($43), forty-five dollars ($45), and fifty dollars ($50) to a maximum of one thousand fifty dollars ($1,050) monthly.

Notwithstanding any other provision of law, in the application of the provisions of this section, as amended at the 1963 Regular Session, to the existing clerk of the court, the clerk shall receive on the effective date hereof a monthly salary computed by adding the first, second, third and fourth increments provided above to the minimum salary and, one year thereafter the clerk shall receive the fifth increment.

SEC. 2. Section 73773 of said code is amended to read:

73773. The clerk, with the approval of the judges of said court, may appoint:

(a) One chief deputy clerk who shall receive a minimum salary of five hundred eighty dollars ($580) monthly with increments of twenty-six dollars ($26), twenty-eight dollars ($28), twenty-nine dollars ($29), thirty-one dollars ($31), thirty-two dollars ($32) to a maximum of seven hundred twenty-six dollars ($726) monthly.

(b) Seven deputy clerks grade IV, each of whom shall receive a minimum salary of four hundred sixty-five dollars ($465) monthly with increments of twenty-one dollars ($21), twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-five dollars ($25) to a maximum of five hundred eighty dollars ($580) monthly.

(c) Seven deputy clerks grade III, each of whom shall receive a minimum salary of three hundred ninety-one dollars ($391) monthly with increments of seventeen dollars ($17) eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20), and twenty-one dollars ($21) to a maximum of four hundred eighty-six dollars ($486) monthly.

(d) Six deputy clerks grade II, each of whom shall receive a minimum salary of three hundred sixty dollars ($360) monthly with increments of fifteen dollars ($15), sixteen dollars ($16), seventeen dollars ($17), eighteen dollars ($18), and nineteen dollars ($19), to a maximum of four hundred forty-five dollars ($445) monthly.

(e) Six deputy clerks grade I, each of whom shall receive a minimum salary of three hundred forty-five dollars ($345) monthly with increments of fifteen dollars ($15), fifteen dollars ($15), sixteen dollars ($16), seventeen dollars ($17) and eighteen dollars ($18) to a maximum of four hundred twenty-six dollars ($426) monthly.

In the application of the provisions of this section to existing officers and attachés of the court on the effective date hereof, the allocations of ranges and increments shall be made in the manner provided in Section 73778.

CHAPTER 1656

An act relating to the conveyance of land to the County of San Mateo.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. As used in this act, "subject land" means all that certain real property situated in the City of Redwood City, County of San Mateo, State of California described as follows:

All of block 3, range "B", as designated on the map entitled "Town of Mezesville", which map was filed in the office of the Recorder of the County of San Mateo, State of California, on August 1, 1856 in Book 1 of Maps at page 79.

SEC. 2. It is hereby found and determined:

(a) On March 30, 1858, a deed was executed by Soledad de Arguello and José Ramón Arguello, by their attorney in fact, S. M. Mezes, and S. M. Mezes, individually, to John B. Weller, Governor of the State of California, of subject land, and said deed was recorded on March 30, 1858 in Book 1 of Deeds at page 355, Official Records of San Mateo County.

(b) The deed provides, among other things, that subject land was conveyed in trust for the use and benefit of the people of the State of California and more particularly of the people of the County of San Mateo for a site for a county courthouse, jail and other public buildings and that subject land has been used for such purposes ever since the date of said deed.

(c) Because of the use to which subject land is put, that title thereto should be vested in the County of San Mateo.

(d) The County of San Mateo is willing to accept title to subject land and hold it in trust for the purposes set forth in Section 3 of this act.

SEC. 3. The Governor of the State of California, as successor in office of John B. Weller, former Governor of the State of California, is hereby directed to execute a deed of subject

land, conveying all the right, title and interest of the State therein, to the County of San Mateo in trust for the use and benefit of the people of the State of California and more particularly for the use and benefit of the people of the County of San Mateo to be used as a site for a county courthouse, jail or other public buildings.

CHAPTER 1657

An act to amend Sections 25210.15, 25210.32, and 25211.175 of, to repeal Section 25211.17 of, and to add Sections 25210.77a and 25211.17 to, the Government Code, relating to the County Service Area Law.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 25210.15 of the Government Code is amended to read:

25210.15. Proceedings for the establishment of a county service area shall be instituted by the adoption of a resolution of intention to establish the area which shall:

(a) State that a county service area is proposed to be established under the terms of this chapter in the unincorporated area of the county, and describe the boundaries of the territory proposed for inclusion in the area.

(b) State the name proposed for the area in substantially the following form: "County Service Area No. _____."

(c) State the type or types of extended county services already provided or proposed to be provided within the area pursuant to this chapter and state that, except where funds are otherwise available, a tax sufficient to pay for all such services which are furnished on an extended basis will be annually levied upon all taxable property within such area.

(d) Fix a time and place for a public hearing on the establishment of the area which shall be not less than 30 nor more than 60 days after the adoption of the resolution.

SEC. 2. Section 25210.32 of said code is amended to read:

25210.32. The resolution of intention to provide additional types of extended services within an established county service area shall:

(a) State the name of the area.

(b) Generally describe the territory included in the area

(c) Specify the additional types of extended services which it is proposed to provide within the area and state that, except where funds are otherwise available, a tax sufficient to pay for such additional extended services will be levied annually upon all taxable property within such area.

(d) Fix a time and place for a hearing upon the question of providing such additional types of extended services within the area, which shall not be less than 30 nor more than 60 days after the adoption of the resolution of intention.

SEC. 3. Section 25210.77a is added to said code, to read:

25210.77a. A county may fix and collect charges for a particular extended service authorized pursuant to this article to pay, in whole or in part, for the cost thereof. The revenue obtained thereby may be in lieu of, or supplemental to revenue obtained by the levy of taxes. The charges may vary by reason of the nature of the use or the month in which the service is rendered to correspond to the cost and the value of the service.

SEC. 4. Section 25211.17 of said code is repealed.

SEC. 5. Section 25211.17 is added to said code, to read:

25211.17. Each year at the time the board of supervisors fixes and levies taxes for county purposes, it shall also fix and levy that amount of taxes upon all taxable property within the county service area which is required for the payment of the principal of and interest on any outstanding bonded debt of the county service area becoming due and payable before the next annual levy and collection of county taxes. Such tax shall be known as the county service area bond tax, County Service Area No. _____, and shall be annually levied and collected by the same officers and at the same time and in the same manner that all other county taxes are levied and collected. All such collections shall be paid into the county service area bond tax fund for such particular county service area and shall be used solely for the payment of the principal of and interest on the outstanding bonds of such county service area.

SEC. 6. Section 25211.175 of said code is amended to read:

25211.175. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 1658

An act to amend Sections 1 and 2 of Chapter 2125 of the Statutes of 1961, relating to a conveyance of tide and submerged lands to the City of Redwood City.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 1 of Chapter 2125 of the Statutes of 1961 is amended to read:

Section 1. There is hereby granted to the City of Redwood City, a municipal corporation of the State of California, and to its successors, all of the rights, title and interest of the State

of California held by said State by virtue of its sovereignty in and to all lands, tidelands and submerged lands, swamps and overflowed lands, whether filled or unfilled, included within that portion of the City of Redwood City, County of San Mateo, State of California, particularly described as follows:

All of Deepwater Slough lying within Sections 5 and 8 of Township 5 South, Range 3 West, Mount Diablo Base and Meridian.

To be forever held by said city, and its successors, in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That said lands shall be used by said city, and its successors, only for the establishment, improvement and conduct of a harbor, including an airport or aviation facilities, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures, facilities and appliances necessary or convenient for the promotion and accommodation of commerce and navigation by air as well as by water, and for the construction, maintenance, and operation of flood control projects, including the use of said lands for the purpose of depositing thereon spoils from dredging operations in connection with channel improvements in Redwood Creek, and said city, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said city, or its successors, may grant franchises thereon for limited periods (but in no event exceeding 50 years), for wharves and other public uses and purposes and may lease said lands, or any part thereof, for limited periods (but in no event exceeding 50 years), for purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce and navigation at said harbor, and collect and retain rents from such leases. Nothing contained in this subdivision (a) shall be deemed to affect the validity or term of any franchise granted by said city under the Franchise Act of 1937 and any such franchise shall be effective with respect to said lands.

(b) That said lands shall be improved by said city without expense to the State, and shall always remain available for public use for all purposes of commerce and navigation, and the State of California shall have at all times, the right to use, without charge, all wharves, docks, piers, slips, quays, and other improvements and facilities constructed on said lands, or any part thereof, for any vessel or other water or aircraft, or railroad, owned or operated by the State of California.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures, appliances or

facilities mentioned in paragraph (a), no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors.

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purposes.

(e) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land; provided, however, that dredging operations may be conducted by or on behalf of said grantee in any part of the granted areas for the improvement of navigation in Redwood Creek and the spoils resulting from such dredging may be disposed of at the discretion of the City of Redwood City, and if any monetary benefit is derived from the disposal of sand or shell, such benefit shall inure to the State of California.

(f) The lands herein described are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway right-of-way purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest.

(g) That within 10 years from the effective date of this act said lands shall be substantially improved by said city without expense to the State, and if the State Lands Commission determines that the city has failed to improve said lands as herein required, all right, title, and interest of said city in and to all lands granted by this act shall cease and said lands shall revert and rest in the State.

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

SEC. 2. The State Lands Commission shall, at the cost of the grantee, survey, monument, plat, and record in the Office of the Recorder of San Mateo County, the area of state lands described in this act; provided, that if the lands granted pursuant to this act have been surveyed by a licensed engineer, such survey shall be adopted by the State Lands Commission in the absence of error, and in lieu of making a survey as required by this section, in order to avoid the cost of a second survey at the expense of the grantee.

CHAPTER 1659

An act to amend Sections 5028, 5029, 5030, 5031 and 5040 of the Health and Safety Code, relating to sewer revenue bonds.

[Approved by Governor July 13, 1963 Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 5028 of the Health and Safety Code is amended to read:

5028. The money received from the collection of the rates, together with any other revenue derived from the operation of the works, shall be deposited in a bank by the treasurer in the same manner that public money is deposited by cities. The money so deposited shall be kept in a fund or funds and shall be applied as provided in this chapter.

SEC. 2. Section 5029 of said code is amended to read:

5029. In the ordinance for the issuance of bonds the governing body shall provide that the revenues derived from the operation of the works shall be used only for:

(a) The payment or providing for payment, including payments into any reserve or sinking funds, as the same falls due, of the principal of and the interest on the bonds;

(b) The management, maintenance, operation and repair costs of the works.

After provision has been made for the payment of the foregoing, any surplus remaining may be used as follows: (a) for the purchase in the open market of the outstanding unmatured bonds of the district; (b) for extensions, or for the enlargement, replacement or betterment of the works; (c) for any lawful purpose of the district.

SEC. 3. Section 5030 of said code is amended to read:

5030. In its discretion the governing body may provide in the ordinance providing for the issuance of bonds that the management, maintenance, operation and repair costs of the works shall be paid from the revenue derived from the operation of the works prior to paying the principal, interest and sums for other security funds.

SEC. 4. Section 5031 of said code is amended to read:

5031. All money received for premium and accrued interest shall be paid into a fund for the payment of interest on the bonds and used for the purposes for which it was created.

SEC. 5. Section 5040 of said code is amended to read:

5040. The governing body shall establish just and equitable rates for the use and maintenance of the works, to be paid by the person leasing or occupying the building or premises served thereby or that in any way uses or is served by the works, and may change and readjust the rates from time to time The rates shall be sufficient in each year for the payment of the proper and reasonable expenses of operation, repair, replacement, and maintenance of the works, and for payment of the principal of and the interest on the bonds.

CHAPTER 1660

An act to amend Section 70045.5 of the Government Code, relating, to court reporters.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 70045.5 of the Government Code is amended to read:

70045.5. Notwithstanding the provisions of Section 70045, in any county having a population of 55,000 and not over 60,000, as determined by the 1940 federal census, each regular official reporter shall be paid a monthly salary at a rate established according to the following salary schedule:

A	B	C	D	E	F
$677	$715	$755	$797	$842	$889

Each regular phonographic reporter shall receive for his first 12 months of service, after the enactment of this section, a monthly salary at the rate specified in step "A." Upon the first day of the month following one year of continuous service such person shall receive a monthly salary at the rate specified in step "B." On or after the first day of the month following each ensuing 12 months of service the salary of such person shall be increased to the rate specified in the next higher step in the schedule until his salary equals the sum specified in step "E" of schedule. The salary specified in step "F" of schedule shall be paid to such person upon approval of the board of supervisors.

CHAPTER 1661

An act to amend Section 22500 of the Vehicle Code, relating to parking on bridges.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 22500 of the Vehicle Code is amended to read:

22500. No person shall stop, park, or leave standing any vehicle whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic control device, in any of the following places:

(a) Within an intersection except adjacent to curbs as may be permitted by local ordinance.

(b) On a crosswalk.

(c) Between a safety zone and the adjacent right-hand curb or within the area between the zone and the curb as may be indicated by a sign or red paint on the curb, which sign or paint was erected or placed by local authorities pursuant to ordinance.

(d) Within 15 feet of the driveway entrance to any fire station. This paragraph shall not apply to any vehicle owned or operated by a fire department and clearly marked as a fire department vehicle.

(e) In front of a public or private driveway, except that a bus engaged as a common carrier or a taxicab may stop to load or unload passengers when authorized by local authorities pursuant to ordinance.

In unincorporated territory, where the entrance of a private road or driveway is not delineated by an opening in a curb or by other curb construction, so much of the surface of the ground as is paved, surfaced, or otherwise plainly marked by vehicle use as a private road or driveway entrance, shall constitute a driveway.

(f) On a sidewalk.

(g) Alongside or opposite any street or highway excavation or obstruction when such stopping, standing, or parking would obstruct traffic.

(h) On the roadway side of any vehicle stopped, parked, or standing at the curb or edge of a highway.

(i) Alongside curb space authorized for the loading and unloading of passengers of a bus engaged as a common carrier in local transportation when indicated by a sign or red paint on such curb erected or painted by local authorities pursuant to ordinance.

(j) In a tube or tunnel, except vehicles of the authorities in charge, being used in the repair, maintenance, or inspection of the facility,.

(k) Upon a bridge, except vehicles of the authorities in charge, being used in the repair, maintenance, or inspection of the facility, and except that a bus engaged as a common carrier in local transportation may stop to load or unload passengers upon a bridge where sidewalks are provided, when authorized by local authorities pursuant to ordinance, and except that local authorities pursuant to ordinance or the Department of Public Works pursuant to order, within their respective jurisdictions, may permit parking on bridges having sidewalks, and shoulders of sufficient width to permit parking without interfering with the normal movement of traffic on the roadway. Parking shall not be permitted unless there are signs in place as may be necessary to indicate the provisions of local ordinances or the order of the Department of Public Works.

CHAPTER 1662

An act to add Section 31035 to the Water Code, relating to the extension of facilities by a county water district.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 31035 is added to the Water Code, to read:

31035. A district which extends its water distribution lines, mains and other facilities to supply water to a new development and charges the initial developer or developers a portion of the total cost or the total cost for such extension, shall enter into a written contract with the developer or developers whereby the district shall agree to charge later developers who, after the effective date of this section, connect to the original extension an amount equaling their proportional share of the cost of the original extension. The contracts authorized by this section shall be limited to a period of 15 years, and thereafter shall be of no force or effect.

The charges collected by the district pursuant to this section shall be used to reimburse the original developer or developers so that the properties which are eventually benefited by the original extension shall bear the cost of such extension proportionately in accordance with benefit received.

This section applies to charges collected on or after January 1, 1960, from the initial developer or developers for extension of water distribution facilities, and the initial developer or developers shall be entitled to reimbursement for such charges collected on or after January 1, 1960, as provided in this section

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CHAPTER 1663

An act to amend Section 637 of, and to add Section 637.1 to, the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 637 of the Unemployment Insurance Code is amended to read:

637. "Employment" does not include service performed by a director of a corporation or association in his capacity of such in attending meetings of the board of directors.

SEC. 2. Section 637.1 is added to said code, to read:

637.1. (a) "Attending meetings of the board of directors," as used in Section 637, includes:

(1) Presence at such meetings even though no further service is performed at the meeting.

(2) Services customarily performed by directors in attending meetings such as prescribing, regulating and guiding the policies and administration of the corporation or association.

(b) Services performed by a director in addition to, or other than those described in subdivision (a) of this section are not exempt under Section 637. For example, services performed as an officer of the corporation or association, or as a member of a committee which executes the policies and administrative decisions adopted by the board of directors, such as advisory, appraisal, auditing, credit, examining, executive, loan or similar committees are not exempt under Section 637.

SEC. 3. The provisions of Section 637 of the Unemployment Insurance Code as amended by this act shall be operative with respect to remuneration paid on or after October 1, 1963. The provisions of Section 637 of said code as in effect prior to such amendments shall continue to be applicable to wages paid prior to October 1, 1963.

CHAPTER 1664

An act to add Section 722.5 to the Code of Civil Procedure, relating to proceedings supplemental to execution.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 722.5 is added to the Code of Civil Procedure, to read:

722.5. Whenever a warrant may properly be issued pursuant to Section 1785 of the Unemployment Insurance Code or Sections 6776, 7881, 9001, 10111, 18906, 26191, 30341, or 32365 of the Revenue and Taxation Code to enforce any lien arising under the provisions of the Unemployment Insurance Code or the Revenue and Taxation Code, the state agency authorized to issue the warrant shall be entitled to all of the remedies available to judgment creditors. Where jurisdiction of any court is required for enforcement of such remedies, jurisdiction is conferred upon the superior court of the State of California in and for the county where the person against whom enforcement is sought resides or the property against which enforcement is sought is situated, or if the person does not reside in this State, in any county of this State.

CHAPTER 1665

An act to add Section 11113 to the Penal Code, relating to reports of deaths and decedents.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 11113 is added to the Penal Code, to read:

11113. Each coroner shall furnish the bureau promptly with copies of fingerprints on standardized 8-inch by 8-inch cards, and descriptions and other identifying data, including date and place of death, of all deceased persons whose deaths are in classifications requiring inquiry by the coroner. When it is not physically possible to furnish prints of the 10 fingers, prints or partial prints of any fingers, with other identifying data, shall be forwarded by the coroner to the bureau.

In all cases where there is a criminal record on file in the bureau for the decedent, the bureau shall notify the Federal Bureau of Investigation and each California sheriff and chief of police, in whose jurisdiction the decedent has been arrested, of the date and place of death of decedent.

CHAPTER 1666

An act to amend Section 35109 of the Vehicle Code, relating to mirrors on vehicles.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 35109 of the Vehicle Code is amended to read:

35109. Lights or devices which are required to be mounted upon a vehicle under this code may extend beyond the permissible width of the vehicle to a distance not exceeding 10 inches on each side of the vehicle, except that the maximum width shall not exceed 120 inches unless a permit for additional width has been granted pursuant to Section 35780 or Section 35790.

CHAPTER 1667

An act to add Section 37210 to the Water Code, relating to assessments.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 37210 is added to the Water Code, to read:

37210. As used in this part the term "assessment" includes "standby charges".

CHAPTER 1668

An act to amend Section 23113 of the Vehicle Code, relating to highways.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963]

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

SECTION 1. Section 23113 of the Vehicle Code is amended to read:

23113. (a) Any person who drops or permits to be dropped or thrown, upon any highway or street any destructive or injurious material shall immediately remove the same or cause the same to be removed.

(b) If such person fails to comply with the provisions of subdivision (a), the governmental agency responsible for the maintenance of the street or highway on which the destructive or injurious material has been deposited may remove such material and collect, by civil action, if necessary, the actual cost of the removal operation in addition to any other damages authorized by law from the person made responsible under subdivision (a).

CHAPTER 1669

An act to add Article 10 (commencing with Section 8697) to Chapter 15 of Division 3 of the Business and Professions Code, relating to structural pest control operators.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963]

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

SECTION 1. Article 10 (commencing with Section 8697) is added to Chapter 15 of Division 3 of the Business and Professions Code, to read:

Article 10. Indemnity Bonds

8697. No person shall engage in any of the practices required to be licensed by this chapter unless he maintains a bond issued by a surety company admitted to do business in this State in the surety amount of five thousand dollars ($5,000).

8697.1. Any bond required by this article shall be in favor of the State of California for the benefit of any person damaged as the result of a violation of this chapter by any operator licensed under this chapter and for the benefit of any person who, after entering into a contract with the licensee, is damaged by the failure of the licensee to properly perform the contract. Any person claiming against the bond may maintain an action at law against the licensee and the surety.

8697.2. If the surety desires to make payment without court action, the amount of the bond shall be reduced to the extent of any payments made by the surety in good faith hereunder.

If any bond is insufficient to pay all claims in full, the sum recovered shall be distributed among all claimants. The partial payment of any claims shall not be considered satisfaction of the claims and the claimants may file for any unpaid balance in any other manner provided by law.

The aggregate liability of the surety for all claims of such persons shall, in no event, exceed the penal sum of the bond.

8697.3. Upon failure of a licensee to maintain in full force and effect any bond required by this article the commission shall issue an order suspending or revoking such license, which shall not be reinstated until a new bond has been filed.

8697.4. Any judgment or admitted claim against any bond or cash deposit required by this article shall constitute grounds for disciplinary action against such licensee.

8697.5. This article shall apply only to persons licensed under this chapter. Nothing in this article shall apply to an employee of a licensee. This article shall become operative on January 1, 1964.

CHAPTER 1670

An act to add Section 1945 to the Labor Code, relating to employment of aliens.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 1945 is added to the Labor Code, to read:

1945. This article shall not apply to schoolbus drivers otherwise qualified.

CHAPTER 1671

An act to add Section 26542.2 to the Health and Safety Code, and to add Section 315.7 to the Agricultural Code, relating to meat.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 26542.2 is added to the Health and Safety Code, to read:

26542.2. The label on any meat or any meat product which is sold in this State shall conform to the requirements which are prescribed by the laws of this State, and the rules and regulations which are adopted pursuant to the laws of this State, relating to the labeling of meat or meat products.

SEC. 2. Section 315.7 is added to the Agricultural Code, to read:

315.7. The label on any meat or any meat product which is sold in this State shall conform to the requirements which are prescribed by the laws of this State, and the rules and regulations which are adopted pursuant to the laws of this State, relating to the labeling of meat or meat products.

CHAPTER 1672

An act to repeal Section 11730 of the Health and Safety Code, relating to functions of Department of Justice concerning narcotics.

[Approved by Governor July 13, 1963 Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 11730 of the Health and Safety Code is repealed.

CHAPTER 1673

An act to add Sections 25609 and 25610 to the Health and Safety Code, relating to radioactive material in the environment.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 25609 is added to the Health and Safety Code, to read:

25609. The department shall monitor radioactive materials in the environment, including radioactive materials in such

media as air, milk, food, and water in such locations and with such frequency as the department may deem necessary to determine radiation exposure to the people of the State from such materials.

SEC. 2. Section 25610 is added to said code, to read:

25610. The department shall, at least once per month, make public to news media the results of its monitoring of radioactive materials.

CHAPTER 1674

An act to add Section 3010 to the Fish and Game Code, relating to pheasant hunting.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 3010 is added to the Fish and Game Code, to read:

3010. It is unlawful for any person to take any pheasant within 300 yards of any vehicle from which pheasants are being released into an area for hunting while such pheasants are being released.

CHAPTER 1675

An act to add Article 1.5 (commencing with Section 5780.20) to Chapter 4, Division 5 of the Public Resources Code, relating to recreation and park districts.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Article 1.5 (commencing with Section 5780.20) is added to Chapter 4, Division 5 of the Public Resources Code, to read:

Article 1.5. Change in Method of Selection of District Board

5780.20. A change may be made in the method of selecting the board of directors of any district organized under this chapter, or organized under any statutory predecessor of this chapter and reorganized hereunder, in which the supervising authority is the board of directors, or has appointed the board of directors.

Upon the receipt of a resolution which requests such a change from the legislative body of any city, or cities, in the

district with a population that exceeds the population of the unincorporated territory in the district, a board of supervisors which is the supervising authority of the district shall, by resolution, change the method of the selection of the members of the governing body of the district to the method prescribed by subdivision (b) of Section 5781.4. Within 30 days after the adoption of the resolution the members of the new board of directors shall be appointed and shall take office in the same manner as is provided for the appointment of the members of the board of directors of a newly formed district. Upon the appointment and qualification of the members of the new board of directors the term of office of each of the members of the former board of directors shall expire.

CHAPTER 1676

An act to amend Section 1382 of the Penal Code, relating to dismissal of criminal actions.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 1382 of the Penal Code is amended to read:

1382. The court, unless good cause to the contrary is shown, must order the action to be dismissed in the following cases:

1. When a person has been held to answer for a public offense and an information is not filed against him within 15 days thereafter.

2. When a defendant is not brought to trial in a superior court within 60 days after the finding of the indictment or filing of the information or, in case the cause is to be tried again following a mistrial, an order granting a new trial from which an appeal is not taken, or an appeal from the superior court, within 60 days after such mistrial has been declared, after entry of the order granting the new trial, or after the filing of the remittitur in the trial court; except that an action shall not be dismissed under this subdivision if it is set for trial on a date beyond the 60-day period at the request of the defendant or with his consent, express or implied, or because of his neglect or failure to appear and if the defendant is brought to trial on the date so set for trial or within 10 days thereafter.

3. Regardless of when the complaint is filed, when a defendant in a misdemeanor case in an inferior court is not brought to trial within 30 days after he is arrested unless he has signed a written notice to appear, in which case within 45 days after the latest date by which he has promised to appear, or the date upon which he does in fact appear, whichever may be later, or if there has been no arrest and he has not signed a

notice to appear, within 45 days after he has, by appearance in court pursuant to a parking citation or otherwise, submitted himself to the jurisdiction of the court, or, in case the cause is to be tried again following a mistrial, an order granting a new trial from which an appeal is not taken, or an appeal from the inferior court, within 30 days after such mistrial has been declared, after entry of the order granting the new trial, or after the remittitur is filed in the trial court or, if the new trial is to be held in the superior court, within 30 days after the judgment on appeal becomes final; except that an action shall not be dismissed under this subdivision (1) if it is set for trial on a date beyond the prescribed period at the request of the defendant or with his consent, express or implied, and the defendant is brought to trial on the date so set for trial or within 10 days thereafter or (2) if it is not tried on the date set for trial because of the defendant's neglect or failure to appear, in which case he shall be deemed to have been arrested within the meaning of this subdivision on the date of his subsequent arrest on a bench warrant or his submission to the court.

If the defendant is not represented by counsel, he shall not be deemed under this section to have consented to the date for his trial unless the court has explained to him his rights under this section and the effect of his consent.

CHAPTER 1677

An act to amend Sections 12027, 12028, and 12029 of the Penal Code, relating to weapons.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 12027 of the Penal Code is amended to read:

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

(a) Sheriffs, constables, marshals, policemen, members of the California Highway Patrol, and employees of the State Department of Justice listed in Section 817 who are designated as peace officers, whether active or honorably retired, other duly appointed peace officers, full-time paid peace officers of other states and the federal government who are carrying out official duties while in California, or any person summoned by any such officers to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer.

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

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

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

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

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

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

SEC. 2. Section 12028 of said code is amended to read:

12028. (a) The unlawful concealed carrying upon the person or within the vehicle of the carrier of any of the weapons mentioned in Section 653k, 12020, or 12025 is a nuisance.

(b) A firearm of any nature used in the commission of a felony, or an attempt to commit a felony, is, upon a conviction of the defendant, a nuisance.

(c) Whenever a felony charge is reduced to a misdemeanor charge and a conviction is obtained based upon the unlawful use of a firearm, the weapon is a nuisance and shall be subject to destruction as provided in this section.

(d) Any weapon described in subdivision (a), or, upon conviction of defendant, any weapon described in subdivision (b), shall be surrendered to the magistrate before whom the person is taken, except that in any city or county the weapons shall be surrendered to the head of the police or sheriff's department. The officers to whom the weapons are surrendered, except upon the certificate of a judge of a court of record, or of the district attorney of the county, that the preservation thereof is necessary or proper to the ends of justice, shall annually, between the 1st and 10th days of July, in each year, destroy the weapons or cause them to be destroyed to such extent that they shall be wholly and entirely ineffective and useless for the purpose for which they were manufactured. If any weapon has been stolen and is thereafter recovered from the thief or his transferee, it shall not be destroyed but shall be restored to the lawful owner, as soon as its use as evidence has been served, upon his identification of the weapon and proof of ownership.

SEC. 3. Section 12029 of said code is amended to read:

12029. Blackjacks, slungshots, billies, sandclubs, sandbags, metal knuckles, and sawed-off shotguns as defined in Sec-

tion 12020 are nuisances. Such weapons shall be subject to confiscation and summary destruction whenever found within the State. Such weapons shall be destroyed in the same manner as other weapons described in Section 12028, except that upon the certification of a judge or of the district attorney that the ends of justice will be subserved thereby, such weapon shall be preserved until the necessity for its use ceases.

CHAPTER 1678

An act relating to a California exhibit at the New York World's Fair and creating the World's Fair Exhibit Commission.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. The purpose of this act is to encourage the preparation and maintenance of a California exhibit at the New York World's Fair to be held in 1964-1965.

SEC. 2. There is hereby created in the state government the World's Fair Exhibit Commission, consisting of 10 members who shall be appointed by the Governor. The chairman shall be selected by the commission and shall hold office as chairman at the pleasure of the commission. Six members of the commission shall constitute a quorum for the transaction of business.

SEC. 3. All meetings of the commission shall be open and public, and all records of the commission shall be open to inspection by the public during regular office hours. Members of the commission shall serve without compensation or expenses.

SEC. 4. The commission shall take steps to encourage the creation of a nonprofit corporation to prepare and maintain, without expense to the State, an exhibit at the New York World's Fair of 1964 in the space allocated to the State of California at that fair. The purpose of the exhibit shall be to advertise the agricultural, horticultural, viticultural, mineral, industrial, commercial, climatic, educational, recreational, artistic, musical, cultural, and other resources or advantages of the State.

SEC. 5. The State of California shall not in any manner or under any circumstances be liable for any of the acts, doings or proceedings of any person, association or corporation with which the commission shall act, co-operate, or join to carry out the purposes of this act, nor for the services, salary, labor or wages of any officers, agents, servants or employees of such person, association or corporation, nor for any

debts, liabilities or expenses of any kind whatsoever of such person, association or corporation.

SEC. 6. The provisions of this act shall not be operative after June 30, 1966.

CHAPTER 1679

An act to amend Section 21910 of the Business and Professions Code, relating to automatic transmission fluid.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963]

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

SECTION 1. Section 21910 of the Business and Professions Code is amended to read:

21910. It is unlawful to sell or distribute any automatic transmission fluid, except any automatic transmission fluid which has been registered under this chapter by another, without first applying to the department for registration of such automatic transmission fluid to be handled by the applicant, and receiving from the department a written permit authorizing the sale of such automatic transmission fluid in this State during the period and under the condition stated in Section 21911 of this chapter. Registration and the receipt of a written permit under this section shall not be required with respect to any automatic transmission fluid which has been certified as qualified by a testing laboratory approved by the department. A fee of one hundred dollars ($100) shall be paid to the department at the time such certification is received, and thereafter on or before January 1 of each year a fee of fifty dollars ($50) shall be paid to the department; to any fee not paid when due, there shall be added a penalty of twenty-five dollars ($25).

CHAPTER 1680

An act to amend Section 3263 of Division 5 of the Education Code as proposed to be added by Senate Bill No. 718, relating to school district organization.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963]

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

SECTION 1. Section 3263 of Division 5 of the Education Code, as proposed to be added by Senate Bill No. 718 of the 1963 Regular Session is amended to read:

3263. If the plans and recommendations of a county committee for an area provide for the exclusion of territory from

a school district for the formation of a new district, the county committee shall determine if as to that district the election shall be held only in such territory. For plans and recommendations formed pursuant to Sections 3001 to 3009 for the formation of a new district the county committee shall determine the territory in which the election shall be held. The election shall be held in the district or portion thereof in accordance with such determination.

SEC. 2. Section 1 of this act becomes operative only if Division 5 of the Education Code as proposed to be added by Senate Bill No. 718 of the 1963 Regular Session is enacted by the Legislature at such session, and in such case at the same time as said Division 5 takes effect.

CHAPTER 1681

An act to add Division 3.6 (commencing with Section 810) to Title 1 of the Government Code, and to amend Sections 340, 1095 and 1242 of the Code of Civil Procedure, and to repeal Sections 903, 1041, 1042, 13551, 15512, 15513, 15514, 15515 and 15516 of the Education Code, and to repeal Section 1012 of, and Article 6 (commencing with Section 1181) of Chapter 4 of, Division 4 of the Education Code as proposed to be added by Senate Bill No. 718 of the 1963 Regular Session, and to repeal Article 1 (commencing with Section 1950) of Chapter 6 of Division 4 of Title 1 of, Article 6 (commencing with Section 50140) of Chapter 1 of Part 1 of Division 1 of Title 5 of, Article 3 (commencing with Section 53050) of Chapter 1 of Part 1 of Division 2 of Title 5 of, and Sections 2002.5, 39586, 54002, 61627 and 61633 of, the Government Code, and to amend Sections 943 and 954 of, and to repeal Chapter 23 (commencing with Section 5640) of Part 3 of Division 7 of, the Streets and Highways Code, and to repeal Article 10 (consisting of Section 51480) of Chapter 2 of Part 7 of Division 15 of, Chapter 5 (commencing with Section 60200) of Part 3 of Division 18 of, and Sections 22725, 22726, 22730, 22731, 31083, 31089, 31090, 35750, 35751, 35755, 35756, 50150 and 50152 of, the Water Code, and to amend Sections 6005, 6610.3 and 6610.9 of the Welfare and Institutions Code, and to repeal Sections 71754, 71755 and 71756 of the Water Code as added by Chapter 156, Statutes of 1963, and to repeal Section 10 of Chapter 641 of the Statutes of 1931 (Flood Control and Flood Water Conservation District Act), relating to liability of public entities and public officers, servants and employees.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Division 3.6 (commencing with Section 810) is added to Title 1 of the Government Code, to read:

DIVISION 3.6. CLAIMS AND ACTIONS AGAINST PUBLIC ENTITIES AND PUBLIC EMPLOYEES

PART 1. DEFINITIONS

810. Unless the provision or context otherwise requires, the definitions contained in this part govern the construction of this division.

810.2. "Employee" includes an officer, employee, or servant, whether or not compensated, but does not include an independent contractor.

810.4. "Employment" includes office or employment.

810.6. "Enactment" means a constitutional provision, statute, charter provision, ordinance or regulation.

810.8. "Injury" means death, injury to a person, damage to or loss of property, or any other injury that a person may suffer to his person, reputation, character, feelings or estate, of such nature that it would be actionable if inflicted by a private person.

811. "Law" includes not only enactments but also the decisional law applicable within this State as determined and declared from time to time by the courts of this State and of the United States.

811.2. "Public entity" includes the State, the Regents of the University of California, a county, city, district, public authority, public agency, and any other political subdivision or public corporation in the State.

811.4. "Public employee" means an employee of a public entity.

811.6. "Regulation" means a rule, regulation, order or standard, having the force of law, adopted by an employee or agency of the United States or of a public entity pursuant to authority vested by constitution, statute, charter or ordinance in such employee or agency to implement, interpret, or make specific the law enforced or administered by the employee or agency.

811.8. "Statute" means an act adopted by the Legislature of this State or by the Congress of the United States, or a statewide initiative act.

PART 2. LIABILITY OF PUBLIC ENTITIES AND PUBLIC EMPLOYEES

CHAPTER 1. GENERAL PROVISIONS RELATING TO LIABILITY

Article 1. Scope of Part

814. Nothing in this part affects liability based on contract or the right to obtain relief other than money or damages against a public entity or public employee.

814.2. Nothing in this part shall be construed to impliedly repeal any provision of Division 4 (commencing with Section

3201) or Division 4.5 (commencing with Section 6100) of the Labor Code.

Article 2. Liability of Public Entities

815. Except as otherwise provided by statute:

(a) A public entity is not liable for an injury, whether such injury arises out of an act or omission of the public entity or a public employee or any other person.

(b) The liability of a public entity established by this part (commencing with Section 814) is subject to any immunity of the public entity provided by statute, including this part, and is subject to any defenses that would be available to the public entity if it were a private person.

815.2. (a) A public entity is liable for injury proximately caused by an act or omission of an employee of the public entity within the scope of his employment if the act or omission would, apart from this section, have given rise to a cause of action against that employee or his personal representative.

(b) Except as otherwise provided by statute, a public entity is not liable for an injury resulting from an act or omission of an employee of the public entity where the employee is immune from liability.

815.4. A public entity is liable for injury proximately caused by a tortious act or omission of an independent contractor of the public entity to the same extent that the public entity would be subject to such liability if it were a private person. Nothing in this section subjects a public entity to liability for the act or omission of an independent contractor if the public entity would not have been liable for the injury had the act or omission been that of an employee of the public entity.

815.6. Where a public entity is under a mandatory duty imposed by an enactment that is designed to protect against the risk of a particular kind of injury, the public entity is liable for an injury of that kind proximately caused by its failure to discharge the duty unless the public entity establishes that it exercised reasonable diligence to discharge the duty.

818. Notwithstanding any other provision of law, a public entity is not liable for damages awarded under Section 3294 of the Civil Code or other damages imposed primarily for the sake of example and by way of punishing the defendant.

818.2. A public entity is not liable for an injury caused by adopting or failing to adopt an enactment or by failing to enforce any law.

818.4. A public entity is not liable for an injury caused by the issuance, denial, suspension or revocation of, or by the failure or refusal to issue, deny, suspend or revoke, any permit, license, certificate, approval, order, or similar authorization where the public entity or an employee of the public entity

is authorized by enactment to determine whether or not such authorization should be issued, denied, suspended or revoked.

818.6. A public entity is not liable for injury caused by its failure to make an inspection, or by reason of making an inadequate or negligent inspection, of any property, other than its property (as defined in subdivision (c) of Section 830), for the purpose of determining whether the property complies with or violates any enactment or contains or constitutes a hazard to health or safety.

818.8. A public entity is not liable for an injury caused by misrepresentation by an employee of the public entity, whether or not such misrepresentation be negligent or intentional.

Article 3. Liability of Public Employees

820. (a) Except as otherwise provided by statute (including Section 820.2), a public employee is liable for injury caused by his act or omission to the same extent as a private person.

(b) The liability of a public employee established by this part (commencing with Section 814) is subject to any defenses that would be available to the public employee if he were a private person.

820.2. Except as otherwise provided by statute, a public employee is not liable for an injury resulting from his act or omission where the act or omission was the result of the exercise of the discretion vested in him, whether or not such discretion be abused.

820.4. A public employee is not liable for his act or omission, exercising due care, in the execution or enforcement of any law. Nothing in this section exonerates a public employee from liability for false arrest or false imprisonment.

820.6. If a public employee acts in good faith, without malice, and under the apparent authority of an enactment that is unconstitutional, invalid or inapplicable, he is not liable for an injury caused thereby except to the extent that he would have been liable had the enactment been constitutional, valid and applicable.

820.8. Except as otherwise provided by statute, a public employee is not liable for an injury caused by the act or omission of another person. Nothing in this section exonerates a public employee from liability for injury proximately caused by his own negligent or wrongful act or omission.

821. A public employee is not liable for an injury caused by his adoption of or failure to adopt an enactment or by his failure to enforce an enactment.

821.2. A public employee is not liable for an injury caused by his issuance, denial, suspension or revocation of, or by his failure or refusal to issue, deny, suspend or revoke, any permit, license, certificate, approval, order, or similar authorization where he is authorized by enactment to determine whether

or not such authorization should be issued, denied, suspended or revoked.

821.4. A public employee is not liable for injury caused by his failure to make an inspection, or by reason of making an inadequate or negligent inspection, of any property, other than the property (as defined in subdivision (c) of Section 830) of the public entity employing the public employee, for the purpose of determining whether the property complies with or violates any enactment or contains or constitutes a hazard to health or safety.

821.6. A public employee is not liable for injury caused by his instituting or prosecuting any judicial or administrative proceeding within the scope of his employment, even if he acts maliciously and without probable cause.

821.8. A public employee is not liable for an injury arising out of his entry upon any property where such entry is expressly or impliedly authorized by law. Nothing in this section exonerates a public employee from liability for an injury proximately caused by his own negligent or wrongful act or omission.

822. A public employee is not liable for money stolen from his official custody. Nothing in this section exonerates a public employee from liability if the loss was sustained as a result of his own negligent or wrongful act or omission.

822.2. A public employee acting in the scope of his employment is not liable for an injury caused by his misrepresentation, whether or not such misrepresentation be negligent or intentional, unless he is guilty of actual fraud, corruption or actual malice.

Article 4. Indemnification of Public Employees

825. If an employee or former employee of a public entity requests the public entity to defend him against any claim or action against him for an injury arising out of an act or omission occurring within the scope of his employment as an employee of the public entity and such request is made in writing not less than 10 days before the day of trial, the public entity shall pay any judgment based thereon or any compromise or settlement of the claim or action to which the public entity has agreed.

If the public entity conducts the defense of an employee or former employee against any claim or action, the public entity shall pay any judgment based thereon or any compromise or settlement of the claim or action to which the public entity has agreed; but, where the public entity conducted such defense pursuant to an agreement with the employee or former employee reserving the rights of the public entity not to pay the judgment, compromise or settlement until it is established that the injury arose out of an act or omission occurring within the scope of his employment as an employee of the public entity, the public entity is required to pay the judgment,

compromise or settlement only if it is established that the injury arose out of an act or omission occurring in the scope of his employment as an employee of the public entity.

Nothing in this section authorizes a public entity to pay such part of a claim or judgment as is for punitive or exemplary damages.

825.2. (a) Subject to subdivision (b), if an employee or former employee of a public entity pays any claim or judgment against him, or any portion thereof, that the public entity is required to pay under Section 825, he is entitled to recover the amount of such payment from the public entity.

(b) If the public entity did not conduct his defense against the action or claim, or if the public entity conducted such defense pursuant to an agreement with him reserving the rights of the public entity against him, an employee or former employee of a public entity may recover from the public entity under subdivision (a) only if he establishes that the act or omission upon which the claim or judgment is based occurred within the scope of his employment as an employee of the public entity and the public entity fails to establish that he acted or failed to act because of actual fraud, corruption or actual malice.

825.4. Except as provided in Section 825.6, if a public entity pays any claim or judgment against itself or against an employee or former employee of the public entity, or any portion thereof, for an injury arising out of an act or omission of the employee or former employee of the public entity, he is not liable to indemnify the public entity.

825.6. (a) If a public entity pays any claim or judgment, or any portion thereof, either against itself or against an employee or former employee of the public entity, for an injury arising out of an act or omission of the employee or former employee of the public entity, the public entity may recover from the employee or former employee the amount of such payment if he acted or failed to act because of actual fraud, corruption or actual malice. Except as provided in subdivision (b), a public entity may not recover any payments made upon a judgment or claim against an employee or former employee if the public entity conducted his defense against the action or claim.

(b) If a public entity pays any claim or judgment, or any portion thereof, against an employee or former employee of the public entity for an injury arising out of his act or omission, and if the public entity conducted his defense against the claim or action pursuant to an agreement with him reserving the rights of the public entity against him, the public entity may recover the amount of such payment from him unless he establishes that the act or omission upon which the claim or judgment is based occurred within the scope of his employment as an employee of the public entity and the public entity fails to establish that he acted or failed to act because of actual fraud, corruption or actual malice.

CHAPTER 2. DANGEROUS CONDITIONS OF PUBLIC PROPERTY

Article 1. General

830. As used in this chapter:

(a) "Dangerous condition" means a condition of property that creates a substantial (as distinguished from a minor, trivial or insignificant) risk of injury when such property or adjacent property is used with due care in a manner in which it is reasonably foreseeable that it will be used.

(b) "Protect against" includes repairing, remedying or correcting a dangerous condition, providing safeguards against a dangerous condition, or warning of a dangerous condition.

(c) "Property of a public entity" and "public property" mean real or personal property owned or controlled by the public entity, but do not include easements, encroachments and other property that are located on the property of the public entity but are not owned or controlled by the public entity.

830.2. A condition is not a dangerous condition within the meaning of this chapter if the trial or appellate court, viewing the evidence most favorably to the plaintiff, determines as a matter of law that the risk created by the condition was of such a minor, trivial or insignificant nature in view of the surrounding circumstances that no reasonable person would conclude that the condition created a substantial risk of injury when such property or adjacent property was used with due care in a manner in which it was reasonably foreseeable that it would be used.

830.4. A condition is not a dangerous condition within the meaning of this chapter merely because of the failure to provide regulatory traffic control signals, stop signs, yield right-of-way signs, or speed restriction signs, as described by the Vehicle Code, or distinctive roadway markings as described in Section 21460 of the Vehicle Code.

830.5. (a) Except where the doctrine of res ipsa loquitur is applicable, the happening of the accident which results in the injury is not in and of itself evidence that public property was in a dangerous condition.

(b) The fact that action was taken after an injury occurred to protect against a condition of public property is not evidence that the public property was in a dangerous condition at the time of the injury

830.6. Neither a public entity nor a public employee is liable under this chapter for an injury caused by the plan or design of a construction of, or an improvement to, public property where such plan or design has been approved in advance of the construction or improvement by the legislative body of the public entity or by some other body or employee exercising discretionary authority to give such approval or where such plan or design is prepared in conformity with standards previously so approved, if the trial or appellate court determines that there is any substantial evidence upon

the basis of which (a) a reasonable public employee could have adopted the plan or design or the standards therefor or (b) a reasonable legislative body or other body or employee could have approved the plan or design or the standards therefor.

830.8. Neither a public entity nor a public employee is liable under this chapter for an injury caused by the failure to provide traffic or warning signals, signs, markings or devices described in the Vehicle Code. Nothing in this section exonerates a public entity or public employee from liability for injury proximately caused by such failure if a signal, sign, marking or device (other than one described in Section 830.4) was necessary to warn of a dangerous condition which endangered the safe movement of traffic and which would not be reasonably apparent to, and would not have been anticipated by, a person exercising due care.

831. Neither a public entity nor a public employee is liable for an injury caused by the effect on the use of streets and highways of weather conditions as such Nothing in this section exonerates a public entity or public employee from liability for injury proximately caused by such effect if it would not be reasonably apparent to, and would not be anticipated by, a person exercising due care. For the purpose of this section, the effect on the use of streets and highways of weather conditions includes the effect of fog, wind, rain, flood, ice or snow but does not include physical damage to or deterioration of streets and highways resulting from weather conditions.

831.2. Neither a public entity nor a public employee is liable for an injury caused by a natural condition of any unimproved public property, including but not limited to any natural condition of any lake, stream, bay, river or beach.

831.4. Neither a public entity nor a public employee is liable for an injury caused by a condition of:

(a) Any unpaved road which provides access to fishing, hunting or primitive camping, recreational or scenic areas and which is not a (1) city street or highway or (2) county, state or federal highway or (3) public street or highway of a joint highway district, boulevard district, bridge and highway district or similar district formed for the improvement or building of public streets or highways.

(b) Any hiking, riding, fishing or hunting trail.

831.6. Neither the State nor an employee of the State is liable under this chapter for any injury caused by a condition of the unimproved and unoccupied portions of:

(a) The ungranted tidelands and submerged lands, and the beds of navigable rivers, streams, lakes, bays, estuaries, inlets and straits, owned by the State.

(b) The unsold portions of the 16th and 36th sections of school lands, the unsold portions of the 500,000 acres granted to the State for school purposes, and the unsold portions of the

listed lands selected of the United States in lieu of the 16th and 36th sections and losses to the school grant.

831.8. (a) Subject to subdivisions (c) and (d), neither a public entity nor a public employee is liable under this chapter for an injury caused by the condition of a reservoir if at the time of the injury the person injured was using the property for any purpose other than that for which the public entity intended or permitted the property to be used.

(b) Subject to subdivisions (c) and (d), neither an irrigation district nor an employee thereof nor the State nor a state employee is liable under this chapter for an injury caused by the condition of canals, conduits or drains used for the distribution of water if at the time of the injury the person injured was using the property for any purpose other than that for which the district or State intended it to be used.

(c) Nothing in this section exonerates a public entity or a public employee from liability for injury proximately caused by a dangerous condition of property if:

(1) The injured person was not guilty of a criminal offense under Article 1 (commencing with Section 552) of Chapter 12 of Title 13 of Part 1 of the Penal Code in entering on or using the property;

(2) The condition created a substantial and unreasonable risk of death or serious bodily harm when such property or adjacent property was used with due care in a manner in which it was reasonably foreseeable that it would be used;

(3) The dangerous character of the condition was not reasonably apparent to, and would not have been anticipated by, a mature, reasonable person using the property with due care; and

(4) The public entity or the public employee had actual knowledge of the condition and knew or should have known of its dangerous character a sufficient time prior to the injury to have taken measures to protect against the condition.

(d) Nothing in this section exonerates a public entity or a public employee from liability for injury proximately caused by a dangerous condition of property if:

(1) The person injured was less than 12 years of age;

(2) The dangerous condition created a substantial and unreasonable risk of death or serious bodily harm to children under 12 years of age using the property or adjacent property with due care in a manner in which it was reasonably foreseeable that it would be used;

(3) The person injured, because of his immaturity, did not discover the condition or did not appreciate its dangerous character; and

(4) The public entity or the public employee had actual knowledge of the condition and knew or should have known of its dangerous character a sufficient time prior to the injury to have taken measures to protect against the condition.

Article 2. Liability of Public Entities

835. Except as provided by statute, a public entity is liable for injury caused by a dangerous condition of its property if the plaintiff establishes that the property was in a dangerous condition at the time of the injury, that the injury was proximately caused by the dangerous condition, that the dangerous condition created a reasonably foreseeable risk of the kind of injury which was incurred, and that either:

(a) A negligent or wrongful act or omission of an employee of the public entity within the scope of his employment created the dangerous condition; or

(b) The public entity had actual or constructive notice of the dangerous condition under Section 835.2 a sufficient time prior to the injury to have taken measures to protect against the dangerous condition.

835.2. (a) A public entity had actual notice of a dangerous condition within the meaning of subdivision (b) of Section 835 if it had actual knowledge of the existence of the condition and knew or should have known of its dangerous character.

(b) A public entity had constructive notice of a dangerous condition within the meaning of subdivision (b) of Section 835 only if the plaintiff establishes that the condition had existed for such a period of time and was of such an obvious nature that the public entity, in the exercise of due care, should have discovered the condition and its dangerous character. On the issue of due care, admissible evidence includes but is not limited to evidence as to:

(1) Whether the existence of the condition and its dangerous character would have been discovered by an inspection system that was reasonably adequate (considering the practicability and cost of inspection weighed against the likelihood and magnitude of the potential danger to which failure to inspect would give rise) to inform the public entity whether the property was safe for the use or uses for which the public entity used or intended others to use the public property and for uses that the public entity actually knew others were making of the public property or adjacent property.

(2) Whether the public entity maintained and operated such an inspection system with due care and did not discover the condition.

835.4. (a) A public entity is not liable under subdivision (a) of Section 835 for injury caused by a condition of its property if the public entity establishes that the act or omission that created the condition was reasonable. The reasonableness of the act or omission that created the condition shall be determined by weighing the probability and gravity of potential injury to persons and property foreseeably exposed to the risk of injury against the practicability and cost of taking alternative action that would not create the risk of injury or of protecting against the risk of injury.

(b) A public entity is not liable under subdivision (b) of Section 835 for injury caused by a dangerous condition of its property if the public entity establishes that the action it took to protect against the risk of injury created by the condition or its failure to take such action was reasonable. The reasonableness of the action or inaction of the public entity shall be determined by taking into consideration the time and opportunity it had to take action and by weighing the probability and gravity of potential injury to persons and property foreseeably exposed to the risk of injury against the practicability and cost of protecting against the risk of such injury.

Article 3. Liability of Public Employees

840. Except as provided in this article, a public employee is not liable for injury caused by a condition of public property where such condition exists because of any act or omission of such employee within the scope of his employment. The liability established by this article is subject to any immunity of the public employee provided by statute and is subject to any defenses that would be available to the public employee if he were a private person.

840.2. An employee of a public entity is liable for injury caused by a dangerous condition of public property if the plaintiff establishes that the property of the public entity was in a dangerous condition at the time of the injury, that the injury was proximately caused by the dangerous condition, that the dangerous condition created a reasonably foreseeable risk of the kind of injury which was incurred, and that either:

(a) The dangerous condition was directly attributable wholly or in substantial part to a negligent or wrongful act of the employee and the employee had the authority and the funds and other means immediately available to take alternative action which would not have created the dangerous condition; or

(b) The employee had the authority and it was his responsibility to take adequate measures to protect against the dangerous condition at the expense of the public entity and the funds and other means for doing so were immediately available to him, and he had actual or constructive notice of the dangerous condition under Section 840.4 a sufficient time prior to the injury to have taken measures to protect against the dangerous condition.

840.4. (a) A public employee had actual notice of a dangerous condition within the meaning of subdivision (b) of Section 840.2 if he had actual personal knowledge of the existence of the condition and knew or should have known of its dangerous character.

(b) A public employee had constructive notice of a dangerous condition within the meaning of subdivision (b) of Section 840.2 only if the plaintiff establishes (1) that the

public employee had the authority and it was his responsibility as a public employee to inspect the property of the public entity or to see that inspections were made to determine whether dangerous conditions existed in the public property, (2) that the funds and other means for making such inspections or for seeing that such inspections were made were immediately available to the public employee, and (3) that the dangerous condition had existed for such a period of time and was of such an obvious nature that the public employee, in the exercise of his authority and responsibility with due care, should have discovered the condition and its dangerous character.

840.6. (a) A public employee is not liable under subdivision (a) of Section 840.2 for injury caused by a dangerous condition of public property if he establishes that the act or omission that created the condition was reasonable. The reasonableness of the act or omission that created the condition shall be determined by weighing the probability and gravity of potential injury to persons and property foreseeably exposed to the risk of injury against the practicability and cost of taking alternative action that would not create the risk of injury or of protecting against the risk of injury.

(b) A public employee is not liable under subdivision (b) of Section 840.2 for injury caused by a dangerous condition of public property if he establishes that the action taken to protect against the risk of injury created by the condition or the failure to take such action was reasonable. The reasonableness of the inaction or action shall be determined by taking into consideration the time and opportunity the public employee had to take action and by weighing the probability and gravity of potential injury to persons and property foreseeably exposed to the risk of injury against the practicability and cost of protecting against the risk of such injury.

CHAPTER 3. POLICE AND CORRECTIONAL ACTIVITIES

844. As used in this chapter, "prisoner" includes an inmate of a prison, jail or penal or correctional facility.

844.6. (a) Notwithstanding any other provisions of law, except as provided in subdivisions (b), (c), and (d) of this section, a public entity is not liable for:

(1) An injury proximately caused by any prisoner.

(2) An injury to any prisoner.

(b) Nothing in this section affects the liability of a public entity under Article 1 (commencing with Section 17000) of Chapter 1 of Division 9 of the Vehicle Code.

(c) Nothing in this section prevents a person, other than a prisoner, from recovering from the public entity for an injury resulting from the dangerous condition of public property under Chapter 2 (commencing with Section 830) of this part.

(d) Nothing in this section exonerates a public employee from liability for injury proximately caused by his negligent or wrongful act or omission. The public entity may but is not required to pay any judgment, compromise or settlement, or may but is not required to indemnify any public employee, in any case where the public entity is immune from liability under this section; except that the public entity shall pay, as provided in Article 4 (commencing with Section 825) of Chapter 1 of this part, any judgment based on a claim against a public employee licensed in one of the healing arts under Division 2 (commencing with Section 500) of the Business and Professions Code for malpractice arising from an act or omission in the scope of his employment, and shall pay any compromise or settlement of a claim or action based on such malpractice to which the public entity has agreed.

845. Neither a public entity nor a public employee is liable for failure to establish a police department or otherwise provide police protection service or, if police protection service is provided, for failure to provide sufficient police protection service.

845.2. Except as provided in Chapter 2 (commencing with Section 830), neither a public entity nor a public employee is liable for failure to provide a prison, jail or penal or correctional facility or, if such facility is provided, for failure to provide sufficient equipment, personnel or facilities therein.

845.4. Neither a public entity nor a public employee acting within the scope of his employment is liable for interfering with the right of a prisoner to obtain a judicial determination or review of the legality of his confinement; but a public employee, and the public entity where the employee is acting within the scope of his employment, is liable for injury proximately caused by the employee's intentional and unjustifiable interference with such right, but no action for such injury may be commenced until it has first been determined that the confinement was illegal.

845.6. Neither a public entity nor a public employee is liable for injury proximately caused by the failure of the employee to furnish or obtain medical care for a prisoner in his custody; but, except as otherwise provided by Sections 855.8 and 856, a public employee, and the public entity where the employee is acting within the scope of his employment, is liable if the employee knows or has reason to know that the prisoner is in need of immediate medical care and he fails to take reasonable action to summon such medical care. Nothing in this section exonerates a public employee licensed in one of the healing arts under Division 2 (commencing with Section 500) of the Business and Professions Code from liability for injury proximately caused by malpractice or exonerates the public entity from liability for injury proximately caused by such malpractice.

845.8. Neither a public entity nor a public employee is liable for:

(a) Any injury resulting from determining whether to parole or release a prisoner or from determining the terms and conditions of his parole or release or from determining whether to revoke his parole or release.

(b) Any injury caused by an escaping or escaped prisoner.

846. Neither a public entity nor a public employee is liable for injury caused by the failure to make an arrest or by the failure to retain an arrested person in custody.

CHAPTER 4. FIRE PROTECTION

850. Neither a public entity nor a public employee is liable for failure to establish a fire department or otherwise to provide fire protection service.

850.2. Neither a public entity that has undertaken to provide fire protection service, nor an employee of such a public entity, is liable for any injury resulting from the failure to provide or maintain sufficient personnel, equipment or other fire protection facilities.

850.4. Neither a public entity, nor a public employee acting in the scope of his employment, is liable for any injury resulting from the condition of fire protection or firefighting equipment or facilities or, except as provided in Article 1 (commencing with Section 17000) of Chapter 1 of Division 9 of the Vehicle Code, for any injury caused in fighting fires.

850.6. Whenever a public entity, pursuant to a call for assistance from another public entity, provides fire protection or firefighting service outside of the area regularly served and protected by the public entity providing such service, the public entity providing such service is liable for any injury for which liability is imposed by statute caused by its act or omission or the act or omission of its employee occurring in the performance of such fire protection or firefighting service. Notwithstanding any other law, the public entity calling for assistance is not liable for any act or omission of the public entity providing the assistance or for any act or omission of an employee of the public entity providing the assistance; but the public entity providing such service and the public entity calling for assistance may by agreement determine the extent, if any, to which the public entity calling for assistance will be required to indemnify the public entity providing the assistance.

850.8. Any member of an organized fire department, fire protection district, or other firefighting unit of either the State or any political subdivision, any employee of the Division of Forestry, or any other public employee when acting in the scope of his employment, may transport or arrange for the transportation of any person injured by a fire, or by a fire protection operation, to a physician and surgeon or hospital if the injured person does not object to such transportation.

Neither a public entity nor a public employee is liable for any injury sustained by the injured person as a result of or in connection with such transportation or for any medical, ambulance or hospital bills incurred by or in behalf of the injured person or for any other damages, but a public employee is liable for injury proximately caused by his willful misconduct in transporting the injured person or arranging for such transportation.

CHAPTER 5. MEDICAL, HOSPITAL AND PUBLIC HEALTH ACTIVITIES

854. As used in this chapter, unless the context otherwise requires, "medical facility" includes a hospital, infirmary, clinic, dispensary, mental institution, or similar facility.

854.2. As used in this chapter, "mental institution" means any facility for the care or treatment of persons committed for mental illness or addiction.

854.4. As used in this chapter, "mental illness or addiction" means mental illness, mental disorder bordering on mental illness, mental deficiency, epilepsy, habit forming drug addiction, narcotic drug addiction, dipsomania or inebriety, sexual psychopathy, or such mental abnormality as to evidence utter lack of power to control sexual impulses.

854.8. (a) Notwithstanding any other provision of law, except as provided in subdivisions (b), (c) and (d) of this section, a public entity is not liable for:

(1) An injury proximately caused by any person committed or admitted to a mental institution.

(2) An injury to any person committed or admitted to a mental institution.

(b) Nothing in this section affects the liability of a public entity under Article 1 (commencing with Section 17000) of Chapter 1 of Division 9 of the Vehicle Code.

(c) Nothing in this section prevents a person, other than a person committed or admitted to a mental institution, from recovering from the public entity for an injury resulting from the dangerous condition of public property under Chapter 2 (commencing with Section 830) of this part.

(d) Nothing in this section exonerates a public employee from liability for injury proximately caused by his negligent or wrongful act or omission. The public entity may but is not required to pay any judgment, compromise or settlement, or may but is not required to indemnify any public employee, in any case where the public entity is immune from liability under this section; except that the public entity shall pay, as provided in Article 4 (commencing with Section 825) of Chapter 1 of this part, any judgment based on a claim against a public employee licensed in one of the healing arts under Division 2 (commencing with Section 500) of the Business and Professions Code for malpractice arising from an act or

omission in the scope of his employment, and shall pay any compromise or settlement of a claim or action based on such malpractice to which the public entity has agreed.

855. (a) A public entity that operates or maintains any medical facility that is subject to regulation by the State Department of Public Health or the State Department of Mental Hygiene is liable for injury proximately caused by the failure of the public entity to provide adequate or sufficient equipment, personnel or facilities required by any statute or any regulation of the State Department of Public Health or the State Department of Mental Hygiene prescribing minimum standards for equipment, personnel or facilities, unless the public entity establishes that it exercised reasonable diligence to comply with the applicable statute or regulation.

(b) A public entity that operates or maintains any medical facility that is not subject to regulation by the State Department of Public Health or the State Department of Mental Hygiene is liable for injury proximately caused by the failure of the public entity to provide adequate or sufficient equipment, personnel or facilities substantially equivalent to those required by any statute or any regulation of the State Department of Public Health or the State Department of Mental Hygiene prescribing minimum standards for equipment, personnel or facilities applicable to a public medical facility of the same character and class, unless the public entity establishes that it exercised reasonable diligence to conform with such minimum standards.

(c) Nothing in this section confers authority upon, or augments the authority of, the State Department of Public Health or the State Department of Mental Hygiene to adopt, administer or enforce any regulation. Any regulation establishing minimum standards for equipment, personnel or facilities in any medical facility operated or maintained by a public entity, to be effective, must be within the scope of authority conferred by law.

855.2. Neither a public entity nor a public employee acting within the scope of his employment is liable for interfering with the right of an inmate of a medical facility operated or maintained by a public entity to obtain a judicial determination or review of the legality of his confinement; but a public employee, and the public entity where the employee is acting within the scope of his employment, is liable for injury proximately caused by the employee's intentional and unjustifiable interference with such right, but no action for such injury may be commenced until it has first been determined that the confinement was illegal.

855.4. (a) Neither a public entity nor a public employee is liable for an injury resulting from the decision to perform or not to perform any act to promote the public health of the community by preventing disease or controlling the communication of disease within the community if the decision whether

the act was or was not to be performed was the result of the exercise of discretion vested in the public entity or the public employee, whether or not such discretion be abused.

(b) Neither a public entity nor a public employee is liable for an injury caused by an act or omission in carrying out with due care a decision described in subdivision (a).

855.6. Except for an examination or diagnosis for the purpose of treatment, neither a public entity nor a public employee acting within the scope of his employment is liable for injury caused by the failure to make a physical or mental examination, or to make an adequate physical or mental examination, of any person for the purpose of determining whether such person has a disease or physical or mental condition that would constitute a hazard to the health or safety of himself or others.

855.8. (a) Neither a public entity nor a public employee acting within the scope of his employment is liable for injury resulting from diagnosing or failing to diagnose that a person is afflicted with mental illness or addiction or from failing to prescribe for mental illness or addiction.

(b) A public employee acting within the scope of his employment is not liable for administering with due care the treatment prescribed for mental illness or addiction.

(c) Nothing in this section exonerates a public employee who has undertaken to prescribe for mental illness or addiction from liability for injury proximately caused by his negligence or by his wrongful act in so prescribing.

(d) Nothing in this section exonerates a public employee from liability for injury proximately caused by his negligent or wrongful act or omission in administering any treatment prescribed for mental illness or addiction.

856. (a) Neither a public entity nor a public employee acting within the scope of his employment is liable for any injury resulting from determining in accordance with any applicable enactment:

(1) Whether to confine a person for mental illness or addiction.

(2) The terms and conditions of confinement for mental illness or addiction in a medical facility operated or maintained by a public entity.

(3) Whether to parole or release a person from confinement for mental illness or addiction in a medical facility operated or maintained by a public entity.

(b) A public employee is not liable for carrying out with due care a determination described in subdivision (a).

(c) Nothing in this section exonerates a public employee from liability for injury proximately caused by his negligent or wrongful act or omission in carrying out or failing to carry out:

(1) A determination to confine or not to confine a person for mental illness or addiction.

(2) The terms or conditions of confinement of a person for mental illness or addiction in a medical facility operated or maintained by a public entity.

(3) A determination to parole or release a person from confinement for mental illness or addiction in a medical facility operated or maintained by a public entity.

856.2. Neither a public entity nor a public employee is liable for an injury caused by an escaping or escaped person who has been committed for mental illness or addiction.

856.4. Except as provided in Section 815.6, neither a public entity nor a public employee acting in the scope of his employment is liable for an injury resulting from the failure to admit a person to a public medical facility.

CHAPTER 6. ADMINISTRATION OF TAX LAWS

860. As used in this chapter, "tax" includes a tax, assessment, fee or charge.

860.2. Neither a public entity nor a public employee is liable for an injury caused by:

(a) Instituting any judicial or administrative proceeding or action for or incidental to the assessment or collection of a tax.

(b) An act or omission in the interpretation or application of any law relating to a tax.

860.4. Nothing in this chapter affects any law relating to refund, rebate, exemption, cancellation, amendment or adjustment of taxes.

CHAPTER 21. TORT LIABILITY UNDER AGREEMENTS BETWEEN PUBLIC ENTITIES

895. As used in this chapter "agreement" means a joint powers agreement entered into pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code, an agreement to transfer the functions of a public entity or an employee thereof to another public entity pursuant to Part 2 (commencing with Section 51300) of Division 1 of Title 5 of the Government Code, and any other agreement under which a public entity undertakes to perform any function, service or act with or for any other public entity or employee thereof with its consent, whether such agreement is expressed by resolution, contract, ordinance or in any other manner provided by law; but "agreement" does not include an agreement between public entities which is designed to implement the disbursement or subvention of public funds from one of the public entities to the other, whether or not it provides standards or controls governing the expenditure of such funds.

895.2. Whenever any public entities enter into an agreement, they are jointly and severally liable upon any liability

which is imposed by any law other than this chapter upon any one of the entities or upon any entity created by the agreement for injury caused by a negligent or wrongful act or omission occurring in the performance of such agreement.

Notwithstanding any other law, if a judgment is recovered against a public entity for injury caused in the performance of an agreement, the time within which a claim for such injury may be presented or an action commenced against any other public entity that is subject to the liability determined by the judgment under the provisions of this section begins to run when the judgment is rendered.

895.4. As part of any agreement, the public entities may provide for contribution or indemnification by any or all of the public entities that are parties to the agreement upon any liability arising out of the performance of the agreement.

895.6. Unless the public entities that are parties to an agreement otherwise provide in the agreement, if a public entity is held liable upon any judgment for damages caused by a negligent or wrongful act or omission occurring in the performance of the agreement and pays in excess of its pro rata share in satisfaction of such judgment, such public entity is entitled to contribution from each of the other public entities that are parties to the agreement. The pro rata share of each public entity is determined by dividing the total amount of the judgment by the number of public entities that are parties to the agreement. The right of contribution is limited to the amount paid in satisfaction of the judgment in excess of the pro rata share of the public entity so paying. No public entity may be compelled to make contribution beyond its own pro rata share of the entire judgment.

895.8. Except for Section 895.6, this chapter applies to any agreement between public entities, whether entered into before or after the effective date of this chapter. Section 895.6 applies to any agreement between public entities entered into, or renewed, modified, or extended, after the effective date of this chapter.

SEC. 2. Section 340 of the Code of Civil Procedure is amended to read:

340. Within one year:

1. An action upon a statute for a penalty or forfeiture, when the action is given to an individual, or to an individual and the State, except when the statute imposing it prescribes a different limitation;

2. An action upon a statute, or upon an undertaking in a criminal action, for a forfeiture or penalty to the people of this State;

3. An action for libel, slander, assault, battery, false imprisonment, seduction of a person below the age of legal consent, or for injury to or for the death of one caused by the wrongful act or neglect of another, or by a depositor against a bank for the payment of a forged or raised check, or a check

that bears a forged or unauthorized endorsement, or against any person who boards or feeds an animal or fowl or who engages in the practice of veterinary medicine as defined in Business and Professions Code Section 4826, for such person's neglect resulting in injury or death to an animal or fowl in the course of boarding or feeding such animal or fowl or in the course of the practice of veterinary medicine on such animal or fowl;

4. An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process;

5. An action against an officer to recover damages for the seizure of any property for a statutory forfeiture to the State, or for the detention of, or injury to property so seized, or for damages done to any person in making any such seizure.

SEC. 3. Section 1095 of the Code of Civil Procedure is amended to read:

1095. If judgment be given for the applicant, he may recover the damages which he has sustained, as found by the jury, or as may be determined by the court or referee, upon a reference to be ordered, together with costs; and for such damages and costs an execution may issue; and a peremptory mandate must also be awarded without delay; provided, however, that in all cases where the respondent is an officer of a public entity, all damages and costs, or either, which may be recovered or awarded, shall be recovered and awarded against the public entity represented by such officer and not against such officer so appearing in said proceeding, and the same shall be a proper claim against the public entity for which such officer shall have appeared, and shall be paid as other claims against the public entity are paid; but in all such cases, the court shall first determine that the officer appeared and made defense in such proceeding in good faith. For the purpose of this section, "public entity" includes the State, a county, city, district or other public agency or public corporation. For the purpose of this section, "officer" includes officer, agent or employee.

SEC. 4. Section 1242 of the Code of Civil Procedure is amended to read:

1242. In all cases where land is required for public use, the State, or its agents in charge of such use, may survey and locate the same; but it must be located in the manner which will be most compatible with the greatest public good and the least private injury, and subject to the provisions of Section 1247. The State, or its agents in charge of such public use, may enter upon the land and make examinations, surveys, and maps thereof.

SEC. 5. Section 903 of the Education Code is repealed.

SEC. 5.5. Section 1012 of the Education Code as added by Senate Bill No. 718 of the 1963 Regular Session is repealed.

SEC. 6. Section 1041 of the Education Code is repealed.

SEC. 7. Section 1042 of the Education Code is repealed.

SEC. 7.5. Article 6 (commencing with Section 1181) of Chapter 4 of Division 4 of the Education Code as added by Senate Bill No. 718 is repealed.

SEC. 8. Section 13551 of the Education Code is repealed.

SEC. 9. Section 15512 of the Education Code is repealed.

SEC. 10. Section 15513 of the Education Code is repealed.

SEC. 11. Section 15514 of the Education Code is repealed.

SEC. 12. Section 15515 of the Education Code is repealed.

SEC. 13. Section 15516 of the Education Code is repealed.

SEC. 14. Article 1 (commencing with Section 1950) of Chapter 6 of Division 4 of Title 1 of the Government Code is repealed.

SEC. 15. Section 2002.5 of the Government Code is repealed.

SEC. 16. Section 39586 of the Government Code is repealed.

SEC. 17. Article 6 (commencing with Section 50140) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code is repealed.

SEC. 18. Article 3 (commencing with Section 53050) of Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code is repealed.

SEC. 19. Section 54002 of the Government Code is repealed.

SEC. 20. Section 61627 of the Government Code is repealed.

SEC. 21. Section 61633 of the Government Code is repealed.

SEC. 22. Section 943 of the Streets and Highways Code is amended to read:

943. Such board may:

(a) Acquire any real property or interest therein for the uses and purposes of county highways. When eminent domain proceedings are necessary, the board shall require the district attorney to institute such proceedings. The expense of and award in such proceedings may be paid from the road fund or the general fund of the county, or the road fund of any district benefited.

(b) Lay out, construct, improve, and maintain county highways.

(c) Incur a bonded indebtedness for any of such purposes, subject to the provisions of Section 944.

(d) Construct and maintain stock trails approximately paralleling any county highway, retain and maintain for stock trails the right-of-way of any county highway which is superseded by relocation. Such stock trails shall not be included in the term "maintained mileage of county roads" as that term is used in Chapter 3 of Division 3 of this code.

SEC. 23. Section 954 of the Streets and Highways Code is amended to read:

954. Except in the case of highways dedicated to the public by deed or by express dedication of the owner or acquired through eminent domain proceedings, all county highways which for a period of five consecutive years are impassable for vehicular travel, and on which during such period of time no

public money is expended for maintenance, are unnecessary highways, subject to abandonment pursuant to Sections 955 and 956, or as herein provided. The board of supervisors of any county on its own motion or on the petition of any interested taxpayer of the county may abandon any such unnecessary highway or may designate such county highway a stock trail. The board of supervisors shall cause notices to be posted upon such stock trails, and also at the entrance of such stock trails, directing all persons to drive all untethered stock thereon.

After a stock trail has been established or designated as provided in this chapter, the county is not liable for death or injury to a vehicle owner or operator or passenger, or for damage to a vehicle or its contents, resulting from a dangerous condition of the stock trail.

Such stock trails shall not be included in the term "maintained mileage of county roads" as that term is used in Chapter 3 of Division 3 of this code.

SEC. 24. Chapter 23 (commencing with Section 5640) of Part 3 of Division 7 of the Streets and Highways Code is repealed.

SEC. 25. Section 22725 of the Water Code is repealed.

SEC. 26. Section 22726 of the Water Code is repealed.

SEC. 27. Section 22730 of the Water Code is repealed.

SEC. 28. Section 22731 of the Water Code is repealed.

SEC. 29. Section 31083 of the Water Code is repealed.

SEC. 30. Section 31089 of the Water Code is repealed.

SEC. 31. Section 31090 of the Water Code is repealed.

SEC. 32. Section 35750 of the Water Code is repealed.

SEC. 33. Section 35751 of the Water Code is repealed.

SEC. 34. Section 35755 of the Water Code is repealed.

SEC. 35. Section 35756 of the Water Code is repealed.

SEC. 36. Section 50150 of the Water Code is repealed.

SEC. 37. Section 50152 of the Water Code is repealed.

SEC. 38. Article 10 (consisting of Section 51480) of Chapter 2 of Part 7 of Division 15 of the Water Code is repealed.

SEC. 39. Chapter 5 (commencing with Section 60200) of Part 3 of Division 18 of the Water Code is repealed.

SEC. 40. Section 6005 of the Welfare and Institutions Code is amended to read:

6005. Any superintendent or person in charge of the county psychopathic hospital, and any public officer, public employee, or public physician who either admits, causes to be admitted, delivers, or assists in delivering, detains, cares for, or treats, or assists in detaining, caring for or treating, any person pursuant to this chapter shall not be rendered criminally liable thereby.

SEC. 41. Section 6610.3 of the Welfare and Institutions Code is amended to read:

6610.3. Any relative or friend of a person believed to be mentally ill and in need of supervision, care, or treatment may

report that fact to the local health officer, together with the name and place of residence of the person. The local health officer may make or cause to be made such investigations as he deems to be necessary to ascertain the facts. If it appears to the health officer that there is reasonable cause for believing that admission to a state hospital under this article will be for the best interest of the person he may make the application to a state hospital. Proceedings under this article shall be stopped whenever the person believed to be mentally ill or any relative or friend acting in his behalf protests against such proceedings to the investigating health officer or to the examining physicians.

Any local health officer or his employee who makes or assists in making an application under this article shall not be rendered criminally liable thereby when there is reasonable cause for believing that such application will be for the best interest of the person.

SEC. 42. Section 6610.9 of the Welfare and Institutions Code is amended to read:

6610.9. Any public officer or employee who transports or delivers or assists in transporting or delivering or detains or assists in detaining any person pursuant to this article shall not be rendered criminally liable thereby unless it be shown that such officer or employee acted maliciously or in bad faith or that his negligence resulted in bodily injury to such person.

SEC. 43. Section 10 of Chapter 641 of the Statutes of 1931 (Flood Control and Flood Water Conservation District Act) is repealed.

SEC. 44. Section 71754 of the Water Code as added by Chapter 156, Statutes of 1963 is repealed.

SEC. 44.2. Section 71755 of the Water Code as added by Chapter 156, Statutes of 1963 is repealed.

SEC. 44.4. Section 71756 of the Water Code as added by Chapter 156, Statutes of 1963 is repealed.

SEC. 45. (a) This act applies retroactively to the full extent that it constitutionally can be so applied.

(b) Nothing in this act revives or reinstates any cause of action that, on the effective date of this act, is barred either by failure to comply with any applicable statute, charter or ordinance requiring the presentation of a claim or by failure to commence an action thereon within the period prescribed by an applicable statute of limitations.

(c) For the purpose of this section, any cause of action that did not exist prior to the effective date of this act but which is created by the retroactive application of this act shall be deemed to be subject to and to have been subject to:

(1) Any claims procedure established by statute, charter or ordinance that would have been applicable thereto if the cause of action had accrued at the time the injury giving rise to the cause of action occurred.

(2) Any statute of limitations that would have been applicable thereto if the cause of action had accrued at the time the injury giving rise to the cause of action occurred.

(d) Any cause of action that accrued prior to the effective date of this act and to which this act cannot constitutionally be made applicable is barred if:

(1) An applicable statute, charter or ordinance requires the presentation of a claim relating thereto and no claim is presented either before the expiration of the period prescribed in such statute, charter or ordinance, or before January 1, 1964, whichever is earlier; or

(2) An action thereon is not commenced either before the expiration of the period prescribed by the applicable statute of limitations (including Chapter 1404 of the Statutes of 1961), or before July 1, 1964, whichever is earlier; except that an action thereon may be commenced within six months after a claim relating thereto is rejected if the applicable statute, charter or ordinance requires such prior rejection before the action may be commenced.

SEC. 46. Sections 5.5 and 7.5 of this act shall become operative only if Division 4 of the Education Code as proposed by Senate Bill No. 718 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as Senate Bill No. 718 takes effect.

CHAPTER 1682

An act to add Chapter 5 (commencing with Section 989.1) to Division 3.5 of Title 1 of the Government Code, and to add Part 6 (commencing with Section 989) to Division 3.6 of Title 1 of the Government Code as enacted by Senate Bill No 42 of the 1963 Regular Session, and to add Section 11007.4 to, and to amend Section 11290 of, and to repeal Sections 1231, 1956, 1956.5, 1959 and 53056 of, the Government Code, and to amend Section 11010 of the Government Code as amended by Chapter 307 of the Statutes of 1963, and to repeal Section 17003 of the Vehicle Code, and to repeal Sections 22732 and 35757 of the Water Code, and to amend Section 1017 of the Education Code as enacted by Senate Bill No. 718 of the 1963 Regular Session, relating to insurance for public entities and public officers, agents and employees.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Chapter 5 (commencing with Section 989.1) is added to Division 3.5 of Title 1 of the Government Code, to read:

CHAPTER 5. INSURANCE

Article 1. Definitions

989.1. Unless the provision or context otherwise requires, the definitions contained in this article govern the construction of this chapter.

989.2. "Employee" includes an officer, employee, or servant, whether or not compensated, but does not include an independent contractor.

989.3. "Employment" includes office or employment.

989.4. "Enactment" means a constitutional provision, statute, charter provision, ordinance or regulation.

989.5. "Injury" means death, injury to a person, damage to or loss of property, or any other injury that a person may suffer to his person, reputation, character, feelings or estate, of such nature that it would be actionable if inflicted by a private person.

989.6. "Local public entity" means any public entity except a state agency covered by Section 11007.4 of the Government Code.

989.7. "Public entity" includes the State, the Regents of the University of California, a county, city, district, public authority, public agency, and any other political subdivision or public corporation in the State.

989.8. "Regulation" means a rule, regulation, order or standard, having the force of law, adopted by an employee or agency of the United States or of a public entity pursuant to authority vested by constitution, statute, charter or ordinance in such employee or agency to implement, interpret or make specific the law enforced or administered by the employee or agency.

Article 2. Insurance for Local Public Entities and Their Personnel

990. Except for a liability which may be insured against pursuant to Division 4 (commencing with Section 3201) of the Labor Code, a local public entity may:

(a) Insure itself against all or any part of any liability for any injury.

(b) Insure any employee of the local public entity against all or any part of his liability for injury resulting from an act or omission in the scope of his employment.

(c) Insure against the expense of defending a claim against the local public entity or its employee, whether or not liability exists on such claim.

990.2. A county may insure any officer or attaché of its superior, municipal and justice courts against all or any part of his liability for injury resulting from any act or omission

in the scope of his employment, and also may insure against the expense of defending any claim against such officer or attaché, whether or not liability exists on such claim.

990.4. The insurance authorized by this chapter may be provided by:

(a) Self-insurance, which may be, but is not required to be, funded by appropriations to establish or maintain reserves for self-insurance purposes.

(b) Insurance in any insurer authorized to transact such insurance in this State.

(c) Insurance secured in accordance with Chapter 6 (commencing with Section 1760) of Part 2 of Division 1 of the Insurance Code.

(d) Any combination of insurance authorized by subdivisions (a), (b) and (c).

990.6. The cost of the insurance authorized by this chapter is a proper charge against the local public entity.

990.8. Two or more local public entities, by a joint powers agreement made pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, may provide insurance authorized by this chapter by any one or more of the methods specified in Section 990.4.

Two or more local public entities having the same governing board may be coinsured under a master policy and the total premium may be prorated among such entities.

991. Where an enactment, other than this chapter, authorizes or requires a local public entity to insure against its liability or the liability of its employees:

(a) The authority provided by this chapter to insure does not affect such other enactment.

(b) Such other enactment does not limit or restrict the authority to insure under this chapter; but, except to the extent authorized by Section 1251 of the Education Code, nothing in this chapter permits a school district to self-insure in any case where the school district is required to insure.

991.2. Neither the authority provided by this chapter to insure, nor the exercise of such authority, shall:

(a) Impose any liability upon the local public entity or its employee unless such liability otherwise exists.

(b) Impair any defense the local public entity or its employee otherwise may have.

SEC. 2. Section 11007.4 is added to the Government Code, to read:

11007.4. (a) As used in this section:

(1) "Employee" includes an officer, employee, or servant, whether or not compensated, but does not include an independent contractor.

(2) "Employment" includes office or employment.

(3) "Injury" means death, injury to a person, damage to or loss of property, or any other injury that a person may suffer to his person, reputation, character, feelings or estate,

of such a nature that it would be actionable if inflicted by a private person.

(b) Except for a liability which may be insured against pursuant to Division 4 (commencing with Section 3201) of the Labor Code, any state agency may, subject to Section 11007.7:

(1) Insure itself against all or any part of any liability for any injury.

(2) Insure any employee of the State against all or any part of his liability for injury resulting from an act or omission in the scope of his employment.

(3) Insure against the expense of defending a claim against the state agency or its employee, whether or not liability exists on such claim.

(c) The insurance authorized by this section may be provided by:

(1) Self-insurance, which may be, but is not required to be, funded by appropriations to establish or maintain reserves for self-insurance purposes.

(2) Insurance in any insurer authorized to transact such insurance in this State.

(3) Insurance secured in accordance with Chapter 6 (commencing with Section 1760) of Part 2 of Division 1 of the Insurance Code.

(4) Any combination of insurance authorized by paragraphs (1), (2) and (3).

(d) The authority provided by this section to insure does not affect any other statute that authorizes or requires any state agency to insure against its liability or the liability of its employees. Except as otherwise provided in Section 11007.7, no other statute limits or restricts the authority to insure under this section.

(e) Neither the authority provided by this section to insure, nor the exercise of such authority, shall:

(1) Impose any liability on the State or an employee thereof unless such liability otherwise exists.

(2) Impair any defense the State or an employee thereof otherwise may have.

SEC. 3. Section 1231 of the Government Code is repealed.

SEC. 4. Section 1956 of the Government Code is repealed.

SEC. 5. Section 1956.5 of the Government Code is repealed.

SEC. 6. Section 1959 of the Government Code is repealed.

SEC. 7. Section 53056 of the Government Code is repealed.

SEC. 8. Section 17003 of the Vehicle Code is repealed.

SEC. 9. Section 22732 of the Water Code is repealed.

SEC. 10. Section 35757 of the Water Code is repealed.

SEC. 11. Section 11290 of the Government Code is amended to read:

11290. The Department of Finance may fix the cost or pro rata share, or in its discretion an amount it considers equivalent to such cost or pro rata share, and collect from each state

agency in advance or upon such other basis as it may determine:

(a) The cost of insuring motor vehicles belonging to the state agency against liability for damages resulting from the ownership or operation of motor vehicles and arising under Article 1 (commencing with Section 17000) of Chapter 1 of Division 9 of the Vehicle Code or an amount to be expended by the Department of Finance in accordance with law in paying claims under that article and for their investigation, adjustment, defense and administration.

(b) Rent for the use or occupancy of space in any building owned, managed or controlled by the State and used by the state agency in carrying out its work and affairs.

(c) The cost of janitor and maintenance service rendered to such state agency to enable it to carry out its work and affairs.

(d) The cost of workmen's compensation insurance and bonds covering the officers, employees and servants of the state agency, and the cost of liability, fire, and other types of insurance or bonds.

(e) The cost of all other services rendered to the state agency.

SEC. 11.5. Section 11010 of the Government Code as amended by Chapter 307 of the Statutes of 1963 is amended to read:

11010. When a state agency, supported from the General Fund, is required to collect from any person, firm, or corporation a proportionate share of the cost of providing any service, inspection, or audit, such share shall include:

(a) A proration of the cost to the State, as determined by the Department of Finance, of janitor service for the agency and of the charge for rent actually made for space occupied by the agency in a state-owned building or that would be charged such agency were it required to pay rent for such occupancy.

(b) A proration of the administrative costs of the agency, as defined in Section 11270.

(c) The pro rata share of the cost of insuring motor vehicles belonging to the state agency against liability for damages resulting from the ownership or operation of motor vehicles and arising under Article 1 (commencing with Section 17000) of Chapter 1 of Division 9 of the Vehicle Code or, in the discretion of the Director of Finance, an amount which he considers equivalent to such pro rata share to be expended by him in accordance with law in paying claims under that article and for their investigation, adjustment, defense and administration.

(d) The pro rata cost of workmen's compensation insurance and bonds covering the officers and employees of the state agency.

(e) A proration of the State's retirement contribution for the employees engaged in providing such services, inspection or audit.

(f) A proration of the State's contribution toward the cost of medical and hospital care, including administrative costs, and the cost of procuring liability insurance coverage, for the employees engaged in providing such services, inspection or audit.

(g) A proration of the cost of Attorney General's services rendered the agency.

(h) A proration of any other costs to the State for providing such service, inspection or audit.

SEC. 12. Part 6 (commencing with Section 989) is added to Division 3.6 of Title 1 of the Government Code as enacted by Senate Bill No. 42 of the 1963 Regular Session, to read:

PART 6. INSURANCE

989. As used in this part, "local public entity" means any public entity except a state agency covered by Section 11007.4 of the Government Code.

990. Except for a liability which may be insured against pursuant to Division 4 (commencing with Section 3201) of the Labor Code, a local public entity may:

(a) Insure itself against all or any part of any liability for any injury.

(b) Insure any employee of the local public entity against all or any part of his liability for injury resulting from an act or omission in the scope of his employment.

(c) Insure against the expense of defending a claim against the local public entity or its employee, whether or not liability exists on such claim.

990.2. A county may insure any officer or attaché of its superior, municipal and justice courts against all or any part of his liability for injury resulting from any act or omission in the scope of his employment, and also may insure against the expense of defending any claim against such officer or attaché, whether or not liability exists on such claim.

990.4. The insurance authorized by this part may be provided by:

(a) Self-insurance, which may be, but is not required to be, funded by appropriations to establish or maintain reserves for self-insurance purposes.

(b) Insurance in any insurer authorized to transact such insurance in this State.

(c) Insurance secured in accordance with Chapter 6 (commencing with Section 1760) of Part 2 of Division 1 of the Insurance Code.

(d) Any combination of insurance authorized by subdivisions (a), (b) and (c).

990.6. The cost of the insurance authorized by this part is a proper charge against the local public entity.

990.8. Two or more local public entities, by a joint powers agreement made pursuant to Article 1 (commencing with Sec-

tion 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, may provide insurance authorized by this part by any one or more of the methods specified in Section 990.4.

Two or more local public entities having the same governing board may be coinsured under a master policy and the total premium may be prorated among such entities.

991. Where an enactment, other than this part, authorizes or requires a local public entity to insure against its liability or the liability of its employees:

(a) The authority provided by this part to insure does not affect such other enactment.

(b) Such other enactment does not limit or restrict the authority to insure under this part; but, except to the extent authorized by Section 1251 of the Education Code, nothing in this part permits a school district to self-insure in any case where the school district is required to insure.

991.2. Neither the authority provided by this part to insure, nor the exercise of such authority, shall:

(a) Impose any liability upon the local public entity or its employee unless such liability otherwise exists.

(b) Impair any defense the local public entity or its employee otherwise may have.

SEC. 12.6. Section 1017 of the Education Code as enacted by Senate Bill No. 718 of the 1963 Regular Session is amended to read:

1017. (a) The governing board of any school district shall insure against:

(1) The liability, other than a liability which may be insured against under the provisions of Division 4 (commencing with Section 3201) of the Labor Code, of the district for damages for death, injury to person, or damage or loss of property; and

(2) The personal liability of the members of the board and of the officers and employees of the district for damages for death, injury to a person, or damage or loss of property caused by the negligent act or omission of the member, officer or employee when acting within the scope of his office or employment.

(b) The insurance may be written in any insurance company authorized to transact the business of insurance in the State, or in a nonadmitted insurer to the extent and subject to the conditions prescribed by Section 1763 of the Insurance Code.

(c) Nothing in this section is intended to limit or restrict the authority of the district to insure under Part 6 (commencing with Section 989) of Division 3.6 of Title 1 of the Government Code.

SEC. 13. The addition of Part 6 to Division 3.6 of Title 1 of the Government Code as enacted by Senate Bill No. 42 of

the 1963 Regular Session, by Section 12 of this act, shall become effective only if Senate Bill No. 42 is enacted into law at the 1963 Regular Session, in which case it shall take effect at the same time as Senate Bill No. 42, and the addition, by Section 1 of this act, of Chapter 5 to Division 3.5 of Title 1 of the Government Code, shall be of no force or effect.

CHAPTER 1683

An act to add Chapter 6 (commencing with Section 992.1) to Division 3.5 of Title 1 of the Government Code, and to add Part 7 (commencing with Section 995) to Division 3.6 of Title 1 of the Government Code as enacted by Senate Bill No. 42 of the 1963 Regular Session, and to repeal Sections 2000 and 2001 of, and to amend Sections 2002.5, 26529 and 61632 of, the Government Code, and to repeal Sections 1043 and 13007.1 of the Education Code, and to amend Section 1015 of Division 4 of the Education Code as enacted by Senate Bill No. 718 of the 1963 Regular Session, and to repeal Section 60201 of, and to amend Section 31088 of, the Water Code, and to amend Section 15 of the Kings River Conservation District Act (Chapter 931, Statutes of 1951), Section 21 of the Municipal Water District Act of 1911 (Chapter 671, Statutes of 1911), Section 76 of the Antelope Valley-East Kern Water Agency Law (Chapter 2146, Statutes of 1959), Section 24 of the Desert Water Agency Law (Chapter 1069, Statutes of 1961) and Section 24 of the San Gorgonio Pass Water Agency Law (Chapter 1435, Statutes of 1961), relating to defense of actions and proceedings brought against public officers, employees, and servants.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Chapter 6 (commencing with Section 992.1) is added to Division 3.5 of Title 1 of the Government Code, to read:

CHAPTER 6. DEFENSE OF PUBLIC EMPLOYEES

Article 1. Definitions

992.1. Unless the provision or context otherwise requires, the definitions contained in this article govern the construction of this chapter.

992.2. "Employee" includes an officer, employee or servant, but does not include an independent contractor.

992.3. "Employment" includes office or employment.

992.4. "Enactment" means a constitutional provision, statute, charter provision, ordinance or regulation.

992.5. "Public entity" includes the State, the Regents of the University of California, a county, city, district, public authority, public agency, and any other political subdivision or public corporation in the State.

992.6. "Regulation" means a rule, regulation, order or standard, having the force of law, adopted by an employee or agency of the United States or of a public entity pursuant to authority vested by constitution, statute, charter or ordinance in such employee or agency to implement, interpret or make specific the law enforced or administered by the employee or agency.

Article 2. Defense of Actions and Proceedings Against Public Employees

995. Except as otherwise provided in Sections 995.2 and 995.4, upon request of an employee or former employee, a public entity shall provide for the defense of any civil action or proceeding brought against him, in his official or individual capacity or both, on account of an act or omission in the scope of his employment as an employee of the public entity.

For the purposes of this chapter, a cross-action, counterclaim or cross-complaint against an employee or former employee shall be deemed to be a civil action or proceeding brought against him.

995.2. A public entity may refuse to provide for the defense of an action or proceeding brought against an employee or former employee if the public entity determines that:

(a) The act or omission was not within the scope of his employment; or

(b) He acted or failed to act because of actual fraud, corruption or actual malice; or

(c) The defense of the action or proceeding by the public entity would create a conflict of interest between the public entity and the employee or former employee.

995.4. A public entity may, but is not required to, provide for the defense of:

(a) An action or proceeding brought by the public entity to remove, suspend or otherwise penalize its own employee or former employee, or an appeal to a court from an administrative proceeding by the public entity to remove, suspend or otherwise penalize its own employee or former employee.

(b) An action or proceeding brought by the public entity against its own employee or former employee as an individual and not in his official capacity, or an appeal therefrom.

995.6. A public entity is not required to provide for the defense of an administrative proceeding brought against an employee or former employee, but a public entity may provide for the defense of an administrative proceeding brought against an employee or former employee if:

(a) The administrative proceeding is brought on account of an act or omission in the scope of his employment as an employee of the public entity; and

(b) The public entity determines that such defense would be in the best interests of the public entity and that the employee or former employee acted, or failed to act, in good faith, without actual malice and in the apparent interests of the public entity.

995.8. A public entity is not required to provide for the defense of a criminal action or proceeding (including a proceeding to remove an officer under Sections 3060 to 3073, inclusive, of the Government Code) brought against an employee or former employee, but a public entity may provide for the defense of a criminal action or proceeding (including a proceeding to remove an officer under Sections 3060 to 3073, inclusive, of the Government Code) brought against an employee or former employee if:

(a) The criminal action or proceeding is brought on account of an act or omission in the scope of his employment as an employee of the public entity; and

(b) The public entity determines that such defense would be in the best interests of the public entity and that the employee or former employee acted, or failed to act, in good faith, without actual malice and in the apparent interests of the public entity.

996. A public entity may provide for a defense pursuant to this chapter by its own attorney or by employing other counsel for this purpose or by purchasing insurance which requires that the insurer provide the defense. All of the expenses of providing a defense pursuant to this chapter are proper charges against a public entity. A public entity has no right to recover such expenses from the employee or former employee defended.

996.4. If after request a public entity fails or refuses to provide an employee or former employee with a defense against a civil action or proceeding brought against him and the employee retains his own counsel to defend the action or proceeding, he is entitled to recover from the public entity such reasonable attorney's fees, costs and expenses as are necessarily incurred by him in defending the action or proceeding if the action or proceeding arose out of an act or omission in the scope of his employment as an employee of the public entity, but he is not entitled to such reimbursement if the public entity establishes (a) that he acted or failed to act because of actual fraud, corruption or actual malice, or (b) that the action or proceeding is one described in Section 995.4.

Nothing in this section shall be construed to deprive an employee or former employee of the right to petition for a writ of mandate to compel the public entity or the governing body or an employee thereof to perform the duties imposed by this chapter.

996.6. The rights of an employee or former employee under this chapter are in addition to and not in lieu of any rights he may have under any contract or under any other enactment providing for his defense.

SEC. 2. Section 2000 of the Government Code is repealed.

SEC. 3. Section 2001 of the Government Code is repealed.

SEC. 4. Section 2002.5 of the Government Code is amended to read:

2002.5. Whenever a suit is filed against an employee or officer of the State of California licensed in one of the healing arts under Division 2 of the Business and Professions Code, for malpractice alleged to have arisen out of the performance of his duties as a state employee, a copy of the complaint shall also be served upon the Attorney General. If there is a settlement or judgment in the suit the State shall pay the same; provided, that no settlement shall be effected without the consent of the head of the state agency concerned and the approval of the Attorney General. The settlement of such claims or judgments shall be limited to those arising from acts of such officers and employees of the State in the performance of their duties; or by reason of emergency aid given to inmates, state officials, employees, and to members of the public.

SEC. 5. Section 26529 of the Government Code is amended to read:

26529. In counties which have a county counsel, the county counsel shall discharge all the duties vested in the district attorney by Sections 26520, 26522, 26523 and 26524. The county counsel shall defend or prosecute all civil actions and proceedings in which the county or any of its officers is concerned or is a party in his official capacity. Except where the county or district provides other counsel, the county counsel shall defend as provided in Chapter 6 (commencing with Section 992.1) of Division 3.5 of Title 1 of the Government Code any action or proceeding brought against an officer, employee, or servant of the county or of any district in the county, the legal services of which are required by law to be performed by the county counsel.

SEC. 6. Section 61632 of the Government Code is amended to read:

61632. The district may employ counsel to defend any action or proceeding brought against it on account of any injury, taking, damage, or destruction, or to defend as provided in Chapter 6 (commencing with Section 992.1) of Division 3.5 of Title 1 of the Government Code an action or proceeding brought against any of its officers, employees, or servants, and the fees and expenses, including the cost of any bonds and undertakings, involved therein are a lawful charge against the district.

SEC. 7. Section 1043 of the Education Code is repealed.

SEC. 7.5. Section 1015 of Division 4 of the Education Code as enacted by Senate Bill No. 718 of the 1963 Regular Session is amended to read:

1015. Upon request of the governing board of the school district, the district attorney of the county in which a school district is located shall, without fee or other charge, defend:

(a) The district in any suit brought against the district pursuant to Part 2 (commencing with Section 814) of Division 3.6 of Title 1 of the Government Code.

(b) Any member of the governing board of the school district, or any employee or servant of the school district, as provided in Part 7 (commencing with Section 995) of Division 3.6 of Title 1 of the Government Code.

SEC. 8. Section 13007.1 of the Education Code is repealed.

SEC. 9. Section 60201 of the Water Code is repealed.

SEC. 10. Section 31088 of the Water Code is amended to read:

31088. The district may employ counsel to defend any action or proceeding brought against it on account of any injury, taking, damage, or destruction, or to defend as provided in Chapter 6 (commencing with Section 992.1) of Division 3.5 of Title 1 of the Government Code an action or proceeding brought against any of its officers, employees, or servants, and the fees and expenses involved therein are a lawful charge against the district.

SEC. 11. Section 15 of the Kings River Conservation District Act (Chapter 931, Statutes of 1951) is amended to read:

Sec. 15. Claims for money or damages against the district are governed by the provisions of Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county. The district may employ counsel to defend any action or proceeding brought against it on account of any taking, injury, damage or destruction, or to defend as provided in Chapter 6 (commencing with Section 992.1) of Division 3.5 of Title 1 of the Government Code an action or proceeding brought against any of its officers, employees, or servants, and the fees and expenses involved therein are a lawful charge against the district.

SEC. 12. Section 21 of the Municipal Water District Act of 1911 (Chapter 671, Statutes of 1911) is amended to read:

Sec. 21. No director or other officer, agent, or employee of any district shall be liable for any act or omission of any officer, agent or employee appointed or employed by him unless he had actual notice that the person appointed or employed was inefficient or incompetent to perform the service for which such person was appointed or employed or unless he retains the inefficient or incompetent person after notice of the inefficiency or incompetency.

If any director or other officer, agent, or employee of the district is held liable for any act or omission in his official capacity, and any judgment is rendered thereon, the district, except in case of his actual fraud or actual malice, shall pay

the judgment without obligation for repayment by such director or other officer, agent, or employee.

SEC. 13. Section 76 of the Antelope Valley-East Kern Water Agency Law (Chapter 2146, Statutes of 1959) is amended to read:

Sec. 76. No director or other officer, agent, or employee of the agency shall be liable for any act or omission of any officer, agent or employee appointed or employed by him unless he had actual notice that the person appointed or employed was inefficient or incompetent to perform the service for which such person was appointed or employed or unless he retains the inefficient or incompetent person after notice of the inefficiency or incompetency.

If any director or other officer, agent, or employee of the agency is held liable for any act or omission in his official capacity and any judgment is rendered thereon, the agency, except in case of his actual fraud or actual malice, shall pay the judgment without obligation for repayment by such director or other officer, agent, or employee.

SEC. 14. Section 24 of the Desert Water Agency Law (Chapter 1069, Statutes of 1961) is amended to read:

Sec. 24. No director or other officer, agent, or employee of the agency shall be liable for any act or omission of any officer, agent or employee appointed or employed by him unless he had actual notice that the person appointed or employed was inefficient or incompetent to perform the service for which such person was appointed or employed or unless he retains the inefficient or incompetent person after notice of the inefficiency or incompetency.

If any director or other officer, agent, or employee of the agency is held liable for any act or omission in his official capacity, and any judgment is rendered thereon, the agency, except in case of his actual fraud or actual malice, shall pay the judgment without obligation for repayment by such director or other officer, agent or employee.

SEC. 15. Section 24 of the San Gorgonio Pass Water Agency Law (Chapter 1435, Statutes of 1961) is amended to read:

Sec. 24. No director or other officer, agent, or employee of the agency shall be liable for any act or omission of any officer, agent or employee appointed or employed by him unless he had actual notice that the person appointed or employed was inefficient or incompetent to perform the service for which such person was appointed or employed or unless he retains the inefficient or incompetent person after notice of the inefficiency or incompetency.

If any director or other officer, agent, or employee of the agency is liable for any act or omission in his official capacity, and any judgment is rendered thereon, the agency, except in case of his actual fraud or actual malice, shall pay the judgment without obligation for repayment by such director or other officer, agent or employee.

SEC. 16. Part 7 (commencing with Section 995) is added to Division 3.6 of Title 1 of the Government Code as enacted by Senate Bill No. 42 of the 1963 Regular Session, to read:

PART 7. DEFENSE OF PUBLIC EMPLOYEES

995. Except as otherwise provided in Sections 995.2 and 995.4, upon request of an employee or former employee, a public entity shall provide for the defense of any civil action or proceeding brought against him, in his official or individual capacity or both, on account of an act or omission in the scope of his employment as an employee of the public entity.

For the purposes of this part, a cross-action, counterclaim or cross-complaint against an employee or former employee shall be deemed to be a civil action or proceeding brought against him.

995.2. A public entity may refuse to provide for the defense of an action or proceeding brought against an employee or former employee if the public entity determines that:

(a) The act or omission was not within the scope of his employment; or

(b) He acted or failed to act because of actual fraud, corruption or actual malice; or

(c) The defense of the action or proceeding by the public entity would create a conflict of interest between the public entity and the employee or former employee.

995.4. A public entity may, but is not required to, provide for the defense of:

(a) An action or proceeding brought by the public entity to remove, suspend or otherwise penalize its own employee or former employee, or an appeal to a court from an administrative proceeding by the public entity to remove, suspend or otherwise penalize its own employee or former employee.

(b) An action or proceeding brought by the public entity against its own employee or former employee as an individual and not in his official capacity, or an appeal therefrom.

995.6. A public entity is not required to provide for the defense of an administrative proceeding brought against an employee or former employee, but a public entity may provide for the defense of an administrative proceeding brought against an employee or former employee if:

(a) The administrative proceeding is brought on account of an act or omission in the scope of his employment as an employee of the public entity; and

(b) The public entity determines that such defense would be in the best interests of the public entity and that the employee or former employee acted, or failed to act, in good faith, without actual malice and in the apparent interests of the public entity.

995.8. A public entity is not required to provide for the defense of a criminal action or proceeding (including a pro-

ceeding to remove an officer under Sections 3060 to 3073, inclusive, of the Government Code) brought against an employee or former employee, but a public entity may provide for the defense of a criminal action or proceeding (including a proceeding to remove an officer under Sections 3060 to 3073, inclusive, of the Government Code) brought against an employee or former employee if:

(a) The criminal action or proceeding is brought on account of an act or omission in the scope of his employment as an employee of the public entity; and

(b) The public entity determines that such defense would be in the best interests of the public entity and that the employee or former employee acted, or failed to act, in good faith, without actual malice and in the apparent interests of the public entity.

996. A public entity may provide for a defense pursuant to this part by its own attorney or by employing other counsel for this purpose or by purchasing insurance which requires that the insurer provide the defense. All of the expenses of providing a defense pursuant to this part are proper charges against a public entity. A public entity has no right to recover such expenses from the employee or former employee defended.

996.4. If after request a public entity fails or refuses to provide an employee or former employee with a defense against a civil action or proceeding brought against him and the employee retains his own counsel to defend the action or proceeding, he is entitled to recover from the public entity such reasonable attorney's fees, costs and expenses as are necessarily incurred by him in defending the action or proceeding if the action or proceeding arose out of an act or omission in the scope of his employment as an employee of the public entity, but he is not entitled to such reimbursement if the public entity establishes (a) that he acted or failed to act because of actual fraud, corruption or actual malice, or (b) that the action or proceeding is one described in Section 995.4.

Nothing in this section shall be construed to deprive an employee or former employee of the right to petition for a writ of mandate to compel the public entity or the governing body or an employee thereof to perform the duties imposed by this part.

996.6. The rights of an employee or former employee under this part are in addition to and not in lieu of any rights he may have under any contract or under any other enactment providing for his defense.

SEC. 17. Section 26529 of the Government Code is amended to read:

26529. In counties which have a county counsel, the county counsel shall discharge all the duties vested in the district attorney by Sections 26520, 26522, 26523 and 26524. The county

counsel shall defend or prosecute all civil actions and proceedings in which the county or any of its officers is concerned or is a party in his official capacity. Except where the county or district provides other counsel, the county counsel shall defend as provided in Part 7 (commencing with Section 995) of Division 3.6 of Title 1 of the Government Code any action or proceeding brought against an officer, employee or servant of the county or of any district in the county, the legal services of which are required by law to be performed by the county counsel.

SEC. 18. Section 61632 of the Government Code is amended to read:

61632. The district may employ counsel to defend any action or proceeding brought against it on account of any injury, taking, damage, or destruction, or to defend as provided in Part 7 (commencing with Section 995) of Division 3.6 of Title 1 of the Government Code an action or proceeding brought against any of its officers, agents or employees, and the fees and expenses, including the cost of any bonds and undertakings, involved therein are a lawful charge against the district.

SEC. 19. Section 31088 of the Water Code is amended to read:

31088. The district may employ counsel to defend any action or proceeding brought against it on account of any injury, taking, damage, or destruction, or to defend as provided in Part 7 (commencing with Section 995) of Division 3.6 of Title 1 of the Government Code an action or proceeding brought against any of its officers, employees or servants, and the fees and expenses involved therein are a lawful charge against the district.

SEC. 20. Section 15 of the Kings River Conservation District Act (Chapter 931, Statutes of 1951) is amended to read:

Sec. 15. Claims for money or damages against the district are governed by the provisions of Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county. The district may employ counsel to defend any action or proceeding brought against it on account of any taking, injury, damage or destruction, or to defend as provided in Part 7 (commencing with Section 995) of Division 3.6 of Title 1 of the Government Code an action or proceeding brought against any of its officers, employees, or servants, and the fees and expenses involved therein are a lawful charge against the district.

SEC. 21. Sections 16, 17, 18, 19 and 20 of this act shall become operative only if Senate Bill No. 42 is enacted by the

Legislature at its 1963 Regular Session, and in such case at the same time as Senate Bill No. 42 takes effect, at which time Sections 1, 4, 5, 6, 10, 11, 12, 13, 14 and 15 of this act are repealed.

SEC. 22. Section 7.5 of this act shall become operative only if Senate Bill No. 718 of the 1963 Regular Session is enacted into law, in which case it shall take effect at the same time as said Senate Bill No. 718.

SEC. 23. Sections 7.5 and 22 of this act shall become operative only if Senate Bill No. 42 of the 1963 Regular Session is enacted into law, in which case they shall take effect at the same time as said Senate Bill No. 42.

CHAPTER 1684

An act to add Sections 3365 and 3366 to, and to amend Sections 4458 and 4458.2 of, and to repeal Section 4458.5 of, the Labor Code, relating to workmen's compensation.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 3365 is added to the Labor Code, to read:

3365. For the purposes of this division:

(a) Notwithstanding Sections 2700, 2766, and 2791 of the Penal Code, except as provided in subdivisions (b) and (c), each person engaged in suppressing a fire pursuant to Section 4010 or 4160 of the Public Resources Code, and each person (other than an independent contractor or an employee of an independent contractor) engaged in suppressing a fire at the request of a public officer or employee charged with the duty of preventing or suppressing fires, is deemed to be an employee of the public entity that he is serving or assisting in the suppression of the fire, and is entitled to receive compensation from such public entity in accordance with the provisions of this division. A person is engaged in suppressing a fire only during the period he (1) is actually fighting the fire, (2) is being transported to or from the fire, or (3) is engaged in training exercises for fire suppression.

(b) A member of the armed forces of the United States while serving under military command in suppressing a fire is not an employee of a public entity.

(c) Neither a person who contracts to furnish aircraft with pilots to a public entity for fire prevention or suppression service, nor his employees, shall be deemed to be employees of the public entity; but a person who contracts to furnish aircraft to a public entity for fire prevention or suppression

service and to pilot the aircraft himself shall be deemed to be an employee of the public entity.

SEC. 2. Section 3366 is added to the Labor Code, to read:

3366. For the purposes of this division, each person engaged in the performance of active law enforcement service as part of the posse comitatus or power of the county, and each person (other than independent contractor or an employee of an independent contractor) engaged in assisting any peace officer in active law enforcement service at the request of such peace officer, is deemed to be an employee of the public entity that he is serving or assisting in the enforcement of the law, and is entitled to receive compensation from such public entity in accordance with the provisions of this division.

SEC. 3. Section 4458 of the Labor Code is amended to read:

4458. (a) Except as provided in subdivision (b), if a male member registered as an active firefighting member of any regularly organized volunteer fire department as described in Section 3361 suffers injury or death while in the performance of his duty as fireman, or if a person engaged in fire suppression as described in Section 3365 suffers injury or death while so engaged, then, irrespective of his remuneration from this or other employment or from both, his average weekly earnings for the purposes of determining temporary disability indemnity and permanent disability indemnity shall be taken at the maximum fixed for each, respectively, in Section 4453. Four times his average annual earnings in disability cases and in death cases shall be taken at the maximum limits provided in Sections 4452 and 4702 respectively.

(b) In the case of an inmate of a penal or correctional institution who is deemed to be an employee under Section 3365, irrespective of his remuneration, his average weekly earnings for the purposes of determining temporary disability indemnity and permanent disability indemnity shall be taken at the minimum fixed for each, respectively, in Section 4453. Four times his average annual earnings in disability cases shall be taken at the minimum limit provided in Section 4452.

(c) An inmate of a state penal or correctional institution who is deemed to be an employee under Section 3365 is not entitled to receive benefits under this division during the period he is confined in such institution, and the actual period of his confinement after the injury shall be offset against the period for benefits to which he is entitled under this division. Upon parole or release from the state penal or correctional institution, the inmate is entitled to such benefits for the remainder of the benefit period not so offset.

SEC. 4. Section 4458.2 of the Labor Code is amended to read:

4458.2. If a male member registered as an active police member of any regularly organized volunteer police department as described in Section 3362 suffers injury or death while

in the performance of his duty as policeman, or if a person engaged in the performance of active law enforcement service as described in Section 3366 suffers injury or death while in the performance of such active law enforcement service, then, irrespective of his remuneration from this or other employment or from both, his average weekly earnings for the purposes of determining temporary disability indemnity and permanent disability indemnity shall be taken at the maximum fixed for each, respectively, in Section 4453. Four times his average annual earnings in disability cases and in death cases shall be taken at the maximum limits provided in Sections 4452 and 4702 respectively.

SEC. 5. Section 4458.5 of the Labor Code is repealed.

CHAPTER 1685

An act to repeal Section 6904.5 of the Business and Professions Code, and to repeal Section 8535 of the Water Code, and to repeal Sections 36, 37 and 38 of the Alpine County Water Agency Act (Chapter 1896, Statutes of 1961), and to repeal Sections 9.2, 9.3 and 9.4 of the Amador County Water Agency Act (Chapter 2137, Statutes of 1959), and to repeal Section 76 of the Antelope Valley-East Kern County Water Agency Law (Chapter 2146, Statutes of 1959), and to repeal Section 23 of the Contra Costa Water Agency Act (Chapter 518, Statutes of 1957), and to repeal Section 26 of Chapter 40 of the Statutes of 1962 (1st Ex. Sess.) (Crestline-Lake Arrowhead Water Agency Act), and to repeal Section 24 of the Desert Water Agency Law (Chapter 1069, Statutes of 1961), and to repeal Sections 35, 36 and 37 of the El Dorado County Water Agency Act (Chapter 2139, Statutes of 1959), and to repeal Sections 9.1, 9.2 and 9.3 of the Kern County Water Agency Act (Chapter 1003, Statutes of 1961), and to repeal Sections 14, 16 and 17 of the Kings River Conservation District Act (Chapter 931, Statutes of 1951), and to repeal Sections 7.2, 7.3 and 7.4 of the Mariposa County Water Agency Act (Chapter 2036, Statutes of 1959), and to repeal Section 27 of the Mojave Water Agency Law (Chapter 2146, Statutes of 1959), and to repeal Sections 36, 37 and 38 of the Nevada County Water Agency Act (Chapter 2122, Statutes of 1959), and to amend Section 49 of the Orange County Water District Act (Chapter 924, Statutes of 1933), and to repeal Sections 7.2, 7.3 and 7.4 of the Placer County Water Agency Act (Chapter 1234, Statutes of 1957), and to repeal Section 24 of the San Gorgonio Pass Water Agency Law (Chapter 1435, Statutes of 1961), and to repeal Sections 7.2, 7.3 and 7.4 of the Sutter County Water Agency Act (Chapter 2088, Statutes of 1959), and to repeal Section 24 of the Upper Santa Clara Valley Water Agency Law (Chapter 28, Statutes of 1962 (1st Ex. Sess.)), and to

repeal Sections 35, 36 and 37 of the Yuba-Bear River Basin Authority Act (Chapter 2131, Statutes of 1959), and to repeal Sections 7.2, 7.3 and 7.4 of the Yuba County Water Agency Act (Chapter 788, Statutes of 1959), relating to the liability of public officers, agents and employees.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 6904.5 of the Business and Professions Code is repealed.

SEC. 2. Section 8535 of the Water Code is repealed.

SEC. 3. Section 36 of the Alpine County Water Agency Act (Chapter 1896, Statutes of 1961) is repealed.

SEC. 4. Section 37 of the Alpine County Water Agency Act (Chapter 1896, Statutes of 1961) is repealed.

SEC. 5. Section 38 of the Alpine County Water Agency Act (Chapter 1896, Statutes of 1961) is repealed.

SEC. 6. Section 9.2 of the Amador County Water Agency Act (Chapter 2137, Statutes of 1959) is repealed.

SEC. 7. Section 9.3 of the Amador County Water Agency Act (Chapter 2137, Statutes of 1959) is repealed.

SEC. 8. Section 9.4 of the Amador County Water Agency Act (Chapter 2137, Statutes of 1959) is repealed.

SEC. 9. Section 76 of the Antelope Valley-East Kern County Water Agency Law (Chapter 2146, Statutes of 1959) is repealed.

SEC. 10. Section 23 of the Contra Costa Water Agency Act (Chapter 518, Statutes of 1957) is repealed.

SEC. 11. Section 26 of Chapter 40 of the Statutes of 1962 (1st Ex. Sess.) (Crestline-Lake Arrowhead Water Agency Act) is repealed.

SEC. 12. Section 24 of the Desert Water Agency Law (Chapter 1069, Statutes of 1961) is repealed.

SEC. 13. Section 35 of the El Dorado County Water Agency Act (Chapter 2139, Statutes of 1959) is repealed.

SEC. 14. Section 36 of the El Dorado County Water Agency Act (Chapter 2139, Statutes of 1959) is repealed.

SEC. 15. Section 37 of the El Dorado County Water Agency Act (Chapter 2139, Statutes of 1959) is repealed.

SEC. 16. Section 9.1 of the Kern County Water Agency Act (Chapter 1003, Statutes of 1961) is repealed.

SEC. 17. Section 9.2 of the Kern County Water Agency Act (Chapter 1003, Statutes of 1961) is repealed.

SEC. 18. Section 9.3 of the Kern County Water Agency Act (Chapter 1003, Statutes of 1961) is repealed.

SEC. 19. Section 14 of the Kings River Conservation District Act (Chapter 931, Statutes of 1951) is repealed.

SEC. 20. Section 16 of the Kings River Conservation District Act (Chapter 931, Statutes of 1951) is repealed.

SEC. 21. Section 17 of the Kings River Conservation District Act (Chapter 931, Statutes of 1951) is repealed.

SEC. 22. Section 7.2 of the Mariposa County Water Agency Act (Chapter 2036, Statutes of 1959) is repealed.

SEC. 23. Section 7.3 of the Mariposa County Water Agency Act (Chapter 2036, Statutes 1959) is repealed.

SEC. 24. Section 7.4 of the Mariposa County Water Agency Act (Chapter 2036, Statutes of 1959) is repealed.

SEC. 25. Section 27 of the Mojave Water Agency Law (Chapter 2146, Statutes of 1959) is repealed.

SEC. 26. Section 36 of the Nevada County Water Agency Act (Chapter 2122, Statutes of 1959) is repealed.

SEC. 27. Section 37 of the Nevada County Water Agency Act (Chapter 2122, Statutes of 1959) is repealed.

SEC. 28. Section 38 of the Nevada County Water Agency Act (Chapter 2122, Statutes of 1959) is repealed.

SEC. 29. Section 49 of the Orange County Water District Act (Chapter 924, Statutes of 1933) is amended to read:

Sec. 49. For any willful violation of any express duty herein provided for, on the part of any officer herein named, he shall be liable upon his official bond, and be subject to removal from office, by proceedings brought in the Superior Court of Orange County by any assessment payer of the district.

SEC. 30. Section 7.2 of the Placer County Water Agency Act (Chapter 1234, Statutes of 1957) is repealed.

SEC. 31. Section 7.3 of the Placer County Water Agency Act (Chapter 1234, Statutes of 1957) is repealed.

SEC. 32. Section 7.4 of the Placer County Water Agency Act (Chapter 1234, Statutes of 1957) is repealed.

SEC. 33. Section 24 of the San Gorgonio Pass Water Agency Law (Chapter 1435, Statutes of 1961) is repealed.

SEC. 34. Section 7.2 of the Sutter County Water Agency Act (Chapter 2088, Statutes of 1959) is repealed.

SEC. 35. Section 7.3 of the Sutter County Water Agency Act (Chapter 2088, Statutes of 1959) is repealed.

SEC. 36. Section 7.4 of the Sutter County Water Agency Act (Chapter 2088, Statutes of 1959) is repealed.

SEC. 37. Section 24 of the Upper Santa Clara Valley Water Agency Law (Chapter 28, Statutes of 1962 (1st Ex. Sess.)) is repealed.

SEC. 38. Section 35 of the Yuba-Bear River Basin Authority Act (Chapter 2131, Statutes of 1959) is repealed.

SEC. 39. Section 36 of the Yuba-Bear River Basin Authority Act (Chapter 2131, Statutes of 1959) is repealed.

SEC. 40. Section 37 of the Yuba-Bear River Basin Authority Act (Chapter 2131, Statutes of 1959) is repealed.

SEC. 41. Section 7.2 of the Yuba County Water Agency Act (Chapter 788, Statutes of 1959) is repealed.

SEC. 42. Section 7.3 of the Yuba County Water Agency Act (Chapter 788, Statutes of 1959) is repealed.

SEC. 43. Section 7.4 of the Yuba County Water Agency Act (Chapter 788, Statutes of 1959) is repealed.

SEC. 44. This act shall become operative only if Senate Bill No. 42 of the 1963 Regular Session is enacted.

CHAPTER 1686

An act to amend Sections 748, 5084, 5406, 5571, 1300.21, and 2185 of, and to repeal Sections 2916 and 3407 of, the Agricultural Code, relating to the liability of public entities and public officers, agents, and employees.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 748 of the Agricultural Code is amended to read:

748. The members of the board duly appointed by the director, including employees of such board, shall not be held responsible individually in any way whatsoever to any person for liability on any contract or agreement of the board. All salaries, expenses, costs, obligations and liabilities arising out of the administration and enforcement of this chapter shall be payable only from funds collected under the provisions of this chapter.

SEC. 2. Section 1300.21 of said code is amended to read:

1300.21. The members or alternate members of any such advisory board duly appointed by the director, including employees of such board, shall not be held responsible individually in any way whatsoever to any person for liability on any contract or agreement of the board.

SEC. 3. Section 2185 of said code is amended to read:

2185. The members and alternate members of any program committee or grading committee duly appointed by the director, including employees of the program committee, shall not be held responsible individually in any way whatsoever to any person for liability on any contract or agreement of the committee.

SEC. 4. Section 2916 of said code is repealed.

SEC. 5. Section 3407 of said code is repealed.

SEC. 6. Section 5084 of said code is amended to read:

5084. The members of the council duly appointed by the director, including employees of such council, shall not be held responsible individually in any way whatsoever to any person for liability on any contract or agreement of the council. All salaries, expenses, costs, obligations and liabilities arising out of the administration and enforcement of this chapter shall be payable only from funds collected under the provisions of this chapter.

SEC. 7. Section 5406 of said code is amended to read:

5406. The members and alternate members of the board duly appointed by the director, including employees of such board, shall not be held responsible individually in any way whatsoever to any person for liability on any contract or agreement of the board. All salaries, expenses, costs, obligations and liabilities arising out of the administration and enforcement of this chapter shall be payable only from funds collected under the provisions of this chapter.

An alternate member of the advisory board shall sit as a regular member of the board in case the member for whom he is an alternate fails for any reason to attend any meetings of the board. He shall be compensated and reimbursed in the same manner and to the same extent as a regular member when so serving and when so serving has all the powers, duties, liabilities and immunities of the member in whose place he is serving, except that the alternate to the chairman or vice chairman shall not succeed to the functions of these offices.

SEC. 8. Section 5571 of said code is amended to read:

5571. The State of California shall not be liable on the contracts or agreements of the commission. All salaries, expenses, costs, obligations and liabilities arising out of the administration and enforcement of this chapter shall be payable only from funds collected or received by the commission. No member of the commission or any employee or agent thereof shall be personally liable on the contracts or agreements of the commission.

SEC. 9. This act shall become operative only if Senate Bill No. 42 is enacted by the Legislature at its 1963 Regular Session.

CHAPTER 1687

An act to add Section 20498.5 to the Government Code, relating to State Employees' Retirement System.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 20498.5 is added to the Government Code, to read:

20498.5. Any person, or the estate or beneficiary of such person, who retired under this system on or before October 1, 1961, with credit under a contract of a county superintendent of schools or a school district, for service which was also included in the federal system, or the beneficiary under Section 21365.5 of this code of a member who died on or before Octo-

ber 1, 1961, with such service credit, shall receive an amount equal to the contributions which would have been refunded under Section 20498 of this code had he not retired or died but continued in membership through October 1, 1961. Such payment from the Retirement Fund shall be processed in the accounts of the system as though the person had been refunded prior to retirement or death, as the case may be.

CHAPTER 1688

An act to add Section 69582.5 to the Government Code, relating to superior court judges in El Dorado County.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 69582.5 is added to the Government Code, to read:

69582.5. In the County of El Dorado there shall be two judges of the superior court.

CHAPTER 1689

An act to add Section 24080 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 24080 is added to the Business and Professions Code, to read:

24080. Every application filed by the intended transferee with the department for the transfer of an onsale or offsale general license shall indicate whether the consideration, if any, to be paid to the transferor includes payment for any or all of the following:

(a) Inventory.

(b) Fixtures.

(c) Transfer of the license.

The actual amount of the consideration, if any, to be paid for items (a), (b) and (c) is to be indicated in the application.

CHAPTER 1690

An act to add Chapter 1 6 (commencing with Section 5096.1) to Division 5 of the Public Resources Code, relating to financing of a program of acquiring and developing state and municipal beach, park, recreational, and historical facilities by providing the funds necessary therefor through the issuance and sale of bonds of the State of California, and by providing for the handling and disposition of said funds, and making an appropriation therefor, and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1964.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Chapter 1.6 (commencing with Section 5096.1) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 1.6. STATE BEACH, PARK, RECREATIONAL, AND HISTORICAL FACILITIES BOND ACT OF 1964

5096.1. This chapter may be cited as the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964.

5096.2. The Legislature of the State of California hereby finds and declares that:

(a) It is the responsibility of this State to provide and to encourage the provision of outdoor recreation opportunities for the citizens of California;

(b) When there is proper planning and development, open space lands contribute not only to a healthy physical and moral environment, but also contribute to the economic betterment of the State, and, therefore, it is in the public interest for the State to acquire areas for recreation, conservation, and preservation and to aid local governments of the State in acquiring and developing such areas as will contribute to the realization of the policy declared in this chapter.

5096.3. The Legislature further finds and declares that:

(a) The present public outdoor recreation areas and facilities in the State are inadequate to accommodate the demands made on them at the present time and will become critically inadequate as time progresses.

(b) Land values are increasing at a steady rate and any delay by the State in securing additional lands for park and recreation purposes will result not only in the loss of suitable lands for recreation purposes, but also will reduce the economic ability of the State to acquire such lands.

(c) At the next general election the people of the State of California will vote upon a proposition authorizing a state

bond issue in the amount of one hundred fifty million dollars ($150,000,000) to provide the moneys for the acquisition and development of lands needed for recreation purposes.

(d) It is desirable for the people of this State to have prior notice of the proposed disposition and allocation of the proceeds of this bond issue.

5096.4. Bonds in the total amount of one hundred fifty million dollars ($150,000,000), or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes expressed hereinafter. Said bonds shall, when sold, be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California are hereby pledged for the punctual payment of both principal and interest on said bonds as said principal and interest become due and payable.

5096.5. There shall be collected each year and in the same manner and at the same time as other state revenue is collected such sum in addition to the ordinary revenues of the State as shall be required to pay the principal and interest on said bonds maturing in said year, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue to do and perform each and every act which shall be necessary to collect such additional sum.

5096.6. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this act, such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal and interest on bonds issued and sold pursuant to the provisions of this chapter, as said principal and interest become due and payable.

(b) The sum of twenty-five thousand dollars ($25,000) to pay the expenses incurred by the State Treasurer in preparing and advertising the sale or prior redemption of bonds issued pursuant to this act, to defray expenses incurred by the State Park and Recreation Finance Committee pursuant to Section 16758 of the Government Code, and for the payment of legal services upon approval of the State Board of Control, pursuant to Section 16760 of the Government Code.

(c) Such sum as is necessary to carry out the provisions of Section 5096.7, which sum is appropriated without regard to fiscal years.

5096.7. For the purposes of carrying out the provisions of this chapter the Director of Finance may by executive order authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which have been authorized to be sold for the purpose of carrying out this chapter. Any amounts withdrawn shall be deposited in the State Beach, Park, Recreational, and Historical Facilities Fund, which fund is hereby created. Any moneys made available under this section shall be returned to the General Fund from moneys received from the sale of bonds sold for the purpose of carrying out the provisions of this chapter.

5096.8. The proceeds of bonds issued and sold pursuant to this chapter shall be deposited in the State Beach, Park, Recreational, and Historical Facilities Fund. The money in the fund may be expended only for the purposes specified in this chapter and only pursuant to appropriation by the Legislature in the manner hereinafter prescribed.

5096.9. All proposed appropriations for the program contemplated by this chapter shall be included in a section in the Budget Bill for each fiscal year for consideration by the Legislature, and shall bear the caption "State Beach, Park, Recreational, and Historical Facilities Bond Act Program." The section shall contain separate items for each project for which an appropriation is made.

Such appropriations shall be subject to all limitations contained in the Budget Bill and to all fiscal procedures prescribed by law with respect to the expenditure of state funds. The section shall contain proposed appropriations only for the program contemplated by this chapter, and no funds derived from the bonds authorized by this chapter may be expended pursuant to an appropriation not contained in that section of the Budget Act.

5096.10. The bonds authorized by this act shall be prepared, executed, issued, sold, paid and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3, Division 4, Title 2 of the Government Code) and all of the provisions of that law are applicable to the bonds and to this chapter, and are hereby incorporated in this chapter as though set forth in full herein.

5096.11. The State Park and Recreation Finance Committee is hereby created. The committee consists of the Governor, the State Controller, the Director of Finance, the State Treasurer, and the Administrator of the Resources Agency. For the purposes of this chapter the State Park and Recreation Finance Committee shall be "the committee" as that term is used in the State General Obligation Bond Law. The Administrator of the Resources Agency is hereby designated as the board for the purposes of this chapter and for the purposes of the State General Obligation Bond Law.

5096.12. Out of the first money realized from the sale of bonds issued pursuant to this chapter there shall be redeposited to the credit of the appropriation made by subdivision (b) of Section 5096.6 such sums as have been expended for the purposes specified in subdivision (b) of Section 5096.6. The amounts so redeposited may be used for the same purposes whenever additional sales of bonds are made pursuant to this chapter. When all the bonds authorized by this chapter have been sold, the unexpended and unobligated balance of the appropriation made by subdivision (b) of Section 5096.6 shall revert to the General Fund.

5096.13. All money deposited in the State Beach, Park, Recreational and Historical Facilities Fund which is derived

from premium and accrued interest on bonds sold shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

5096.14. As used in this chapter and for the purposes of this chapter as used in the State General Obligation Bond Law, the following words shall have the following meanings:

(a) "State grant" or "state grant moneys" means moneys received by the State from the sale of bonds authorized by this chapter which are available for grants to counties for acquisition and development of real property for park and recreation purposes.

(b) "Regional project" means the acquisition and development of real property for park and recreation purposes by a county, a city, or by two or more counties, a city, district or regional agency engaged in a project with the use of state grant moneys to serve regional recreational needs.

(c) "Minimum development" means the providing of public access, sanitary and water facilities, and public safety requirements.

5096.15. Except as otherwise provided herein, all money deposited in the State Beach, Park, Recreational, and Historical Facilities Fund shall be available for appropriation as set forth in Section 5096.9 for the purposes set forth below in amounts not to exceed the following except as may be provided hereafter:

(a) For the acquisition of real property for the state park system, including public beaches	$85,000,000
(b) For minimum development of real property acquired under subdivision (a) of this section	$20,000,000
(c) For the acquisition, development, or acquisition and development, of real property for wildlife management in accordance with the provisions of the Wildlife Conservation Law of 1947 (Chapter 4 (commencing with Section 1300), Division 2, Fish and Game Code) and in accordance with a master plan drafted as an element of the State Development Plan	$5,000,000
(d) For grants to counties, cities, or cities and counties for the acquisition, development, or acquisition and development, of real property for park and beach purposes	$40,000,000

5096.16. The forty million dollars ($40,000,000) authorized by Section 5096.15 for grants shall be allocated to the counties, such allocation to be based upon the estimated population of the counties on July 1, 1975, as that population is shown in the document "Provisional Projections of California Areas and

Counties to 1980" published by the State Department of Finance and dated February 15, 1963, as follows:

One dollar and twenty-five cents ($1.25) per person per county, plus an additional twenty-five cents ($0.25) per person per county for those counties which participate in an areawide or regional plan, or which assume planning responsibility for an urban area as a whole, in either case sufficient to qualify for federal financial assistance pursuant to the provisions of Title VII of the Federal Housing Act of 1961 (Public Law 87-70), provided however, that each county shall be entitled to receive an allocation of not less than seventy-five thousand dollars ($75,000), and provided further, that any grant made to a city, district, or regional public agency shall be subtracted from the total otherwise allocable under the provisions of this chapter to the county or counties in which the city, district, or regional public agency is located. Any city, district or regional public agency may participate with a county or counties in an application for a state grant under the provisions of this section, provided that a city, district, or regional public agency may apply for a grant only after receiving the approval of the boards of supervisors of the county whose allocation is affected and of the county or counties in which the city proposes to acquire real property.

5096.17. On July 1, 1970, the Resources Agency Administrator shall cause to be totaled the unencumbered balances remaining in the State Beach, Park, Recreational and Historical Facilities Fund. A program shall be submitted in the budget for the 1971-72 fiscal year to appropriate this balance. This program shall consist of projects deemed to be of highest priority from among the purposes expressed in Section 5096.15 (a) through (d), inclusive, and shall not be subject to the maximum amounts allocated to those purposes in Section 5096.15.

5096.18. Projects involving state funds only, pursuant to subdivisions (a) and (b) of Section 5096.15, shall originate by legislative resolution, resolutions, or resolutions of the State Park Commission directing studies of the projects included therein or upon initiative of the Administrator of the Resources Agency directing a study of the projects included therein.

Allocations for the purposes of subdivision (c) of Section 5096.15 that are authorized by the Legislature and approved by the Governor shall be made from the State Beach, Park, Recreational and Historical Facilities Fund and shall be expended in accordance with the provisions of the Wildlife Conservation Law of 1947 (Chapter 4 (commencing with Section 1300), Division 2, Fish and Game Code) and in accordance with a master plan drafted as an element of the State Development Plan.

5096.20. An application for a state grant pursuant to subdivision (d) of Section 5096.15 shall be submitted to the Re-

sources Agency Administrator. The application for the state grant shall be accompanied by a countywide area, or regional master or general plan as set forth in Section 65462 of the Government Code for the county or counties wherein the project lies. This plan shall contain a recreation element, as defined in Section 65465 of the Government Code, and shall have been adopted by the board of supervisors of the county or counties applying for state funds. The Resources Agency Administrator, in co-operation with the State Office of Planning, shall review the material submitted by the county or counties for completeness and conformity with the State Development Plan.

Upon completion of the Resources Agency Administrator's review, approved projects shall be forwarded to the Governor for inclusion in the Budget Bill.

5096.21. Projects proposed pursuant to subdivisions (a), (b) and (c) of Section 5096.15 shall be submitted to the office of the Resources Agency Administrator for review. The Director of the Department of Parks and Recreation shall provide the Resources Agency Administrator with a statement concerning each project originated pursuant to subdivisions (a) and (b) of Section 5096 15, which statement shall include at least the following data:

(a) The demand giving rise to the necessity for the project,

(b) The existing supply of opportunities for meeting such need and the relationship of the proposed project to said supply,

(c) The economic factors associated with the project, and

(d) The nondemand factors, if any, associated with the proposed project, including historical importance, unique scientific or scenic value.

The administrator as part of his review shall refer the projects to the State Office of Planning for the purpose of determining their general compliance with the State Development Plan.

5096 22. The administrator, after completing his review, shall forward those projects recommended by the appropriate board or commission together with his comments thereon to the Governor for inclusion in the Budget Bill.

In submitting the list of projects recommended for inclusion in the annual budget, the administrator shall organize the projects on a priority basis within each of the purposes as set forth in subdivisions (a), (b), and (c) of Section 5096.15. This priority ranking shall take into account and be based upon at least the following factors:

(a) Location with respect to pressures arising from user demand,

(b) Project size and the reason for such size or extent,

(c) The kinds of real property interests to be acquired,

(d) Whether the project is new or an addition to existing state property,

(e) Estimates of direct or indirect capital costs,

(f) Estimates of annual gross and net operating costs for the ensuing five years, and

(g) Compliance with the concept of orderly statewide recreational development consistent with the State Development Plan.

In addition, the statement setting forth the priorities shall include the relationship of each separate project on the priority list to a proposed time schedule for the acquisition and development expenditures associated with the accomplishment of the projects contained in said list. All projects proposed in the Governor's budget of each fiscal year shall be contained in the Budget Bill as provided in Section 5096 9 of this act.

5096.23. Projects authorized for the purposes set forth in subdivisions (a) and (b) of Section 5096 15 shall be subject to augmentation as provided in Section 16352 of the Government Code. The unexpended balance in any appropriation heretofore or hereafter made payable from the State Beach Park, Recreational, and Historical Facilities Fund which the Director of Finance, with the approval of the State Public Works Board, determines not to be required for expenditure pursuant to the appropriation may be transferred on order of the Director of Finance to and in augmentation of the appropriation made in Section 16352 of the Government Code

5096.24. The Director of the Department of Parks and Recreation may make agreements with respect to any land acquired pursuant to subdivision (a) of Section 5096.15 of this chapter for continued tenancy of the seller of the property for a period of time and under such conditions as mutually agreed upon by the State and the seller so long as the seller promises to pay such taxes on his interest in property as shall become due, owing or unpaid on the interest created by such agreement and so long as the seller conducts his operations on the land according to specifications issued by the Director or the Department of Parks and Recreation to protect the property for the public use for which it was acquired. A copy of such agreement shall be filed with the county clerk in the county in which the property lies. Such arrangement shall be compatible with the operation of the area by the State, as determined by the Director of the Department of Parks and Recreation.

5096.25. Notwithstanding any other provisions of law, for the purposes of this chapter acquisition may include gifts, purchases, leases, easements, eminent domain, the transfer of property for other property of like value, purchases of development rights, and other interests unless the Legislature shall hereafter otherwise provide. Acquisition for the State Park System by purchase or by eminent domain shall be under the Property Acquisition Law, notwithstanding any other provisions of law.

5096.26. All grants, gifts, devises or bequests to the State, conditional or unconditional, for park, conservation, recrea-

tion or other purposes for which land may be acquired and developed pursuant to this chapter, may be accepted and received on behalf of the State by the appropriate department head with the approval of the Director of Finance.

5096.27. There shall be an agreement or contract between the State and the applicant in the case of a state grant project which shall contain therein the provisions that the property so acquired shall be used by the grantee only for the purpose for which the state grant funds were requested and that no other use of the area shall be permitted except by specific act of the Legislature.

Notwithstanding any other provision in this chapter, state grant moneys to be used for park acquisition purposes only shall be restricted to those projects contemplating the acquisition of 50 acres or more of real property, or as an addition to an existing park to provide a total park area of 50 acres or more. Such projects shall also be devoted to multiple recreation purposes, as opposed to restrictive, single interest usage.

5096.28. Lands acquired by the State shall consist predominantly of open or natural lands, including lands under water capable of being utilized for multiple recreation purposes. No funds derived from the bonds authorized by this section shall be expended for the construction of any reservoir designated as a part of the "State Water Facilities," as defined in subdivision (d) of Section 12934 of the Water Code, but such funds may be expended for the acquisition and development of beaches, parks, recreational facilities and historical monuments at or in the vicinity of any such reservoir.

SEC. 2. Section 1 of this act shall become operative January 1, 1965, if the people at the next general election adopt the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1964, as set out in Section 1 of this act.

SEC. 3. The State Beach, Park, Recreational, and Historical Facilities Bond Act of 1964, as set forth in Section 1 of this act, shall be submitted to the people of the State of California for their ratification at the next general election, to be held in the month of November, 1964, and all ballots of said election shall have printed thereon and in a square thereof, the words: "For the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1964," and the same square under said words the following in eight-point type: "This act provides for a bond issue of one hundred fifty million dollars ($150,000,000) to be used to meet the recreational requirements of the people of the State of California by acquiring and developing lands for recreational purposes." In the square immediately below the square containing such words, there shall be printed on said ballot the words, "Against the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1964," and in the same square immediately below said words, in eight-point type shall be printed "This act provides for a bond issue of one hundred fifty million dollars ($150,000,000)

to be used to meet the recreational requirements of the people of the State of California by acquiring and developing lands for recreational purposes." Opposite the words "For the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1964," and "Against the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1964," there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words, "For the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1964," and those voting against the said act shall do so by placing a cross opposite the words "Against the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1964." Provided, that where the voting of said general election is done by means of voting machines used pursuant to law in such manner as to carry out the intent of this action, such use of such voting machines and the expression of the voters' choice by means thereof, shall be deemed to comply with the provisions of this section. The Governor of this State shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

SEC. 4. The votes cast for or against the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1964 shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appears that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrepealable until the principal and interest of the liabilities herein created shall be paid and discharged, and the Governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

CHAPTER 1691

An act to add Section 27305 to the Vehicle Code, relating to vehicle equipment.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 27305 is added to the Vehicle Code, to read:

27305. All publicly owned firefighting vehicles designed for and used in responding to emergency fire calls and in combating fires shall be equipped with approved safety belts for each seat utilized by personnel when such vehicles are being operated.

CHAPTER 1692

An act to amend Section 69583 of the Government Code, relating to the number of superior court judges in Fresno County.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 69583 of the Government Code is amended to read:

69583. In the County of Fresno there shall be seven judges of the superior court.

CHAPTER 1693

An act to amend Sections 1769, 1770, and 1771 of, and to add Article 6 (commencing with Section 1800) to Chapter 1, Division 2.5 of, the Welfare and Institutions Code, relating to persons committed to the Youth Authority.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 1769 of the Welfare and Institutions Code is amended to read:

1769. Every person committed to the authority by a juvenile court shall be discharged upon the expiration of a two-year period of control or when the person reaches his 21st birthday, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800).

SEC. 2. Section 1770 of said code is amended to read:

1770. Every person convicted of a misdemeanor and committed to the authority shall be discharged upon the expiration of a two-year period of control or when the person reaches his 23d birthday, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800).

SEC. 3. Section 1771 of said code is amended to read:

1771. Every person convicted of a felony and committed to the authority shall be discharged when such person reaches his 25th birthday, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800) or unless a petition is filed under Article 5 of this chapter. In the event such a petition under Article 5 is filed, the authority shall retain control until the final disposition of the proceeding under Article 5.

SEC. 4. Article 6 (commencing with Section 1800) is added to Chapter 1 of Division 2.5 of said code, to read:

Article 6. Extended Detention of Dangerous Persons

1800. Whenever the Youth Authority Board determines that the discharge of a person from the control of the Youth Authority at the time required by Section 1769, 1770, or 1771, as applicable, would be physically dangerous to the public because of the person's mental or physical deficiency, disorder, or abnormality, the board, through its chairman, shall make application to the committing court for an order directing that the person remain subject to the control of the authority beyond such time. The application shall be filed at least 90 days before the time of discharge otherwise required. The application shall be accompanied by a written statement of the facts upon which the board bases its opinion that discharge from control of the Youth Authority at the time stated would be physically dangerous to the public, but no such application shall be dismissed nor shall an order be denied merely because of technical defects in the application.

1801. If the board applies to the court for an order as provided in Section 1800, the court shall notify the person whose liberty is involved, and, if he is a minor, his parent or guardian (if such person can be reached, and, if not, the court shall appoint a person to act in the place of the parent or guardian) of the application, and shall afford him an opportunity to appear in court with the aid of counsel and of process to compel attendance of witnesses and production of evidence. When he is unable to provide his own counsel, the court shall appoint counsel to represent him.

If after a full hearing the court is of the opinion that discharge of the person would be physically dangerous to the public because of his mental or physical deficiency, disorder, or abnormality the court shall order the Youth Authority to continue the treatment of such person. If the court is of the opinion that discharge of the person from continued control of the authority would not be physically dangerous to the public, the court shall order the person to be discharged from control of the authority.

1802. When an order for continued detention is made as provided in Section 1801, the control of the authority over the person shall continue, subject to the provisions of this chapter, but, unless the person is previously discharged as provided in Section 1766, the authority shall, within two years after the date of such order in the case of persons committed by the juvenile court, or within five years after the date of such order in the case of persons committed after conviction in criminal proceedings, file a new application for continued detention in accordance with the provisions of Section 1800 if continued detention is deemed necessary. Such applications may be repeated at intervals as often as in the opinion of the authority

may be necessary for the protection of the public, except that the authority shall have power, in order to protect other persons in the custody of the authority, to transfer the custody of any person over 21 years of age to the Director of Corrections for placement in the appropriate institution.

Every person shall be discharged from the control of the authority at the termination of the period stated in this section unless the board has filed a new application and the court has made a new order for continued detention as provided above in this section.

1803. An order of the committing court made pursuant to this article is appealable by the person whose liberty is involved in the same manner as a judgment in a criminal case. The appellate court may affirm the order of the lower court, or modify it, or reverse it and order the appellant to be discharged. Pending appeal, the appellant shall remain under the control of the authority.

SEC. 5. This act shall remain in effect until the 91st day after the final adjournment of the 1965 Regular Session of the Legislature, and shall have no force or effect after that date.

CHAPTER 1694

An act to amend Section 69591 of the Government Code, relating to the number of judges of the Orange County Superior Court.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 69591 of the Government Code is amended to read:

69591. In the County of Orange there shall be 15 judges of the superior court. On and after July 1, 1964, there shall be 16 judges.

CHAPTER 1695

An act to amend Section 74551 of the Government Code, relating to the San Jose-Alviso Judicial District.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 74551 of the Government Code is amended to read:

74551. There shall be eight judges.

CHAPTER 1696

An act to add Section 24079 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 24079 is added to the Business and Professions Code, to read:

24079. The purchase price or consideration that may be paid by a transferee or received by a transferor of an onsale general license or offsale general license originally issued on or after June 1, 1961, shall not exceed six thousand dollars ($6,000).

CHAPTER 1697

An act to amend Section 6902 of the Education Code, relating to the education of mentally retarded minors.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 6902 of the Education Code is amended to read:

6902. The education of mentally retarded minors who are of compulsory school age and who may be expected to benefit from special educational facilities designed to make them economically useful and socially adjusted shall be provided for in the manner set forth in Sections 6901 to 6913, inclusive, and in Sections 8951 to 8956, inclusive. Such special education may be provided mentally retarded minors below compulsory school age who are between five years nine months and eight years of age and those above compulsory school age and less than 21 years of age.

CHAPTER 1698

An act to amend Sections 253, 313, 317, 320, 334, 335, 336, 337, 341, 348, 365, 375, 429, 441, 442, 541, 543, 581, 582 and 592, of the Streets and Highways Code, to amend Sections 253, 304, 336, 349, 375, 378, 388, 408, 428, 455, 470, 478 and 504 of the Streets and Highways Code as added by Chapter 385 of the Statutes of 1963, and to amend Section 3 of Chapter 526 of the Statutes of 1963, relating to state highways.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 253 of the Streets and Highways Code is amended to read:

253. The California Freeway and Expressway System is hereby established and shall be composed of the following highways:

All of the Federal Interstate Highway System in California except those portions in the City and County of San Francisco described as follows:

(a) Interstate Route No. 280 from the San Mateo county line to the Golden Gate Bridge.

(b) Interstate Route No. 480 from Bay and Embarcadero Streets to the Golden Gate Bridge.

(c) Interstate Route No. 80 from Interstate Route No. 280 to State Highway Route 2.

U.S. 6 from:

(a) U.S. 99 near Los Angeles to U.S. 395 near Inyokern.

(b) U.S. 395 near Bishop to the Nevada state line.

U.S. 40 Alternate in its entirety.

U.S. 50 from Sacramento to the Nevada state line.

U.S. 60 from Route 26, the San Bernardino Freeway, to U.S. 99 near Beaumont.

U.S. 95 from U.S. 60 near Blythe to U.S. 66 near Needles

U.S. 97 in its entirety.

U.S. 99 from:

(a) Brawley to Indio.

(b) Wheeler Ridge south of Bakersfield to Sacramento.

U.S. 99E from Roseville to Red Bluff.

U.S. 101 from:

(a) Los Angeles to south of San Jose.

(b) Route 225 in San Francisco to the San Francisco-Oakland Bay Bridge.

(c) The Golden Gate Bridge to the Oregon state line north of Crescent City.

U.S. 101 Alternate from U.S. 101 near Capistrano Beach to U.S. 101 near Oxnard.

U.S. 101 Bypass from the junction of U.S. 101 south of San Jose to the junction U.S. 101 at Alemany Boulevard in San Francisco.

U.S. 199 in its entirety.

U.S. 299 in its entirety.

U.S. 395 all of the route in California except that portion from Johnstonville to near Ravendale in Lassen County.

U.S. 399 from Ventura to Maricopa.

U.S. 466 from Route 56 north of Morro Bay to Barstow.

Route 3 from Sacramento to Route 98 near North Sacramento.

Route 5 from Hayward to Santa Cruz.

Route 9 from:

(a) Route 79 near Saticoy to Federal Aid Interstate Route 210 near San Fernando.

(b) Federal Aid Interstate Route 210 near Glendora to Route 190.

Route 10 from Route 238 near Coalinga to Sequoia National Park.

Route 11 from Route 75 to Route 53.

Route 12 from Route 286 to Route 2.

Route 13 from Route 109 to Route 23.

Route 15 from U.S. 101 near Ukiah to Interstate Route 80 near Emigrant Gap.

Route 17 from near Auburn to Grass Valley.

Route 19 from Federal Aid Interstate Route 5 near Santa Ana to Route 77.

Route 20 from:

(a) Redding to Lassen National Park.

(b) Route 83 near Old Station to Route 29 west of Susanville.

(c) Route 29 near Susanville to Route 73 near Termo.

Route 23 from U.S. 395 near Topaz Lake to U.S. 50 near Meyers.

Route 24 from:

(a) Route 4 near Lodi to San Andreas.

(b) Route 23 near Woodfords to the Nevada state line.

Route 25 from Nevada City to Route 83 near Sattley.

Route 26 from Calexico to Route 201.

Route 29 from Red Bluff to Johnstonville, except between Mineral and Morgan Springs.

Route 34 from near Ione to Route 23 near Picketts in Hope Valley.

Route 38 from Route 11 near Mays Junction to Route 37 near Truckee.

Route 40 from Route 13 to Route 23 near Mono Lake. The portion within Yosemite is not a state highway.

Route 41 from Route 138 near Mendota to General Grant Grove section of Kings Canyon National Park.

Route 43 from Newport Beach to Route 31 at Victorville except the portion on the north side of Big Bear Lake.

Route 50 from Route 90 to Route 238 near Woodland.

Route 55 from Route 5 to Route 105.

Route 56 from:

(a) U.S. 101 near Las Cruces to U.S. 101 near Pismo.

(b) U.S. 101 near San Luis Obispo to San Simeon.

(c) Carmel to the south boundary of San Francisco.

(d) U.S. 101 near Richardson Bay to near Valley Ford.

(e) Route 48 to U.S. 101 near Leggett Valley.

Route 57 from:

(a) Route 2 near Santa Maria to Route 238.

(b) Bakersfield to Route 23 near Freeman.

Route 58 from Route 238 to Route 4 near Bakersfield.

Route 59 from Route 4 near Gorman to Route 31 near Cajon Pass.

Route 62 from Route 171 near Buena Park to Federal Aid Interstate Route 210.

Route 64 from Route 2 near San Juan Capistrano to Route 26 near Indio.

Route 65 from:

(a) Route 34 near Jackson to Route 11 near Placerville.

(b) Route 18 near Mariposa to Route 125 near Oakhurst.

Route 75 from:

(a) Oakland to Route 4 near Stockton via Walnut Creek and Antioch.

(b) Route 4 near Stockton to Route 249 near Farmington.

Route 76 from Route 125 to Huntington Lake.

Route 77 from Route 78 near Temecula to Route 19 near Pomona.

Route 78 from:

(a) Route 12 to Route 198.

(b) Route 277 to Route 77 near Temecula.

Route 80 from U.S. 101 west of Santa Barbara to U.S. 101 near Zaca.

Route 82 from Route 20 near Weaverville to Route 3 near Yreka.

Route 87 from Route 21 near Wick's Corner to Route 3 near Chico.

Route 88 from Route 15 near Colusa to Route 47 near Hamilton City.

Route 89 from Route 243 south of Kelseyville to Route 15 near Upper Lake.

Route 104 from Route 1 near Cotati to near Forestville.

Route 105 from Route 56 near Half Moon Bay to Route 5 near Hayward.

Route 107 from Route 5 to Route 56 via the Dumbarton Bridge.

Route 110 from Route 75 near Brentwood to Route 249 near Waterford.

Route 114 from Route 68 to Route 2 near Ford Road.

Route 119 from Paicines to Hollister.

Route 123 from:

(a) Route 32 to Route 4 near Merced.

(b) Route 4 near Merced to Route 249.

Route 125 from Route 33 to Yosemite.

Route 126 from Route 41 near Kerman to Route 125.

Route 127 from Route 23 to Route 31 via Death Valley.

Route 132 from Route 134 near Tulare to Route 249.

Route 134 from Route 4 to Route 129.

Route 139 from Route 238 to Route 33.

Route 140 from Route 4 south of Bakersfield to Route 58.

Route 146 from Route 187 east of Brawley to Route 64 near Blythe.

Route 155 from Route 2 near Newbury Park to Route 79 near Fillmore.

Route 161 from Route 2 to Federal Aid Interstate Route 210.

Route 162 from Route 158 to Route 61.

Route 164 from Route 60 near Torrance to Route 158 near Lawndale.

Route 165 from San Pedro to Route 4 in Los Angeles.

Route 168 from south of Route 172 to Federal Aid Interstate Route 210.

Route 170 from:

(a) Route 60 to Route 158.

(b) Route 26 to Federal Aid Interstate Route 210.

Route 174 from Route 158 to Route 166.

Route 175 from Route 158 to Route 43 in Santa Ana Canyon.

Route 184 from Route 60 to Route 43.

Route 187 from:

(a) Route 146 east of Brawley to Route 26 near Brawley.

(b) Route 26 near Brawley to Route 26 near Indio via the north shore of Salton Sea.

(c) Route 64 near Palm Desert to Route 26 near Whitewater.

(d) Route 26 near Whitewater to Route 43 near Lucerne Valley via Morongo Valley.

Route 194 from Route 64 near Hemet to Route 26 near Beaumont.

Route 195 from Route 2 to Route 77.

Route 200 from Route 2 to Jamacha Road.

Route 201 from Route 26 to Route 187 east of Brawley.

Route 212 from Route 23 to near the San Bernardino county line.

Route 226 from Route 258 near San Leandro to Route 5.

Route 235 from:

(a) Route 5 in Oakland to Route 75 near Lafayette.

(b) Route 75 near Lafayette to Route 75 near Concord.

Routes 6, 8, 18, 22, 32, 39, 47, 48, 49, 51, 53, 54, 61, 66, 69, 74, 79, 83, 86, 91, 97, 99, 103, 106, 108, 109, 113, 117, 118, 122, 129, 135, 143, 151, 153, 159, 160, 167, 171, 172, 176, 179, 185, 190, 192, 193, 196, 197, 198, 205, 206, 207, 208, 210, 221, 225, 227, 228, 229, 232, 233, and 237 in their entirety and Routes 243 to and including 290 in their entirety.

SEC. 2. Section 253 of the Streets and Highways Code, as added by Chapter 385 of the Statutes of 1963, is amended to read:

253. The California Freeway and Expressway System is hereby established and shall be composed of the following highways:

Routes 5, 6, 7, 8, 10, 12, 13, 14, 15, 17, 18, 21, 24, 29, 30, 31, 32, 34, 37, 40, 44, 47, 48, 50, 52, 53, 54, 55, 56, 57, 59, 60, 61, 64, 65, 67, 68, 69, 70, 71, 74, 78, 81, 83, 85, 88, 89, 90, 92, 93, 97, 100, 102, 103, 105, 106, 108, 109, 110, 111, 117, 118, 121, 122, 124, 125, 126, 133, 134, 136, 140, 141, 143, 145, 148, 149, 150, 152, 154, 156, 157, 161, 164, 170, 171, 179, 181, 183, 184, 186, 196, 199, 205, 208, 210, 221, 223, 230, 234, 235, 237, 238, 239, 240, 242, 243, 244, 247, 249, 251, 252, 405, 505, 580, 605, 680, 805 and 880 in their entirety.

Route 1 from:

(a) Route 5 south of San Juan Capistrano to Route 101 near El Rio.

(b) Route 101 near Las Cruces to Route 101 near Pismo Beach.

(c) San Luis Obispo to San Simeon.

(d) Carmel to Route 280 south of San Francisco.

(e) A connection from Route 280 to Route 82 near the south boundary of the City and County of San Francisco.

(f) Route 101 near the southerly end of Marin Peninsula to the vicinity of Valley Ford.

(g) Route 128 near the mouth of the Navarro River to Route 208 near Rockport.

Route 2 from Route 405 near Santa Monica to Route 138.

Route 3 from Route 299 near Weaverville to Route 5 near Yreka.

Route 4 from:

(a) Route 80 near Hercules to Route 99 near Stockton.

(b) Route 99 near Stockton to Route 65.

Route 11 from San Pedro to Route 248 in Pasadena.

Route 16 from:

(a) Route 505 to Route 5 near Woodland.

(b) Route 50 near Perkins to Route 49 near Drytown.

Route 20 from Route 101 to Route 80 near Emigrant Gap.

Route 22 from:

(a) Route 1 near Long Beach to Route 405.

(b) Route 405 to Route 55 near Orange.

Route 23 from:

(a) Route 101 near Newbury Park to Route 118.

(b) Route 118 to Route 126 near Fillmore.

Route 33 from:

(a) Route 101 near Ventura to Route 150.

(b) Route 150 to Route 166 near Maricopa.

Route 35 from Route 17 to Route 92.

Route 36 from:

(a) Route 5 at Red Bluff to Route 395.

(b) Route 139 north of Susanville to Route 395 near Termo.

Route 38 from Route 10 near Redlands to Route 18 near Baldwin Lake.

Route 39 from Route 1 near Huntington Beach to Route 210.

Route 41 from:

(a) Route 1 near Morro Bay to Route 101 near Atascadero.

(b) Route 46 to Route 99 near Fresno.

(c) Route 99 near Fresno to Route 180.

(d) Route 180 to Yosemite National Park.

Route 42 from Route 405 to Route 91 in Santa Ana Canyon.

Route 43 from Route 5 to Route 99 near Selma.

Route 45 from Route 20 near Colusa to Route 32 near Hamilton City.

Route 46 from Route 101 in San Luis Obispo County to Route 99 near Bakersfield.

Route 49 from:

(a) Route 41 near Oakhurst to Route 140 near Mariposa.

(b) Route 120 to Route 108 near Sonora.

(c) Route 88 near Jackson to Route 50 near Placerville.

(d) Route 80 near Auburn to Route 20 near Grass Valley.

(e) Route 20 at Nevada City to Route 89 near Sattley.

(f) Route 89 near Sierraville to Route 70 near Vinton.

Route 58 from:

(a) Route 5 to Route 43.

(b) Route 43 to Route 99.

(c) Route 99 near Bakersfield to Route 15 near Barstow.

Route 62 from Route 10 near White Water to Route 247 near Yucca Valley.

Route 63 from:

(a) Route 137 near Tulare to Route 198.

(b) Route 198 to Route 65 near Orosi.

Route 73 from:

(a) Route 1 near Corona Del Mar to Route 405.

(b) Route 405 to Route 55.

Route 75 from Route 125 near Brown Field to Route 5 near the south end of San Diego Bay.

Route 76 from Route 5 near Oceanside to Route 395.

Route 77 from Route 580 in Oakland to Route 242 near Concord.

Route 79 from:

(a) Route 8 near Descanso to Route 78.

(b) Route 74 near Hemet to Route 10 near Beaumont.

Route 80 from Route 101 in San Francisco to the Nevada state line near Verdi, Nevada.

Route 82 from:

(a) Route 1 near the south boundary of the City and County of San Francisco to Route 101.

(b) Route 101 near Alemany Boulevard to Route 87 in San Francisco.

Route 84 from:

(a) Route 1 to Route 35.

(b) Route 35 to Route 238 via the Dumbarton Bridge.

(c) Route 680 near Scotts Corners to Route 580.

(d) Route 580 to Route 4 near Brentwood.

(e) Route 4 near Antioch to Route 80 near Broderick.

Route 86 from Route 78 near Brawley to Route 10 near Indio.

Route 87 from:

(a) San Jose easterly of the Bayshore Freeway to Route 230.

(b) Route 230 to Route 480 near the San Francisco-Oakland Bay Bridge.

Route 91 from Route 405 to Route 395 near Riverside.

Route 94 from Route 5 near San Diego to Route 54 near Jamacha Road.

Route 95 from Route 10 near Blythe to Route 40 near Needles.

Route 99 from:

(a) Route 5 south of Bakersfield to Route 80 in Sacramento.

(b) Route 5 in Sacramento to Route 20.

(c) Route 20 to Route 5 near Red Bluff.

Route 101 from:

(a) The junction of Routes 105 and 110 in Los Angeles to Route 80 in San Francisco.

(b) A point in Marin County opposite San Francisco to the Oregon state line north of Crescent City.

Route 107 from Route 1 near Torrance to Route 405 near Lawndale.

Route 113 from Route 80 near Davis to Route 99 near Tudor.

Route 116 from Route 181 near Forestville to Route 101 near Cotati.

Route 120 from:

(a) Route 5 near Mossdale to the west boundary of Yosemite National Park.

(b) The east boundary of Yosemite National Park to Route 395 near Mono Lake.

Route 127 from Route 15 near Baker to Route 190 near Death Valley Junction.

Route 128 from:

(a) The mouth of the Navarro River to Route 101 near Cloverdale.

(b) Route 101 near Geyserville to Route 29 near Calistoga.

(c) Route 121 to Route 113 near Davis.

Route 132 from:

(a) Route 580 west of Vernalis to Route 99 at Modesto.

(b) Route 99 to Route 65.

Route 137 from Route 99 near Tulare to Lindsay.

Route 138 from Route 5 near Gorman to Route 15 near Cajon Pass.

Route 139 from:

(a) Route 36 near Susanville to Route 36.

(b) Route 299 near Canby to the Oregon state line near Hatfield.

Route 142 from Route 71 near Chino to Route 30 near Upland.

Route 160 from Sacramento to Route 80 near North Sacramento.

Route 166 from:

(a) Route 101 near Santa Maria to Route 33 in Cuyama Valley.

(b) Route 33 near Maricopa to Route 5.

Route 168 from Route 41 near Fresno to Huntington Lake.

Route 178 from:

(a) Route 99 in Bakersfield to Route 14 near Freeman.

(b) Route 14 near Freeman to the vicinity of the San Bernardino county line.

Route 180 from:

(a) Route 156 to Route 99 near Fresno.

(b) Route 99 near Fresno to General Grant Grove section of Kings Canyon National Park.

Route 190 from Route 136 near Keeler to Route 127 near Death Valley Junction.

Route 193 from Route 65 near Lincoln to Route 80 near Newcastle.

Route 198 from Route 5 near Oilfields to the Sequoia National Park line.

Route 209 from Route 109 to Route 5 in San Diego.

Route 280 from Route 680 near San Jose to the San Mateo-San Francisco county line.

Route 299 from:

(a) Route 101 near Arcata to Route 5 at Redding.

(b) Route 5 at Redding to Route 395 at Alturas.

Route 395 from:

(a) San Diego to Route 10 near San Bernardino.

(b) Route 15 near Cajon Pass to the Nevada state line.

(c) Nevada state line northwest of Reno to Route 36 near Johnstonville.

(d) Route 36 near Ravendale to the Oregon state line.

Route 480 from Route 80 at the San Francisco-Oakland Bay Bridge approach in San Francisco to Bay Street and The Embarcadero.

SEC. 3. Section 313 of the Streets and Highways Code is amended to read:

313. Route 13 is from Route 4 at Salida to Route 23 via the vicinity of Sonora and Long Barn.

SEC. 4. Section 408 of the Streets and Highways Code, as added by Chapter 385 of the Statutes of 1963, is amended to read:

408. Route 108 is from:

(a) Route 5 near Crows Landing to Route 99.

(b) Route 99 to Route 120.

(c) Route 49 to Route 395 via the vicinity of Sonora and Long Barn.

SEC. 5. Section 317 of the Streets and Highways Code is amended to read:

317. Route 17 is from Route 3 near Roseville to Nevada City.

SEC. 6. Section 320 of the Streets and Highways Code is amended to read:

320. Route 20 is from:

(a) Route 1 near Arcata to Lassen National Park via Weaverville and Redding.

(b) Route 83 near Old Station to Route 29 west of Susanville.

(c) Route 29 near Susanville to Route 73 near Termo.

SEC. 7. Section 336 of the Streets and Highways Code, as added by Chapter 385 of the Statutes of 1963, is amended to read:

336. Route 36 is from:

(a) Route 101 near Alton to Route 5 near Red Bluff passing near Mad River and Peanut.

(b) Route 5 at Red Bluff to Route 395 via Mineral, via the vicinity of Morgan, and via Susanville.

(c) Route 139 north of Susanville to Route 395 near Termo.

SEC. 8. Section 334 of the Streets and Highways Code is amended to read:

334. Route 34 is from Route 4 near Arno to Route 23 near Picketts in Hope Valley via Jackson, Pine Grove, Silver Lake and Kirkwood.

SEC. 9. Section 388 of the Streets and Highways Code, as added by Chapter 385 of the Statutes of 1963, is amended to read:

388. Route 88 is from:

(a) Route 99 near Stockton to Route 49 passing south of Ione.

(b) Route 49 in Jackson to Route 89 near Picketts in Hope Valley via Pinegrove, Silver Lake and Kirkwood.

(c) Route 89 near Woodfords to the Nevada state line.

SEC. 10. Section 335 of the Streets and Highways Code is amended to read:

335. Route 35 is from Route 1 near Alton to Route 20 near Douglas City, passing near Mad River and Peanut.

SEC. 11. Section 336 of the Streets and Highways Code is amended to read:

336. Route 36 is from Route 25 near Downieville to Eureka Mine Road near Saddleback Mountain.

SEC. 12. Section 337 of the Streets and Highways Code is amended to read:

337. Route 37 is from Route 17 near Auburn to Route 38 via Emigrant Gap.

SEC. 13. Section 341 of the Streets and Highways Code is amended to read:

341. Route 41 is from:

(a) Route 5 near Tracy to Route 4 near Fresno.

(b) Route 4 near Fresno to General Grant Grove Section of Kings Canyon National Park.

(c) General Grant Grove Section of Kings Canyon National Park to Kings River Canyon.

SEC. 14. Section 348 of the Streets and Highways Code is amended to read:

348. Route 48 is from Route 1 near Cloverdale to the mouth of the Navarro River.

SEC. 15. Section 428 of the Streets and Highways Code, as added by Chapter 385 of the Statutes of 1963, is amended to read:

428. Route 128 is from:

(a) The mouth of the Navarro River to Route 101 near Cloverdale.

(b) Route 101 near Geyserville to Route 29 near Calistoga.

(c) Route 29 near Rutherford to Route 113 near Davis via Sage Canyon.

SEC. 16. Section 365 of the Streets and Highways Code is amended to read:

365. Route 65 is from:

(a) Auburn to Route 13 near Sonora via the vicinity of Placerville, Diamond Springs, and El Dorado; and via Jackson, San Andreas, and Angels.

(b) Route 40 near Moccasin Creek to Route 125 near Oakhurst.

SEC. 17. Section 349 of the Streets and Highways Code, as added by Chapter 385 of the Statutes of 1963, is amended to read:

349. Route 49 is from:

(a) Route 41 near Oakhurst to Route 120 near Moccasin Creek.

(b) Route 120 to Route 80 in Auburn via the vicinity of Sonora; via Angels Camp, San Andreas, and Jackson; via the vicinity of El Dorado, Diamond Springs, and Placerville.

(c) Route 80 near Auburn to Route 20.

(d) Route 20 at Nevada City to Route 89 near Sattley via Downieville.

(e) Route 89 near Sierraville to Route 70 near Vinton, via Loyalton.

SEC. 18. Section 375 of the Streets and Highways Code is amended to read:

375. Route 75 is from:

(a) Oakland to Route 4 near Stockton via Walnut Creek and Antioch.

(b) Route (a) above, north of Walnut Creek to a connection with Route 74 near Benicia.

(c) Route 4 near Stockton via the vicinity of Copperopolis to Route 65 near Altaville.

SEC. 19. Section 304 of the Streets and Highways Code, as added by Chapter 385 of the Statutes of 1963, is amended to read:

304. Route 4 is from:

(a) Route 80 near Hercules to Route 99 near Stockton via north of Concord and via Antioch.

(b) Route 99 near Stockton to Route 49 near Altaville via the vicinity of Copperopolis.

(c) Route 49 near Angeles Camp to Route 89 near Mount Bullion via Murphys, Calaveras Big Trees, and Dorrington.

SEC. 20. Section 429 of the Streets and Highways Code is amended to read:

429. Route 129 is from Route 4 near Bakersfield to Route 41 near General Grant Grove Section of Kings Canyon National Park.

SEC. 21. Section 441 of the Streets and Highways Code is amended to read:

441. Route 141 is from Route 4 via Brundage Lane, Union Avenue and Golden State Avenue to Route 4 near Bakersfield.

SEC. 22. Section 504 of the Streets and Highways Code, as added by Chapter 385 of the Statutes of 1963, is amended to read:

504. Route 204 is from Route 99 to Route 99 near Bakersfield via Brundage Lane, Union Avenue and Golden State Avenue.

SEC. 23. Section 442 of the Streets and Highways Code is amended to read:

442. Route 142 is from Route 141 near Bakersfield to Route 57 near Isabella via Glennville.

SEC. 24. Section 455 of the Streets and Highways Code, as added by Chapter 385 of the Statutes of 1963, is amended to read:

455. Route 155 is from Route 204 near Bakersfield to Route 178 near Isabella via Glennville.

SEC. 25. Section 543 of the Streets and Highways Code is amended to read:

543. Route 230 is from Route 2 to Route 172 via Indiana Street in Los Angeles County.

SEC. 26. Section 541 of said code is amended to read:

541. Route 241 is from Route 2 near San Ysidro to Route 2 north of La Jolla, easterly of existing Route 2.

SEC. 27. Section 581 of said code is amended to read:

581. Route 281 is from Route 2 near the south end of San Diego Bay to Route 282 near Brown Field.

SEC. 28. Section 375 of the Streets and Highways Code, as added by Chapter 385 of the Statutes of 1963, is amended to read:

375. Route 75 is from:

(a) Route 125 near Brown Field to Route 5 near the south end of San Diego Bay.

(b) Route 5 to the San Diego-Coronado Ferry in Coronado via Silver Strand.

SEC. 29. Section 582 of the Streets and Highways Code is amended to read:

582. Route 282 is from:

(a) Route 281 near Brown Field to Route 198 near La Mesa.

(b) Route 198 near La Mesa to Route 278.

SEC. 30. Section 592 of the Streets and Highways Code is amended to read:

592. Route 292 is from Route 68 in the vicinity of Guadalupe River to Route 114 in the vicinity of Pearl Avenue.

Route 292 shall be added to the state highway system at the time the City of San Jose and the County of Santa Clara have acquired all rights-of-way necessary to construct a freeway on this route to state freeway standards and have conveyed said rights-of-way to the State without charge; provided, that the commission and the department may take all steps necessary to locate and design said freeway or any portion thereof prior to the time it is added to the state highway system.

SEC. 31. Section 378 of the Streets and Highways Code, as added by Chapter 385 of the Statutes of 1963, is amended to read:

378. Route 78 is from:

(a) Route 5 near Oceanside to Route 395 near Escondido.

(b) Route 395 near Escondido to Route 86 near Kane Springs passing near Ramona and Santa Ysabel and via Julian.

(c) Route 86 near Brawley to Route 10 near Blythe.

Notwithstanding the provisions of Section 89 of Chapter 1062, Statutes of 1959, the department shall proceed with the construction of the unconstructed portion of said route described in subdivision (c) between the easterly junction of Route 115 and the Imperial-Riverside county line with the lowest practical cost for a hard surfaced road and as as interim project pending the later construction of the route to proper limited access standards; provided, that prior thereto the County of Imperial enters into a co-operative agreement with the department wherein the county agrees to maintain the road between the easterly junction of Route 115 and the Imperial-Riverside county line until a limited access highway is constructed by the department between said points. Upon the completion of construction of said interim road, and pursuant to said agreement, the county shall assume jurisdiction and all responsibilities of maintenance for the period above provided. The road shall be known and designated as the "Ben Hulse Highway."

SEC. 32. Section 470 of the Streets and Highways Code, as added by Chapter 385 of the Statutes of 1963, is amended to read:

470. Route 170 is from:

(a) Route 405 near Inglewood to Route 101 in Los Angeles.

(b) Route 101 near Riverside Drive to Route 5 near Tujunga Wash.

SEC. 33. Section 3 of Chapter 526 of the Statutes of 1963, is amended to read:

Sec. 3. Section 2 of this act shall become operative only if Senate Bill No. 64 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as Senate Bill No. 64 becomes operative, and as an amendment thereof, regardless of the order of enactment; concurrently therewith Section 586 of the Streets and Highways Code as amended by Section 1 of this act is repealed.

SEC. 33.5. Section 478 of the Streets and Highways Code, as added by Chapter 385 of the Statutes of 1963, is amended to read:

478. Route 178 is from:

(a) Bakersfield to Route 14 near Freeman via Walker Pass.

(b) Route 14 near Freeman to Route 127.

(c) Route 127 to the Nevada state line in Pahrump Valley.

SEC. 34. Sections 2, 4, 7, 9, 15, 17, 19, 22, 24, 28, 31, 32, and 33.5 of this act shall become operative at the same time

as Chapter 385 of the Statutes of 1963 becomes operative; concurrently therewith Sections 253, 313, 317, 320, 334, 335, 336, 337, 341, 348, 365, 375, 429, 441, 442, 541, 543, 581, 582 and 592 of the Streets and Highways Code as amended by Sections 1, 3, 5, 6, 8, 10, 11, 12, 13, 14, 16, 18, 20, 21, 23, 25, 26, 27, 29, and 30 of this act are repealed.

CHAPTER 1699

An act to add Section 314 to the Fish and Game Code, relating to hunting.

[Approved by Governor July 15, 1963 Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 314 is added to the Fish and Game Code, to read:

314. The commission at any time may close to the taking of any species or subspecies of bird or mammal any area newly stocked by the department with resident or migratory game birds or game or fur-bearing mammals, or any area where, in the judgment of the commission, added protection for birds or mammals is needed to properly conserve the birds or mammals, for such time as the commission may designate, or until such time as new legislation thereon enacted by the Legislature may become effective.

CHAPTER 1700

An act to amend Sections 3277 and 3280 of the Fish and Game Code, relating to licensed pheasant clubs.

[Approved by Governor July 15, 1963 Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 3277 of the Fish and Game Code is amended to read:

3277. The season during which shooting is to be permitted upon any licensed premises in Zone A shall be for a period of 75 consecutive days, beginning on the Saturday nearest the first day of November.

The total number of pheasants which may be taken on the premises shall not exceed 65 percent of the pheasants released from August 1st, to 12 days prior to the licensed pheasant club season, plus 80 percent of the pheasants released during, and within 12 days prior to, the opening of, such season. However, pheasants one year of age or older may be released during the period from June 1st to 12 days prior to the

licensed pheasant club season, and a shooting quota of 65 percent shall be allowed for such pheasants. No credit shall be given unless a license is in effect at the time the birds are released.

SEC. 2. Section 3280 of said code is amended to read:

3280. If the commission is satisfied, after investigation, that a tract is suitable for the purposes of a licensed pheasant club, and that the establishment of such a club will not conflict with the public interest, it may approve the issuance of a licensed pheasant club license for a club of over 500 acres upon the payment of a license fee of one hundred dollars ($100), or upon the payment of a license fee of seventy-five dollars ($75) for a club of 500 acres or less. The license shall be issued for a term of one year from June 1st or, if issued after the beginning of such period, for the remainder thereof.

Any license issued for the 1963-1964 license year shall be valid until June 1, 1964.

The commission may transfer a license to land owned or controlled by the licensee, other than that land specified in the original application, located in the same county as the original land, without any additional fee, if it is satisfied, after investigation, that the new land is suitable for the purposes of the license and such a transfer is not in conflict with the public interest.

CHAPTER 1701

An act to amend Section 3271 of the Fish and Game Code, relating to pheasant clubs.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 3271 of the Fish and Game Code is amended to read:

3271. For the proper administration of this article the State is divided into two zones, Zone A and Zone B.

(a) Zone A consists of the following areas:

Diamond Valley (Alpine County); that portion of the SE. ¼ of T. 12 N., R. 19 E. in Alpine County; the E. ½ of T. 11 N., R. 19 E.; that portion of T. 11 N., R. 20 E. in Alpine County; the N. ½ of T. 10 N., R. 20 E.

San Joaquin-Sacramento Valleys; commencing at the junction of State Highway 41 and the common boundary between Kern and Kings County northerly on Highway 41 to Kettleman City; thence due west approximately two miles to the 500 feet contour; thence northerly and westerly along said contour to range line between 10 E. and 11 E.; thence north along said range line to the Delta-Mendota Canal; thence northerly and westerly along said canal to the crossing of the Southern Pacific Railroad tracks (about five miles south of

Byron); thence northwesterly along said railroad to Martinez; thence across the straits to Benicia; thence northerly along State Highway 21 to Cordelia; thence northeasterly along U. S. Highway 40 to the range line between 1 W. and 2 W.; thence north along said range line to the Pacific Gas and Electric Pit Vaca electrical transmission lines approximately six (6) miles north and east of the town of Capay; thence northwesterly along said transmission lines to the township line between 14 N. and 15 N.; thence west along said township line to the SW. corner of the E. ½ of T. 15 N., R. 4 W.; thence north along a line drawn to the NW. corner of the E. ½ of T. 20 N., R. 4 W.; thence east along the township line between 20 N. and 21 N. to the U. S. Bureau of Reclamation Shasta-Tracy westside electrical transmission lines, approximately four (4) miles northwest of the town of Artois; thence north and northwesterly along said transmission lines to the township line between T. 31 N. and T. 32 N.; thence east on said township line to the range line between R. 3 W. and R. 2 W.; thence south on said range line to U. S. Highway 99E (approximately SW. corner T. 27 N., R. 2 W.); thence southeasterly along 99E through Chico to Savona; thence southeasterly along the Oroville-Chico Highway to Oroville; thence southeasterly on the Oroville-Bangor Highway to Bangor on the section line between S. 27 and S. 28, T. 18 N., R. 5 E.; thence south on said section line to the township line between T. 18 N. and T. 17 N.; thence east on said township line to the range line between R. 5 E. and R. 6 E.; thence south on said range line to State Highway 20; thence easterly along said Highway 20 through Smartsville to the common boundary between Nevada and Yuba Counties; thence south along this boundary to Placer County; thence east along the common boundary of Nevada and Placer Counties to the range line between R. 6 E. and R. 7 E.; thence south along said range line to the township line between T. 11 N. and T. 10 N.; thence east along this township line to the common boundary between Placer and El Dorado Counties; thence south along said boundary to the common boundary between Sacramento and El Dorado Counties; thence southeasterly along said boundary between Sacramento and El Dorado Counties, Sacramento and Amador Counties, San Joaquin and Amador Counties, San Joaquin and Calaveras Counties, Stanislaus and Calaveras Counties, Stanislaus and Tuolumne Counties, Merced and Mariposa Counties, to Madera County; thence southwest on the common boundary of Merced and Madera Counties to the Madera Canal; thence southeasterly along said canal to Fresno County; thence southwest on the common boundary of Madera and Fresno Counties to Highway 99; thence southeast along Highway 99 to the common boundary between Tulare and Kern Counties; thence west along the Kern County line to point of beginning.

Provided, however, that from October 1, 1963 to October 1, 1965, the Zone A area in the San Joaquin-Sacramento Valleys shall be the following area.

San Joaquin-Sacramento Valleys; commencing at the junction of State Highway 41 and the common boundary between Kern and Kings County northerly on Highway 41 to Kettleman City; thence due west approximately two miles to the 500 feet contour; thence northerly and westerly along said contour to where the 500 feet contour intersects Washoe Avenue; thence northerly along Washoe Avenue approximately thirteen miles to California Avenue (approximately two miles south and four miles west of the Town of Mendota); thence westerly along California Avenue approximately twelve miles to the 500 feet contour; thence northerly and westerly along said contour to range line between 10 E. and 11 E.; thence north along said range line to the Delta-Mendota Canal; thence northerly and westerly along said canal to the crossing of the Southern Pacific Railroad tracks (about five miles south of Byron); thence northwesterly along said railroad to Martinez; thence across the straits to Benicia; thence northerly along State Highway 21 to Cordelia; thence northeasterly along U.S. Highway 40 to the range line between 1 W. and 2 W.; thence north along said range line to the Pacific Gas and Electric Pit Vaca electrical transmission lines approximately six (6) miles north and east of the town of Capay; thence northwesterly along said transmission lines to the township line between 14 N. and 15 N.; thence west along said township line to the SW. corner of the E. ½ of T. 15 N., R. 4 W.; thence north along a line drawn to the NW. corner of the E. ½ of T. 20 N., R. 4 W.; thence east along the township line between 20 N. and 21 N. to the U. S. Bureau of Reclamation Shasta-Tracy westside electrical transmission lines, approximately four (4) miles northwest of the town of Artois; thence north and northwesterly along said transmission lines to the township line between T. 31 N. and T. 32 N.; thence east on said township line to the range line between R. 3 W. and R. 2 W.; thence south on said range line to U. S. Highway 99E (approximately SW. corner T. 27 N., R. 2 W.); thence southeasterly along 99E through Chico to Savona; thence southeasterly along the Oroville-Chico Highway to Oroville; thence southeasterly on the Oroville-Bangor Highway to Bangor on the section line between S. 27 and S. 28, T.18 N., R. 5 E.; thence south on said section line to the township line between T. 18 N. and T. 17 N.; thence east on said township line to the range line between R. 5 E. and R. 6 E.; thence south on said range line to State Highway 20; thence easterly along said Highway 20 through Smartsville to the common boundary between Nevada and Yuba Counties; thence south along this boundary to Placer County; thence east along the common boundary of Nevada and Placer Counties to the range line between R. 6 E. and R. 7 E.; thence south along said range line to the township

line between T. 11 N. and T. 10 N.; thence east along this township line to the common boundary between Placer and El Dorado Counties; thence south along said boundary to the common boundary between Sacramento and El Dorado Counties; thence southeasterly along said boundary between Sacramento and El Dorado Counties, Sacramento and Amador Counties, San Joaquin and Amador Counties, San Joaquin and Calaveras Counties, Stanislaus and Calaveras Counties, Stanislaus and Tuolumne Counties, Merced and Mariposa Counties, to Madera County; thence southwest on the common boundary of Merced and Madera Counties to the Madera Canal; thence southeasterly along said canal to Fresno County; thence southwest on the common boundary of Madera and Fresno Counties to Highway 99; thence southeast along Highway 99 to the common boundary between Tulare and Kern Counties; thence west along the Kern County line to point of beginning.

The Zone A areas in the remainder of the State are:

Humboldt Bay Area (Humboldt County); commencing at False Cape northerly along ocean shore to Trinidad Head; thence southeasterly on a line drawn to the Town of Crannell; thence to Fieldbrook; thence to Korbel; thence to Freshwater; thence to Falk; thence to Fernbridge; thence to Carlotta; thence to Rio Dell; thence to False Cape the point of beginning.

Scott Valley (Siskiyou County); the SE. ¼ of T. 44 N., R. 10 W.; the S. ½ of T. 44 N., R. 9 W.; all of T. 43 N., R. 9 W.; the NE. ¼ of T. 43 N., R. 10 W.; all of T. 42 N., R. 9 W.; the E. ½ of T. 41 N., R. 9 W. This includes the Towns of Etna, Greenview, and Fort Jones.

Shasta Valley (Siskiyou County); the SW. ¼ of T. 46 N., R. 5 W.; the SE. ¼ of T. 46 N., R. 6 W.; the NW. ¼ of T. 45 N., R. 5 W.; the S. ½ of T. 45 N., R. 5 W.; all of T. 45 N., R. 6 W.; the E. ½ of T. 45 N., R. 7 W.; all of T. 44 N., R. 5 W., and all of T. 44 N., R. 6 W.; the NE. ¼ of T. 44 N., R. 7 W.; all of T. 43 N., R. 5 W., and all of T. 43 N., R. 6 W.; all of T. 42 N., R. 5 W.; the N. ½ of T. 42 N., R. 6 W. This includes the Towns of Edgewood, Gazelle, Yreka, and Montague.

Tulelake Area (Siskiyou and Modoc Counties); commencing at the intersection of the Mt. Diablo Meridian with the Oregon-California state line; thence easterly along said state line to the range line between R. 6 E. and R. 7 E.; thence southerly along said range line to the township line between T. 45 N. and T. 46 N.; thence westerly along said township line to the Mt. Diablo Meridian; thence north along the Mt. Diablo Meridian to the point of beginning.

Pit River Valley (Modoc and Lassen Counties); the W. ½ of T. 45 N., R. 14 E.; all of T. 45 N., R. 13 E.; the W. ½ of T. 44 N., R. 14 E.; all of T. 44 N., R. 13 E.; the S. ½ of T. 44 N., R. 12 E.; the E. ½ of T. 44 N., R. 11 E.; all of T. 43 N., R. 13 E.; all of T. 43 N., R. 12 E.; all of T. 42 N., R. 13 E.; all of T. 42 N., R. 12 E., and all of T. 42 N., R. 11 E.; the S. ½ of

T. 42 N., R. 10 E.; the SE. ¼ of T. 42 N., R. 9 E.; all of T. 41 N., R. 13 E.; all of T. 41 N., R. 12 E., and of T. 41 N., R. 11 E.; the N. ½ of T. 41 N., R. 10 E.; the NE. ¼ of T. 41 N., R. 9 E.; all of T. 40 N., R. 13 E.; the E. ½ of T. 40 N., R. 12 E.; all of T. 39 N., R. 13 E.; the E. ½ of T. 39 N., R. 12 E. This includes the Towns of Canby, Alturas, Davis Creek, and Likely.

Surprise Valley (Modoc County); all that portion of Surprise Valley lying in Modoc County below the 5,000 feet contour.

Lookout-Bieber Area (Modoc and Lassen Counties); commencing at the town of Adin (Modoc County) south on Adin-Eagle Lake County Road to the boundary of the Modoc National Forest (approximately 6.5 miles south of Adin); thence westerly and southerly along said forest boundary to the township line between T. 36 N. and T. 37 N.; thence west along said township line to the Great Northern Railroad; thence northerly along said railroad to the township line between T. 37 N. and T. 38 N.; thence westerly along said township line to the range line between R. 6 E. and R. 7 E.; thence north along said range line to the township line between T. 39 N. and T. 40 N.; thence east along said township line to the range line between R. 7 E. and R. 8 E.; thence south along said range line to the Lookout-Adin County Road; thence easterly along said county road to Adin, the point of beginning. This includes the Towns of Nubieber, Bieber, Lookout, and Adin.

McArthur Area (Lassen County); all of T. 38 N., R. 5 E. and T. 38 N., R. 4 E.; the E. ½ of T. 38 N., R. 3 E.; all of T. 37 N., R. 5 E.; the E. ½ of T. 37 N., R. 4 E. This includes the Towns of Dana, Pittville, McArthur, and Fall River Mills.

Honey Lake Area (Lassen County); commencing at the point where the Southern Pacific Railroad intersects the California-Nevada state line in T. 27 N, R. 17 E; thence southerly along said state line to where the township line between T. 24 N. and T. 25 N. intersects said state line; thence westerly along the township line between T. 24 N. and T. 25 N. to the Plumas National Forest boundary; thence northerly and westerly along Plumas National Forest boundary to its intersection with the range line between R. 11 E. and R. 12 E.; thence northerly along said range line to the township line between T. 30 N. and T. 31 N.; thence easterly along said township line to the range line between R. 13 E. and R. 14 E.; thence southerly along said range line to the township line between T. 29 N. and T. 30 N.; thence easterly along said township line to the Southern Pacific Railroad; thence southerly along said railroad through the Town of Wendel; thence southerly and easterly along said railroad to the point of beginning.

Indian Valley (Plumas County); the SW. ¼ of T. 27 N., R. 11 E.; the S. ½ of T. 27 N., R. 10 E.; the SE. ¼ of T. 27 N., R. 9 E.; the W. ½ of T. 26 N., R. 11 E.; T. 26 N., R. 10 E.;

the E. ½ of T. 26 N., R. 9 E. This includes the Towns of Greenville, Crescent Mills and Taylorsville.

Sierra Valley (Sierra and Plumas Counties); the S. ½ of T. 23 N., R. 16 E.; the S. ½ of T. 23 N., R. 15 E.; the S. ½ of T. 23 N., R. 14 E; the S. ½ of T. 23 N., R. 13 E.; T. 22 N., R. 16 E.; T. 22 N., R. 15 E.; T. 22 N., R. 14 E.; T. 22 N., R. 13 E.; T 22 N., R. 12 E; T. 21 N. R. 14 E.; T. 21 N., R. 15 E.; the W. ½ of T. 21 N., R. 16 E.; T. 20 N., R. 14 E.; the W. ½ of T. 20 N., R. 15 E. This includes the Towns of Blairsden, Portola, Vinton, Loyalton, Sierraville, and Calpine.

Clubs licensed in the above area shall be known as Zone A licensees.

(b) Zone B comprises the remainder of the State, and clubs licensed in this area shall be known as Zone B licensees.

CHAPTER 1702

An act to amend Sections 3020, 3041, and 5076.1 of the Penal Code, relating to the Adult Authority.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 3020 of the Penal Code is amended to read:

3020. In the case of all persons heretofore or hereafter sentenced under the provisions of Section 1168 of this code, the Adult Authority may determine and redetermine, after the actual commencement of imprisonment, what length of time, if any, such person shall be imprisoned, unless the sentence be sooner terminated by commutation or pardon by the Governor of the State.

SEC. 2. Section 3041 of said code is amended to read:

3041. In any case the matter of parole may be determined by the Adult Authority at any time after the actual commencement of such imprisonment.

SEC. 3. Section 5076.1 of said code is amended to read:

5076.1. The Adult Authority shall meet at each of the state prisons at such times as may be necessary for a full and complete study of the cases of all prisoners whose terms of imprisonment are to be determined by it or whose applications for parole come before it. Other times and places of meeting may also be fixed by the Adult Authority. Each member of the Adult Authority shall receive his actual necessary traveling expenses incurred in the performance of his official duties.

The Adult Authority may meet and transact business in panels. Each Adult Authority panel shall consist of at least two members of the authority. Two members of the Adult Authority shall constitute a quorum for the transaction of

business. No action shall be valid unless concurred in by a majority vote of the members present.

The Adult Authority may employ case-hearing representatives to whom it may assign appropriate duties, including that of hearing cases and making recommendations to the Adult Authority. Such recommendations shall be made in accordance with policies established by a majority of the total membership of the Adult Authority. Such policies may provide that the recommendations of a case-hearing representative or panel of case-hearing representatives shall be either final or subject to review by a panel of the members of the Adult Authority, except that no recommendation of a case-hearing representative or representatives for the granting or denial of a parole, cancellation or revocation of a parole, the determination or redetermination of a term of imprisonment, or the discharge from a commitment, shall become final until approved by a panel of members of the Adult Authority.

CHAPTER 1703

An act to amend Sections 8016, 8017 and 8020 of, and to add Section 8023.5 to, the Business and Professions Code, and to add Sections 8203.6 and 68105 to the Government Code, relating to shorthand reporters, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 8016 of the Business and Professions Code is amended to read:

8016. No person shall engage in the practice of shorthand reporting as defined in this chapter, unless such person is the holder of a certificate in full force and effect issued by the board. This section does not apply to a salaried, full-time employee of a district attorney or of any department or agency of the State who is employed as a hearing reporter. Nothing in this chapter shall be construed to prohibit the employment of any shorthand reporter not holding a certificate until a certified shorthand reporter is available.

SEC. 2. Section 8017 of said code is amended to read:

8017. The practice of shorthand reporting is defined as the making by means of written symbols or abbreviations in shorthand or machine shorthand writing of a verbatim record of any oral court proceeding, deposition, or proceedings before any grand jury, referee, or court commissioner.

SEC. 3. Section 8020 of said code is amended to read:

8020. Any citizen of the United States, or any person who has declared his intention to become a citizen, over the age of

21 years, of good moral character, having a high school education or its equivalent as determined by the board, who has satisfactorily passed an examination under such regulations as the board may prescribe shall be entitled to a certificate and shall be styled and known as a certified shorthand reporter. No person shall be admitted to the examination unless he first presents satisfactory evidence to the board that within the eight years immediately preceding the date his application for a certificate is filed with the board he has obtained one of the following:

(a) One year of experience in making verbatim records of meetings, conferences, hearings, or judicial or related proceedings by means of written symbols or abbreviations in shorthand or machine writing and transcribing such records.

(b) Two years of experience as a stenographer in taking and transcribing legal dictation.

(c) Eighteen months of training in a recognized court reporting school.

(d) National Shorthand Reporters Association Certificate of Proficiency.

(e) A passing grade on the California state hearing reporters examination.

"Person who has declared his intention to become a citizen," as used in this section, means a person who has either (1) filed the declaration of intention to become a citizen of the United States, or petition for naturalization, or comparable document prescribed by federal law; or (2) filed an affidavit with the executive secretary of the board, in the form prescribed by the board, that he will, at the first opportunity at which the applicable federal law permits, file such a declaration of intention to become a citizen of the United States, petition for naturalization, or comparable document. If the board determines that an individual who has filed under alternative (2) of the preceding sentence, has, without good cause, failed at the first opportunity provided under federal law to file one of the specified documents prescribed by federal law, it shall forthwith revoke any certified shorthand reporter certificate issued to the individual.

SEC. 4. Section 8023 5 is added to said code, to read:

8023 5. If an applicant for a certificate who is not a citizen of the United States but has declared his intention to become a citizen as provided in Section 8020 is from a country where the principal language spoken is one other than English, the board may, in addition to any other examination required by this chapter, examine the applicant on his knowledge of the English language.

SEC. 5. Section 8203 6 is added to the Government Code, to read:

8203.6. The Governor may appoint and commission certified shorthand reporters of this State as notaries public; provided, however, that such appointees shall comply with the following requirements.

(a) Be a citizen of the United States.

(b) Be a resident of this State for at least 30 days prior to appointment.

(c) Be not less than 21 years of age.

(d) Be of good moral character.

SEC. 6. Section 68105 is added to said code, to read:

68105. Notwithstanding any other provision of law to the contrary, the Supreme Court, any district court of appeals, any superior court, or any municipal court may appoint as an official phonographic reporter or as an official phonographic reporter pro tempore a person who has declared his intention to become a citizen and who is a certified shorthand reporter.

"A person who has declared his intention to become a citizen," as used in this section, means a person who has either (1) filed the declaration of intention to become a citizen of the United States, or petition for naturalization, or comparable document prescribed by federal law or (2) filed an affidavit with the court, in the form prescribed by the court, that he will, at the first opportunity at which the applicable federal law permits, file such a declaration of intention to become a citizen of the United States, petition for naturalization, or comparable document. If the court determines that an individual who has filed under alternative (2) of the preceding sentence, has, without good cause, failed at the first opportunity provided under federal law to file one of the specified documents prescribed by federal law, it shall forthwith revoke the appointment.

SEC 7. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There is a critical shortage of qualified shorthand reporters to serve the courts of this State. This act will permit many persons who are otherwise qualified, but who are not citizens of the United States, to become certified shorthand reporters and to be appointed to serve the various courts of California. In view of the acute shortage, and the fact that the next qualifying examination given by the Certified Shorthand Reporters Board will be in May, it is necessary that this act take effect immediately.

CHAPTER 1704

An act to amend Sections 6450 and 6451 of the Penal Code, relating to narcotic addicts.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 6450 of the Penal Code is amended to read:

6450. Upon conviction of a defendant of any crime in a municipal or justice court, if it appears to the judge that the defendant may be addicted or by reason of repeated use of narcotics may be in imminent danger of becoming addicted to narcotics, such judge shall adjourn the proceedings or suspend the imposition of the sentence and certify the defendant to the superior court.

The superior court shall direct the sheriff to file a petition to ascertain if such defendant is addicted to narcotics or is in imminent danger of becoming addicted thereto. Proceedings shall be conducted in substantial compliance with Sections 5353, 5053, 5054, and 5055 of the Welfare and Institutions Code.

If, after a hearing and examination, the judge shall find that the defendant charged is a narcotic drug addict, or by reason of repeated use of narcotics is in imminent danger of becoming addicted thereto, and is not ineligible for the program under the application of Section 6452 hereof, he shall make an order committing such defendant to the custody of the Director of Corrections for a period of five years, except as this chapter permits earlier discharge. In any case to which Section 6452 applies, the judge may request the district attorney to investigate the facts relevant to the advisability of commitment pursuant to this section. In unusual cases, wherein the interest of justice would be best served, the judge may, with the concurrence of the district attorney and defendant, order commitment notwithstanding Section 6452. If, upon the hearing, the judge shall find that the defendant is not a narcotic drug addict and is not in imminent danger of becoming addicted to narcotics, he shall so certify and return the defendant to the municipal or justice court which certified such defendant to the superior court for such further proceedings as the judge of such municipal or justice court deems warranted.

If a person committed pursuant to this section, after conviction of a misdemeanor other than a violation of Section 11721 of the Health and Safety Code, is dissatisfied with the order of the court, he may demand a hearing by a judge or jury in substantial compliance with the provisions of Section 5125 of the Welfare and Institutions Code.

SEC. 2. Section 6451 of said code is amended to read:

6451. Upon conviction of a defendant for any crime in any superior court, if the judge ascertains that the defendant is addicted or by reason of repeated use of narcotics is in imminent danger of becoming addicted to narcotics he shall adjourn the proceedings or suspend the imposition of the sentence and direct the sheriff to file a petition to ascertain if such person is addicted to narcotics or in imminent danger thereof unless in the opinion of the judge the defendant's record and probation report indicate such a pattern of criminality that he does not constitute a fit subject for commitment under this section. If a petition is ordered filed, proceedings shall be con-

ducted in substantial compliance with Sections 5353, 5053, 5054, and 5055 of the Welfare and Institutions Code.

If, after a hearing and examination, the judge shall find that the person charged is a narcotic drug addict, or by reason of repeated use of narcotics is in imminent danger of becoming addicted to narcotics, he shall make an order committing such person to the custody of the Director of Corrections for confinement in the facility for a period of 10 years, except as this chapter permits earlier discharge In any case to which Section 6452 applies, the judge may request the district attorney to investigate the facts relevant to the advisability of commitment pursuant to this section. In unusual cases, wherein the interest of justice would best be served, the judge may, with the concurrence of the district attorney and defendant, order commitment notwithstanding Section 6452. If, upon the hearing, the judge shall find that the defendant is not a narcotic addict and is not in imminent danger of becoming addicted to narcotics, he shall so certify and return the defendant to the department of the superior court which directed the filing of the petition for such further proceedings on the criminal charges as the judge of such department deems warranted.

CHAPTER 1705

An act to amend Sections 6450, 6451 and 6500 of the Penal Code, relating to narcotic addiction.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 6450 of the Penal Code is amended to read:

6450. Upon conviction of a defendant of any crime in a municipal or justice court, if it appears to the judge that the defendant may be addicted or by reason of repeated use of narcotics may be in imminent danger of becoming addicted to narcotics, such judge shall adjourn the proceedings or suspend the imposition of the sentence and certify the defendant to the superior court.

The superior court shall then conduct proceedings to ascertain if such defendant is addicted to narcotics or is in imminent danger of becoming addicted thereto. Proceedings shall be conducted in substantial compliance with Sections 5353, 5053, 5054, and 5055 of the Welfare and Institutions Code.

If, after a hearing and examination, the judge shall find that the defendant charged is a narcotic drug addict, or by reason of repeated use of narcotics is in imminent danger of becoming addicted thereto, and is not ineligible for the program under the application of Section 6452 hereof, he shall make an order

committing such defendant to the custody of the Director of Corrections for a period of five years, except as this chapter permits earlier discharge. If, upon the hearing, the judge shall find that the defendant is not a narcotic drug addict and is not in imminent danger of becoming addicted to narcotics, he shall so certify and return the defendant to the municipal or justice court which certified such defendant to the superior court for such further proceedings as the judge of such municipal or justice court deems warranted.

If a person committed pursuant to this section, after conviction of a misdemeanor other than a violation of Section 11721 of the Health and Safety Code, is dissatisfed with the order of the court, he may demand a hearing by a judge or jury in substantial compliance with the provisions of Section 5125 of the Welfare and Institutions Code.

SEC. 2. Section 6451 of said code is amended to read:

6451. Upon conviction of a defendant for any crime in any superior court, if the judge ascertains that the defendant is addicted or by reason of repeated use of narcotics is in imminent danger of becoming addicted to narcotics he shall adjourn the proceedings or suspend the imposition of the sentence and conduct proceedings to ascertain if such person is addicted to narcotics or in imminent danger thereof unless in the opinion of the judge the defendant's record and probation report indicate such a pattern of criminality that he does not constitute a fit subject for commitment under this section. Such proceedings shall be conducted in substantial compliance with Sections 5353, 5053, 5054, and 5055 of the Welfare and Institutions Code.

If, after a hearing and examination, the judge shall find that the person charged is a narcotic drug addict, or by reason of repeated use of narcotics is in imminent danger of becoming addicted to narcotics, he shall make an order committing such person to the custody of the Director of Corrections for confinement in the facility for a period of 10 years, except as this chapter permits earlier discharge. If, upon the hearing, the judge shall find that the defendant is not a narcotic addict and is not in imminent danger of becoming addicted to narcotics, he shall so certify and return the defendant to the department of the superior court which directed the filing of the petition for such further proceedings on the criminal charges as the judge of such department deems warranted.

SEC. 3. Section 6500 of said code is amended to read:

6500. Anyone who believes that a person is addicted to the use of narcotics or by reason of the repeated use of narcotics is in imminent danger of becoming addicted to their use or any person who believes himself to be addicted or about to become addicted may report such belief to the district attorney, who may petition the superior court for a commitment of such person to the Director of Corrections for confinement in the narcotic detention, treatment and rehabilitation facility.

CHAPTER 1706

An act to amend Sections 6400, 6401, 6450, 6451, 6453, 6500, 6506, 6509, 6520, 6521, 6550, and 6551, and the heading of Article 4 (commencing with Section 6520) of Chapter 11 of Title 7 of Part 3 of, and to add Sections 6399 and 6403, and Article 4 (commencing with Section 6515) to Chapter 11 of Title 7 of Part 3 of, and to repeal Sections 6403 and 6404 of, the Penal Code, relating to narcotic addiction.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 6399 is added to Article 1 (commencing with Section 6400) of Chapter 11 of Title 7 of Part 3 of the Penal Code, to read:

6399. It is the intent of the Legislature that persons addicted to narcotics, or who by reason of repeated use of narcotics are in imminent danger of becoming addicted, shall be treated for such condition and its underlying causes, and that such treatment shall be carried out for nonpunitive purposes not only for the protection of the addict, or person in imminent danger of addiction, against himself, but also for the prevention of contamination of others and the protection of the public. Persons committed to the program provided for in this chapter who are uncooperative with efforts to treat them or are otherwise unresponsive to treatment nevertheless should be kept in the program for purposes of control. It is the further intent of the Legislature that persons committed to this program who show signs of progress after an initial or subsequent periods of treatment and observation be given reasonable opportunities to demonstrate ability to abstain from the use of narcotics under close supervision in outpatient status outside of the Rehabilitation Center provided for in Chapter 12 (commencing with Section 6550) of this title. Determinations of progress of persons committed to the program should be based upon criteria to be established by the Director of Corrections with the advice of clinically trained and experienced personnel.

The enactment of the preceding provisions of this section shall not be construed to be evidence that the intent of the Legislature was otherwise before such enactment.

SEC. 2. Section 6400 of said code is amended to read:

6400. The narcotic detention, treatment and rehabilitation facility referred to herein shall be one within the Department of Corrections whose principal purpose shall be the receiving, control, confinement, employment, education, treatment and rehabilitation of persons under the custody of the Department of Corrections or any agency thereof who are or have been addicted to narcotics or who by reason of repeated use of narcotics are in imminent danger of becoming addicted.

SEC. 3. Section 6401 of said code is amended to read:

6401. Every person committed pursuant to this chapter who escapes or attempts to escape from lawful custody is guilty of a crime punishable by imprisonment in the state prison for not exceeding seven years. This section does not apply to unauthorized absence from a halfway house.

SEC. 4. Section 6403 of said code is repealed.

SEC. 5. Section 6403 is added to said code, to read:

6403. (a) There is in the Youth and Adult Corrections Agency a Narcotics Rehabilitation Advisory Council, hereafter referred to in this section as the "council." The council shall be composed of nine members, each of whom shall be appointed by the Governor for a term of four years and until the appointment and qualification of his successor. Members shall be eligible for reappointment. The chairman of the council shall be designated by the Governor from time to time. The terms of the members first appointed to the council shall expire as follows: three members on January 15, 1965; three members on January 15, 1966; and three members on January 15, 1967. Their successors shall hold office for four years, each term to commence on the expiration date of the term of the predecessor. Vacancies shall be filled by appointment for the unexpired term. Insofar as practicable, persons appointed to the council shall have a broad background in law, sociology, law enforcement, medicine, or education and shall have a deep interest in the treatment and rehabilitation of narcotic addicts.

(b) Each member of the council shall give such time to the duties of his office as is required. The members of the council shall serve without compensation but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties under this chapter. The council shall hold at least four meetings each calendar year. The times and places of such meetings shall be designated by the chairman. In addition, the chairman shall, on written request of three members of the council, summon a meeting for the time and place specified in the request. The chairman shall give notice of each meeting to the Administrator of the Youth and Adult Corrections Agency, the Attorney General, the Director of Corrections, the Director of the Department of Mental Hygiene, the Director of the State Department of Public Health, the Superintendent of the California Rehabilitation Center, the Chairman of the Adult Authority, the Chairman of the Board of Trustees of the California Institution for Women, and to representatives of statewide and regional professional organizations which appear to him to have a strong interest in the treatment and rehabilitation of narcotic addicts.

(c) The council shall:

(1) Advise the Governor, the Administrator of the Youth and Adult Corrections Agency, the Director of Corrections, the Narcotic Addict Evaluation Authority, and the Superintendent of the California Rehabilitation Center with respect to the receiving, confinement, control, employment, education,

treatment, release policies and procedures, outpatient care and supervision, and rehabilitation of persons who are or have been addicted to narcotics or who by reason of repeated use of narcotics are in imminent danger of becoming addicted;

(2) Study the operation of the California Rehabilitation Center and all research programs conducted in connection therewith, and assist in the planning, evaluating and interpretation of, the detention and treatment program as well as the policies and procedures employed in the supervision and management of persons committed to the program who are in either outpatient status or inpatient status;

(3) Submit at least one report annually to the Governor and the Legislature. Such report or reports will be transmitted through the office of the Administrator of the Youth and Adult Corrections Agency.

(d) The council shall not exercise any administrative functions or responsibilities in connection with the operation of the California Rehabilitation Center and related programs. Its functions and duties are limited to acting in an advisory capacity.

(e) Expenses of the council and its members shall be paid from the appropriation for the support of the California Rehabilitation Center.

SEC. 6. Section 6404 of said code is repealed.

SEC. 7. Section 6450 of said code is amended to read:

6450. Upon conviction of a defendant of any crime in a municipal or justice court, if it appears to the judge that the defendant may be addicted or by reason of repeated use of narcotics may be in imminent danger of becoming addicted to narcotics, such judge shall adjourn the proceedings or suspend the imposition of the sentence and certify the defendant to the superior court.

The superior court shall then conduct proceedings to ascertain if such defendant is addicted to narcotics or is in imminent danger of becoming addicted thereto. Proceedings shall be conducted in substantial compliance with Sections 5353, 5053, 5054, and 5055 of the Welfare and Institutions Code.

If, after a hearing and examination, the judge shall find that the defendant charged is a narcotic addict, or by reason of repeated use of narcotics is in imminent danger of becoming addicted thereto, and is not ineligible for the program under the application of Section 6452 hereof, he shall make an order committing such defendant to the custody of the Director of Corrections for confinement in the facility until such time as he is discharged pursuant to Article 5 of this chapter, except as this chapter permits earlier discharge. In any case to which Section 6452 applies, the judge may request the district attorney to investigate the facts relevant to the advisability of commitment pursuant to this section. In unusual cases, wherein the interest of justice would best be served, the judge may, with the concurrence of the district attorney and defendant, order commitment notwithstanding Section

6452. If, upon the hearing, the judge shall find that the defendant is not a narcotic addict and is not in imminent danger of becoming addicted to narcotics, he shall so certify and return the defendant to the municipal or justice court which certified such defendant to the superior court for such further proceedings as the judge of such municipal or justice court deems warranted.

If a person committed pursuant to this section, after conviction of a misdemeanor, is dissatisfied with the order of the court, he may demand a hearing by a judge or jury in substantial compliance with the provisions of Section 5125 of the Welfare and Institutions Code.

SEC. 8. Section 6451 of said code is amended to read:

6451. Upon conviction of a defendant for any crime in any superior court, if it appears to the judge that the defendant may be addicted or by reason of repeated use of narcotics may be in imminent danger of becoming addicted to narcotics he shall adjourn the proceedings or suspend the imposition of the sentence and conduct proceedings to ascertain if such person is addicted to narcotics or in imminent danger thereof unless in the opinion of the judge the defendant's record and probation report indicate such a pattern of criminality that he does not constitute a fit subject for commitment under this section. If a petition is ordered filed, proceedings shall be conducted in substantial compliance with Sections 5353, 5053, 5054, and 5055 of the Welfare and Institutions Code.

If, after a hearing and examination, the judge shall find that the person charged is a narcotic addict, or by reason of repeated use of narcotics is in imminent danger of becoming addicted to narcotics, he shall make an order committing such person to the custody of the Director of Corrections for confinement in the facility until such time as he is discharged pursuant to Article 5 of this chapter, except as this chapter permits earlier discharge. In any case to which Section 6452 applies, the judge may request the district attorney to investigate the facts relevant to the advisability of commitment pursuant to this section. In unusual cases, wherein the interest of justice would best be served, the judge may, with the concurrence of the district attorney and defendant, order commitment notwithstanding Section 6452. If, upon the hearing, the judge shall find that the defendant is not a narcotic addict and is not in imminent danger of becoming addicted to narcotics, he shall so certify and return the defendant to the department of the superior court which directed the filing of the petition for such further proceedings on the criminal charges as the judge of such department deems warranted.

If a person committed pursuant to this section, after conviction of a felony, is dissatisfied with the order of the court, he may demand a hearing by a judge or jury in substantial compliance with the provisions of Section 5125 of the Welfare and Institutions Code.

SEC. 8.5. Section 6453 of said code is amended to read:

6453. If at any time after 60 days following receipt of a person at the facility, the Director of Corrections concludes that the person, because of excessive criminality or for other relevant reason, is not a fit subject for confinement or treatment in such narcotic detention, treatment and rehabilitation facility, he shall return the person to the court in which the case originated for such further proceedings on the criminal charges as that court may deem warranted.

SEC. 9. Section 6500 of said code is amended to read:

6500. Anyone who believes that a person is addicted to the use of narcotics or by reason of the repeated use of narcotics is in imminent danger of becoming addicted to their use or any person who believes himself to be addicted or about to become addicted may report such belief to the district attorney who may petition the superior court for a commitment of such person to the Director of Corrections for confinement in the narcotic detention, treatment and rehabilitation facility.

SEC. 10. Section 6506 of said code is amended to read:

6506. At the hearing the court shall determine whether the person is addicted to the use of narcotics or in imminent danger of addiction. If that issue is determined in the negative, the petition shall be denied. If the issue is determined in the affirmative, the court shall order the person committed to the custody of the Director of Corrections until such time as he is discharged in accordance with Article 5 of this chapter, except as provided in Section 6509.

SEC. 10.5. Section 6509 of said code is amended to read:

6509. If at any time after 60 days following receipt at the facility of a person committed pursuant to this article, the Director of Corrections concludes that such person is not, because of excessive criminality or for other relevant reason, a fit subject for confinement or treatment in a facility of the Department of Corrections, he may order such person discharged.

SEC. 11. Article 4 (commencing with Section 6515) is added to Chapter 11 of Title 7 of Part 3 of said code, to read:

Article 4. Release in Outpatient Status

6515. (a) There is in the Youth and Adult Corrections Agency a Narcotic Addict Evaluation Authority, hereafter referred to in this article as the "authority." The authority shall be composed of three members, each of whom shall be appointed by the Governor, for a term of four years and until the appointment and qualification of his successor. Members shall be eligible for reappointment. The chairman of the authority shall be designated by the Governor from time to time. The terms of the members first appointed to the authority shall expire as follows: one on January 15, 1965, one on January 15, 1966, and one on January 15, 1967. Their successors shall hold office for terms of four years, each term to commence

on the expiration date of the term of the predecessor. The Governor shall fill every vacancy for the balance of the unexpired term. Insofar as practicable, persons appointed to the authority shall have a broad background in law, sociology, law enforcement, medicine, or education, and shall have a deep interest in the rehabilitation of narcotic addicts.

(b) Each member of the authority shall devote such time to the duties of his office as required for performance of his duties and shall be paid a per diem of fifty dollars ($50) for each day's attendance at a meeting of the authority, for not to exceed 120 days in any year. In addition, each member shall be allowed actual expenses incurred in the discharge of his duties, including travel expenses.

(c) The authority shall maintain its headquarters at the California Rehabilitation Center and shall be provided with necessary office space, equipment and services from funds appropriated to the California Rehabilitation Center.

(d) The authority shall meet at the center or its branches at such times as may be necessary for a full and complete study of the cases of all patients who are certified by the Director of Corrections to the authority as having recovered from addiction or imminent danger of addiction to such an extent that release in an outpatient status is warranted. Other times and places of meetings may also be fixed by the authority. Two members of the authority shall constitute a quorum for the transaction of business. No action shall be valid unless concurred in by two members of the authority.

6516. After an initial period of observation and treatment of six months, and subject to the rules and policies established by the Director of Corrections, whenever a person committed under Article 2 or Article 3 of this chapter has recovered from his addiction or imminent danger of addiction to such an extent that, in the opinion of the Director of Corrections, release in an outpatient status is warranted, the director shall certify such fact to the authority. If the director has not so certified within the preceding 12 months, in the anniversary month of the commitment of any person committed under this chapter his case shall automatically be referred to the authority for consideration of the advisability of release in outpatient status Upon any such certification by the director or such automatic certification, the authority may release such person in an outpatient status subject to all rules and regulations adopted by the authority, and subject to all conditions imposed by the authority, whether of general applicability or restricted to the particular person released in outpatient status, and subject to being retaken and returned to inpatient status as prescribed in such rules, regulations, or conditions. The supervision of such persons while in an outpatient status shall be administered by the Department of Corrections. Except as may be provided in the conditions adopted for persons in outpatient status or for any such person in particular, such per-

sons are not subject to the provisions of Penal Code Section 2600.

A single member of the authority may by written or oral order suspend the release in outpatient status of such a person and cause him to be retaken, until the next meeting of the authority.

6517. The rules for persons in outpatient status shall include but not be limited to close supervision of the person after release from the facility, periodic and surprise testing for narcotic use, counseling and return to inpatient status at the California Rehabilitation Center or its branches at the discretion of the authority, if from the reports of agents of the Department of Corrections or other information including reports of law enforcement officers as to the conduct of the person, the authority concludes that it is for the best interests of the person and society that this be done.

6518. The Director of Corrections is authorized to establish one or more halfway houses in large metropolitan areas as pilot projects in order to determine the effectiveness of such control on the addict's rehabilitation, particularly upon his release from the narcotic detention and treatment facility. Rules and regulations governing the operation of such halfway houses shall be established by the Director of Corrections and shall provide for control of the earnings of persons assigned to such halfway houses during their residence there, from which shall be deducted such charges for maintenance as the Director of Corrections may prescribe.

SEC. 12. The heading of Article 4 (commencing with Section 6520) of Chapter 11 of Title 7 of Part 3 of said code is amended and renumbered to read:

Article 5. Discharge of Narcotic Addicts

SEC. 13. Section 6520 of said code is amended to read:

6520. If at any time the Director of Corrections is of the opinion that a person committed pursuant to Article 3 of this chapter while in outpatient status has abstained from the use of narcotics for at least three consecutive years and has otherwise complied with the conditions of his release, he shall recommend to the Narcotic Addict Evaluation Authority that such person be discharged from the program. If the authority concurs in the opinion of the director, it shall discharge such person from the program.

If at any time the director is of the opinion that a person committed pursuant to Article 2 of this chapter while in outpatient status has abstained from the use of narcotics for at least three consecutive years and has otherwise complied with the conditions of his release, he shall so advise the Narcotic Addict Evaluation Authority, and if the authority concurs in the opinion of the director it may file with the superior court of the county in which the person was committed a certificate alleging such facts and recommending to the court the dis-

charge of the person from the program. The authority shall serve a copy of such certificate upon the district attorney of the county. Upon the filing of such certificate, the court shall discharge the person from the program and may dismiss the criminal charges of which such person was convicted. Where such person was certified to the superior court from a municipal or justice court, the person shall be returned to such court, which may dismiss the original charges. In any case where the criminal charges are not dismissed and the person is sentenced thereon, time served while under commitment pursuant to Article 2 of this chapter shall be credited on such sentence. Such dismissal shall have the same force and effect as a dismissal under Section 1203.4 of the Penal Code, except the conviction is a prior conviction for purposes of Division 10 of the Health and Safety Code.

SEC. 14. Section 6521 of said code is amended to read:

6521. If a person committed pursuant to this chapter has not been discharged from the program prior to expiration of seven years, the Director of Corrections shall, on the expiration of such period, return him to the court from which he was committed, which court shall discharge him from the program and order him returned to the court in which criminal proceedings were adjourned, or the imposition of sentence suspended, prior to his commitment or certification to the superior court; or, if he was committed pursuant to Article 3, shall discharge him. If however, it appears to the director that such person gives promise that, if his time on the program were extended, he could complete three consecutive years of abstinence from narcotics, the director shall return him to the court from which he was committed, with the recommendation that an extension not to exceed three years be ordered. The court may order such extension. If it declines to do so, it shall, if the person was committed pursuant to Article 3, discharge him, or, if he was committed pursuant to Article 2, return the person to the court in which criminal proceedings were adjourned, or the imposition of sentence suspended, prior to his commitment or certification to the superior court.

If an extension of the commitment is ordered pursuant to the preceding provisions of this section, the person must be returned to the court and discharged from the program on or before the expiration of 10 years from the date of the original commitment.

Any other provision of this chapter notwithstanding, in any case in which a person was committed pursuant to Article 3 as a result of such person's having requested the district attorney to file a petition for his commitment, such person must be discharged no later than two years and six months after his commitment.

No person committed pursuant to this chapter before the effective date of the 1963 amendments thereto shall be subject to the program for any longer period than the term of his

commitment under the law as it read at the time he was committed.

Nothing in this chapter shall preclude a person who has been discharged from the program from being recommitted under the program, irrespective of the periods of time of any previous commitments.

SEC. 15. Section 6550 of said code is amended to read:

6550. There is hereby established an institution, and branches thereof, under the jurisdiction of the Department of Corrections, to be known as the California Rehabilitation Center. Branches may be established in existing institutions of the Department of Corrections or of the Department of the Youth Authority, and in halfway houses, as described in Section 6518. The branches in the Department of the Youth Authority shall be established on order of the Administrator of the Youth and Adult Corrections Agency and shall be subject to the administrative direction of the Director of the Youth Authority.

SEC. 16. Section 6551 of said code is amended to read:

6551. The principal purpose of the California Rehabilitation Center shall be the receiving, control, confinement, employment, education, treatment and rehabilitation of persons under the custody of the Department of Corrections or any agency thereof who are addicted to the use of narcotics or are in imminent danger of becoming so addicted.

SEC. 17. Nothing in this act shall be deemed to impair the legality or effectiveness of any order made or other action taken that was lawful when taken.

CHAPTER 1707

An act to amend Section 69594 of the Government Code, relating to judges of the Superior Court of San Bernardino County.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 69594 of the Government Code is amended to read:

69594. In the County of San Bernardino there shall be nine judges.

SEC. 2. The Governor shall appoint the additional judge provided for by this act.

CHAPTER 1708

An act to amend Section 74181 of the Government Code, relating to municipal court judges in Sacramento.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 74181 of the Government Code is amended to read:

74181. There shall be six judges.

CHAPTER 1709

An act to amend Section 73681 of the Government Code, relating to municipal court judges.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 73681 of the Government Code is amended to read:

73681. There shall be five judges.

CHAPTER 1710

An act to add Section 20106 to the Education Code, relating to the public school system, and making an appropriation.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 20106 is added to the Education Code, to read:

20106. To provide for the operation of newly organized school districts, there shall be appropriated to the School District Organization Revolving Fund, which fund is hereby created in the State Treasury, five hundred thousand dollars ($500,000) from the County School Service Fund Surplus Account in the General Fund to be loaned to such newly organized school districts upon application of the governing board of the district, certified by the county superintendent of schools and approved by the Superintendent of Public Instruction for use by the district during the period from the date the action to form the district was completed and the date the district becomes effective for all purposes. Money loaned to a

district pursuant to this section shall be used only to meet (a) the expenses of office rental, office supplies, postage, telephone, and telegraphing; (b) the expenses of necessary elections required by law or authorized by Section 1603 of this code; and (c) the expenses of employing, the salary of, and necessary travel expenses of officers and necessary clerical help for the governing board.

During the next two fiscal years after the fiscal year in which such loan is advanced to a school district under this section, the State Controller shall deduct from apportionments made to each such school district an amount equal to the amount loaned to such school district under this section and pay the same amount into the School District Organization Revolving Fund in the State Treasury.

SEC. 2. Section 1 of this act becomes operative only if Senate Bill No. 718 of the 1963 Regular Session is enacted by the Legislature at such session.

CHAPTER 1711

An act to amend Section 14797 of the Revenue and Taxation Code, relating to inheritance taxes.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 14797 of the Revenue and Taxation Code is amended to read:

14797. The maximum commissions that may be retained by the county treasurer out of the total inheritance taxes paid to and accounted for by him in any one year are as follows:

a. By the county treasurer of a county of the first class, eighty-five thousand dollars ($85,000).

b. By the county treasurer of a county of the second class, fifty thousand dollars ($50,000).

c. By the county treasurer of a county of the third class, forty thousand dollars ($40,000); provided that where the total amount of inheritance taxes paid to and accounted for by the county treasurer in the year exceeds eight million dollars ($8,000,000) the maximum commissions that may be retained by him shall be fifty thousand dollars ($50,000).

d. By the county treasurer of a county of the fourth class, twenty-five thousand dollars ($25,000); provided that where the total amount of inheritance taxes paid to and accounted for by the county treasurer in the year exceeds eight million dollars ($8,000,000) the maximum commissions that may be retained by him shall be fifty thousand dollars ($50,000).

e. By the county treasurer of a county of any other class, twenty thousand dollars ($20,000); provided that where the

total amount of inheritance taxes paid to and accounted for by the county treasurer in the year exceeds eight million dollars ($8,000,000) the maximum commissions that may be retained by him shall be fifty thousand dollars ($50,000).

CHAPTER 1712

An act to amend Sections 806 and 813 of the Penal Code, relating to complaints before magistrates, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 806 of the Penal Code is amended to read:

806. A proceeding for the examination before a magistrate of a person on a charge of an offense originally triable in a superior court must be commenced by written complaint under oath subscribed by the complainant and filed with the magistrate; provided, that when such magistrate is a judge of the justice court, the proceeding must be commenced by a written complaint under oath subscribed by the complainant, filed with the magistrate and concurred in by the district attorney of the county in which he sits or the Attorney General of the State of California. Such complaint may be verified on information and belief. When the complaint is used as a pleading to which the defendant pleads guilty under Section 859a of this code, the complaint shall contain the same allegations, including the charge of prior conviction or convictions of crime, as are required for indictments and informations and, wherever applicable, shall be construed and shall have substantially the same effect as provided in this code for indictments and informations.

SEC. 2. Section 813 of said code is amended to read:

813. When a complaint is filed with a magistrate charging a public offense originally triable in the superior court of the county in which he sits, if such magistrate is satisfied from the complaint that the offense complained of has been committed and that there is reasonable ground to believe that the defendant has committed it, he must issue a warrant for the arrest of the defendant; provided, that when the magistrate is a judge of the justice court, he may issue such a warrant only upon the concurrence of the district attorney of the county in which he sits or the Attorney General of the State of California.

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

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

This act, which codifies usual law enforcement practices, clearly prohibits certain abuses in the filing of complaints and issuance of warrants which can and have, at times, grossly interfered with the processes of justice. Any repetitions of such abuses can so clog the channels of administration of justice that handling of worthy cases will be greatly delayed, to the detriment of the public interest. It is therefore necessary to the public peace, health, and safety that this act take immediate effect.

CHAPTER 1713

An act to add Section 597s to the Penal Code, relating to abandonment of animals.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 597s is added to the Penal Code, to read:

597s. Every person who willfully abandons any domestic dog or cat is guilty of a misdemeanor.

CHAPTER 1714

An act to add Article 4 (commencing with Section 98) to Chapter 3 of Division 1, to amend Sections 86, 87 and 92, and to repeal Section 72, of the Agricultural Code, and to amend Section 19621 of the Business and Professions Code, relating to fairs and expositions.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Article 4 (commencing with Section 98) is added to Chapter 3 of Division 1 of the Agricultural Code, to read:

Article 4. Succession to Functions

98. The Department of Agriculture succeeds to and is vested with all of the duties, powers, purposes, responsibilities and jurisdiction, vested in the Department of Finance, or the Director of Finance, under the following statutes:

(a) Agricultural Code: Sections 81, 86.4, 87.5, 88, 88.5, 88.6, 91, 92.3, 92.5, 92.6, 92.8, 94.6, and 95.

(b) Government Code: Sections 25902, 25903, 25905, and 25906.

(c) Business and Professions Code: Sections 19623, 19626.1, 19626.2, 19627, 19630, 19631, 19636, and 19637.

98.1. The Department of General Services succeeds to and is vested with all of the duties, powers, purposes, responsibilities and jurisdiction, vested in the Department of Finance, or the Director of Finance under Section 80.5 of the Agricultural Code.

98.2. Notwithstanding any provision of law to the contrary, budgets of county and district agricultural associations shall continue to be subject to approval of the Department of Finance pursuant to the provisions of Sections 13320 to 13324, inclusive, of the Government Code, and the Department of Finance shall continue to have the powers contained in such sections with respect to such budgets.

98.3. Whenever any reference is made to the Director of Finance or the Department of Finance in the statutes enumerated in Section 98, it shall be deemed to be a reference to, and to mean, the Director of Agriculture or the Department of Agriculture. References to the Director of Finance or the Department of Finance in the statutes enumerated in Section 98.1 shall be deemed to be a reference to, and to mean, the Director of General Services or the Department of General Services.

SEC. 2. Section 72 of the Agricultural Code is repealed.

SEC. 3. Section 86 of said code is amended to read:

86. Each district agricultural association is a state institution. Each association by its name has perpetual succession, may have a seal, may sue, may be sued, and, with approval of the Department of Agriculture, may do any and all things necessary to carry out the powers and the objects and purposes for which the association is formed; provided, however, that claims against district agricultural associations shall be presented to the State Board of Control in accordance with Section 641 of the Government Code, and, with the approval of the Department of General Services, may:

(a) Contract.

(b) Purchase, acquire, hold, sell, exchange or convey any interest in real or personal property and beautify or improve such property. Any acquisition of land or other real property shall be subject to the provisions of the Property Acquisition Law (Part 11, commencing with Section 15850, Division 3, Title 2, of the Government Code).

(c) Lease, let or grant licenses for the use of its real estate or personal property or any portion thereof to any person or public body for whatever purpose may be approved by the board of directors and the Department of General Services.

(d) Use or manage its real estate or personal property or any part thereof for any or all of the foregoing purposes jointly with any lessee, sublessee or licensee, or otherwise use

or manage said property in connection with such lease, sublease or license heretofore or hereinafter made or granted.

(e) Lease or let its real property for public park, recreational, or playground purposes.

(f) Rent or permit the use of its premises for purposes beneficial to the agricultural industry, including but not limited to the holding of sales or auctions of cattle or other livestock.

(g) Contract with any county or county fair association for holding a fair jointly with the same. Such joint fair shall constitute a district fair of the association.

SEC. 4. Section 87 of said code is amended to read:

87. The board of directors may, with the approval of the Department of Agriculture:

(a) Fix the term of office, the amount of bond, salary and prescribe the duties of the secretary and of the treasurer.

(b) Manage the affairs of the association.

(c) Make all necessary bylaws, rules and regulations for the government of the association.

(d) With the approval of the Department of General Services, arrange for and conduct or cause or by contract permit to be conducted by any other individual, institution, corporation or association, upon its property at such time as they may deem advisable, any activity, notwithstanding other provisions of the code.

(e) Delegate, as it may deem advisable, to its officers or employees any of the powers vested in the board under subdivisions (b) and (d) of this section. Any such delegation of powers may be revoked at any time.

An agricultural association shall not lease its racetrack, for running races of horses, to any private person, firm or corporation except to a national or international exposition or its affiliated corporations or associations for the period of time now permitted by law for fairs. The provisions of this subdivision shall not apply to existing leases or extensions or renewals thereof.

SEC. 5. Section 92 of said code is amended to read:

92. The Department of Agriculture shall apportion any money appropriated by the State for the encouragement of county, district or combined county and district fairs to the various agricultural fairs on the basis of the amount which each fair actually paid in premiums for agricultural, horticultural, mineral and livestock exhibits, and exhibits of domestic arts, agricultural mechanics and industrial education made or manufactured for other than commercial purposes in each year. The money so apportioned shall be paid to the several counties and district agricultural associations as soon as such apportionment is determined.

The Department of Agriculture, out of any money on hand to be apportioned, may advance to any county or district agricultural association, for the purpose of paying premiums, at any time during the year, any portion of the money to which, in the opinion of the Director of Agriculture, the

county or district agricultural association will become entitled for that year. The county or district agricultural association shall deposit such money in a bank account approved by the Director of General Services in accordance with the provisions of Section 16506 of the Government Code. Such money may be expended for premiums, capital outlay, including purchase of land, construction improvements, equipment, for the acquisition, installation, maintenance, and operation of recreational facilities at fairgrounds of the county or district agricultural associations or support of county or district agricultural association fairs pursuant to a budget submitted to the Department of Agriculture and approved by the Department of Finance subject to the provisions of Sections 13320 to 13324, inclusive, of the Government Code.

All sums expended from such moneys for construction and improvements by counties shall be subject to the provisions of Sections 25450 to 25463, inclusive, of the Government Code. The county auditor or secretary of any such fair desiring to share in any such appropriation shall file with the Department of Agriculture on or before December 31st, of each year, a sworn statement setting forth the actual amount paid for premiums by such fair held in that year.

Six thousand dollars ($6,000) shall be the maximum base of allocation paid any fair for its first year of operation, and thereafter in each subsequent year in which a fair is held the maximum base of allocation shall increase by 10 percent over the maximum base for the year in which a fair was last held.

In the event the premiums paid during any year in which a fair is held are less than the maximum base of allocation for that year, the base of allocation for that year shall be the premiums so paid during such year. For any fair operated prior to 1933 which received, or was qualified to receive, money from appropriations for the support of agricultural fairs, the basis may be increased 10 percent for each year in which a fair was held from the time the fair was first held, except that if no fair was held by the county or district for a period of five or more years the percentage of increase shall apply only from the first fair held after said period. Any fair may pay premiums in an amount greater than that used as the base of apportionment to it.

The Department of Agriculture shall prescribe rules and regulations for the judging of exhibits, and the maximum amount of premiums which may be offered and paid for all classes, sections, and types of exhibits. Said rules and regulations and the maximum amount of premiums which may be offered and paid shall be exempt from the provisions of Section 11380 of the Government Code but may be filed with the Secretary of State under the provisions of Section 11385 of the Government Code. No fair shall receive any apportionment of funds under this section unless it complies with such rules and regulations.

No allotment from the apportionment herein provided shall be made for more than one fair in any one year in any county or district. The fact that a county or district contracts one with the other or with a county fair association, to hold an agricultural fair shall not bar it from receiving a proper proportion of the moneys herein appropriated, except that no county or district may hold a joint or combined fair and receive an allotment of money under the provisions of this section. No fair for which a separate appropriation is made by the State shall participate in the apportionment of any money appropriated for the encouragement of county and district agricultural fairs. On or after January 1, 1943, allotments from the appropriation herein provided shall be made only to district agricultural associations or counties which received allotments under this section on the basis of the premiums paid at fairs held during the calendar year 1941 except that: (1) A district agricultural association which did not receive an allotment under this section on the basis of the premiums paid at a fair held during the calendar year 1941 may receive an allotment as provided in this section unless a county whose area lies in whole or in part within the boundaries of the agricultural district received an allotment under this section on the basis of the premiums paid at a fair held during the calendar year 1941; (2) Solano County may receive an allotment although that county held no fair in the calendar year 1941 and the agricultural association of the agricultural district comprising Solano County received an allotment during the calendar year 1941; (3) Marin County may receive an allotment although that county held no fair in the calendar year 1941 and the agricultural association of the agricultural district of which Marin County is a part received an allotment during the calendar year 1941; (4) Santa Cruz County may receive an allotment although that county held no fair in the calendar year 1941 and the agricultural association of the agricultural district comprising Santa Cruz County received an allotment during the calendar year 1941; (5) Merced and Madera Counties may each receive an allotment although those counties held no fairs in the calendar year 1941 and the agricultural associations of the agricultural districts comprising Merced and Madera Counties each received an allotment during the calendar year 1941; (6) a district agricultural association which did not receive an allotment under this section on the basis of the premiums paid at a fair held during the calendar year 1941, may receive an allotment as provided in this section; provided, the board of supervisors of each county, whose area lies in whole or in part within the boundaries of the agricultural district and which received an allotment under this section on the basis of the premiums paid at a fair held during the calendar year 1941, shall by resolution announce its intention to permanently discontinue the holding of fairs for which the county would be eligible to participate in the allocation from the appropriation herein provided. A certified copy of

said resolution shall be filed with the Department of Agriculture. Upon adoption of said resolution by the board of supervisors, and the filing thereof as herein provided, the county referred to shall no longer be eligible to receive allotments under this section and the district agricultural association which becomes eligible to receive an allotment due to the adoption of said resolution shall, for the purpose of determining the maximum base of allocation for said association, be entitled to receive credit for the fairs previously held by said county and said fairs shall be considered as fairs held by the association in calculating the maximum base for said association as provided herein. Within one year from and after the date said resolution is adopted, the county shall pay to said district agricultural association the unexpended balance of any moneys previously apportioned to said county under this section. Notwithstanding the foregoing provisions of this paragraph a district agricultural association of a district created subsequent to January 1, 1943, may receive an allotment as provided in this section.

The Department of Agriculture, in its discretion, may at any time examine the books and records of any fair to determine the correctness of any statement or report filed with the Department of Agriculture.

SEC. 6. Section 19621 of the Business and Professions Code is amended to read:

19621. The Legislature will appropriate annually out of the fund such sums as it deems necessary for the following purposes:

(a) For the support of the board, including any costs and expenses incurred by the Attorney General in the enforcement of this chapter as shall be authorized by the board.

(b) To the Department of Agriculture for the supervision of all fairs, including citrus fruit fairs, and district agricultural associations receiving money from the fund.

(c) To the Department of Finance for the auditing of all fairs, including citrus fruit fairs, and district agricultural associations receiving money from the fund.

SEC. 7. All public property, real or personal, of the Department of Finance used principally or primarily in carrying out of any function, or acquired in connection with the exercise of any function, which function is transferred to the Department of General Services or to the Department of Agriculture, is transferred to the Department of General Services or the Department of Agriculture, as the case may be.

SEC. 8. All officers and employees of the Department of Finance on the operative date of this section, who are serving in the state civil service, other than temporary employees, and who are engaged in the performance of a function transferred to the Department of General Services or the Department of Agriculture or who are engaged in the administration of a law, the administration of which is transferred to the Department of General Services or the Department of Agriculture, by this

act shall be transferred to the Department of General Services or the Department of Agriculture, as the case may be, and their status, positions, and rights shall not be affected by their transfer and they shall continue to be retained as employees of the succeeding agency pursuant to the State Civil Service Act, except as to positions the duties of which are vested in a position exempt from civil service.

SEC. 9. This act shall become operative only if Assembly Bill No. 2006 of the 1963 Regular Session is enacted, and in such case at the same time as Assembly Bill No. 2006 of the 1963 Regular Session becomes operative.

CHAPTER 1715

An act to add Part 3 (commencing with Section 900), Part 4 (commencing with Section 940) and Part 5 (commencing with Section 965), to Division 3.6 of Title 1 of the Government Code as enacted by Senate Bill No. 42 of the 1963 Regular Session, and to amend Sections 86 and 439.56 of the Agricultural Code, and to add Section 342 to, and to amend Section 313 of, the Code of Civil Procedure, and to amend Sections 904, 926, 16978, 27591, 27891 and 28381 of the Education Code, and to amend Sections 1013 and 1014 of Division 4 of the Education Code as enacted by Senate Bill No. 718 of the 1963 Regular Session, and to amend Sections 29700, 29706, 29748, 37201, 39586 and 61628 of, and to repeal Division 3.5 (commencing with Section 600) of Title 1 of, and Section 13920.1 of, the Government Code, and to amend Sections 5905, 6095, 6370, 6960 and 7172 of the Harbors and Navigation Code, and to amend Sections 954, 2320, 2880, 4130, 4185.1, 4665.6, 4817, 5617, 5745, 6096, 6805, 9010, 14163.5, 14363, 14488, 20115, 24232, 24374, 32492, 33340 and 34380 of the Health and Safety Code, and to amend Section 33510 of the Health and Safety Code as proposed to be added by Assembly Bill No. 1734 of the 1963 Regular Session, and to amend Sections 945 and 1209 of the Military and Veterans Code, and to amend Sections 5553.5, 5784.19, 9420 and 11520 of the Public Resources Code, and to amend Sections 12830, 16682, 22601, 25951 and 29060 of the Public Utilities Code, and to amend Sections 8230, 19190, 25360, 26225, 27190, 31867, 33550 and 35707 of the Streets and Highways Code, and to amend Sections 8991, 22727, 31084, 35752, 44457, 50145, 55720, 56117 and 70200 of the Water Code, and to amend Section 3.1 of Chapter 349 of the Statutes of 1873-74, and to amend Section 9.5 of Chapter 63 of the Statutes of 1880, and to amend Section 12.5 of Chapter 158 of the Statutes of 1885, and to amend Section 9 of Chapter 201 of the Statutes of 1895, and to amend Section 49.5 of the Drainage Act of 1903 (Chapter 238, Statutes of 1903), and to amend Section 11 of Chapter 310 of the Statutes of 1905, and to amend Sec-

tion 46.5 of Chapter 25 of the Statutes of 1907, and to amend Section 19.1 of the Storm Water District Act of 1909 (Chapter 222, Statutes of 1909), and to amend Section 71753 of the Water Code as added by Chapter 156, Statutes of 1963, and to amend Section 8.5 of Chapter 99 of the Statutes of 1913, and to amend Section 8.5 of Chapter 361 of the Statutes of 1915, and to amend Section 34.5 of the Water Conservation Act of 1927 (Chapter 91, Statutes of 1927), and to amend Section 6.1 of the Metropolitan Water District Act (Chapter 429, Statutes of 1927), and to amend Section 10.5 of Chapter 641 of the Statutes of 1931, and to amend Section 21.1 of the Water Conservation Act of 1931 (Chapter 1020, Statutes of 1931), and to amend Section 135.5 of the California Water Storage and Conservation District Act (Chapter 1253, Statutes of 1941), and to amend Section 15.5 of the County Water Authority Act (Chapter 545, Statutes of 1943), and to amend Section 29 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes of 1949), and to amend Section 10 of the Amador County Water Agency Act (Chapter 2137, Statutes of 1959), and to amend Section 20.5 of the American River Flood Control District Act (Chapter 808, Statutes of 1927), and to amend Section 75 of the Antelope Valley-East Kern Water Agency Law (Chapter 2146, Statutes of 1959), and to amend Section 30 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617, Statutes of 1951), and to amend Section 9.5 of the Contra Costa County Storm Drainage District Act (Chapter 1532, Statutes of 1953), and to amend Section 20 of the Contra Costa County Water Agency Act (Chapter 518, Statutes of 1957), and to amend Section 25 of Chapter 40 of the Statutes of 1962 (1st Ex. Sess.) (Crestline-Lake Arrowhead Water Agency Act), and to amend Section 31 of the Del Norte County Flood Control District Act (Chapter 166, Statutes of 1955), and to amend Section 41 of the El Dorado County Water Agency Act (Chapter 2139, Statutes of 1959), and to amend Section 53 of the Fairfield-Suisun Sewer District Act (Chapter 303, Statutes of 1951), and to amend Section 11.5 of the Fresno Metropolitan Flood Control Act (Chapter 503, Statutes of 1955), and to amend Section 31 of the Humboldt County Flood Control District Act (Chapter 939, Statutes of 1945), and to amend Section 15 of the Kings River Conservation District Act (Chapter 931, Statutes of 1951), and to amend Section 34 of the Lake County Flood Control and Water Conservation District Act (Chapter 1544, Statutes of 1951), and to amend Section 13 of the Lassen-Modoc County Flood Control and Water Conservation District Act (Chapter 2127, Statutes of 1959), and to amend Section 14½ of the Los Angeles County Flood Control Act (Chapter 755, Statutes of 1915), and to amend Section 4.23 of the Los Angeles Metropolitan Transit Authority Act of 1957

(Chapter 547, Statutes of 1957), and to amend Section 11 of the Lower San Joaquin Levee District Act (Chapter 1075, Statutes of 1955), and to amend Section 29 of the Marin County Flood Control and Water Conservation District Act (Chapter 666, Statutes of 1953), and to amend Section 10 of the Mariposa County Water Agency Act (Chapter 2036, Statutes of 1959), and to amend Section 8 of the Mendocino County Flood Control and Water Conservation District Act (Chapter 995, Statutes of 1949), and to amend Section 24 of the Mojave Water Agency Law (Chapter 2146, Statutes of 1959), and to amend Section 53 of the Montalvo Municipal Improvement District Act (Chapter 549, Statutes of 1955), and to amend Section 30 of the Monterey County Flood Control and Water Conservation District Act (Chapter 699, Statutes of 1947), and to amend Section 15.1 of the Monterey Peninsula Airport District Act (Chapter 52, Statutes of 1941), and to amend Section 8 of the Morrison Creek Flood Control District Act (Chapter 1771, Statutes of 1953), and to amend Section 30 of the Napa County Flood Control and Water Conservation District Act (Chapter 1449, Statutes of 1951), and to amend Section 42 of the Nevada County Water Agency Act (Chapter 2122, Statutes of 1959), and to amend Section 3.1 of the Orange County Flood Control Act (Chapter 723, Statutes of 1927), and to amend Section 20.5 of the Orange County Water District Act (Chapter 924, Statutes of 1933), and to amend Section 29.5 of the Palo Verde Irrigation District Act (Chapter 452, Statutes of 1923), and to amend Section 13 of the Plumas County Flood Control and Water Conservation District Act (Chapter 2114, Statutes of 1959), and to amend Section 15 of the Riverside County Flood Control and Water Conservation District Act (Chapter 1122, Statutes of 1945), and to amend Section 8.1 of the Sacramento County Water Agency Act (Chapter 10, Statutes of 1952 (1st Ex. Sess.)), and to amend Section 34 of the San Benito County Water Conservation and Flood Control District Act (Chapter 1598, Statutes of 1953), and to amend Section 8 of the San Bernardino County Flood Control Act (Chapter 73, Statutes of 1939), and to amend Section 17.5 of the San Diego County Flood Control District Act (Chapter 1372, Statutes of 1945), and to amend Section 30 of the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294, Statutes of 1945), and to amend Section 9 of the San Mateo County Flood Control District Act (Chapter 2108, Statutes of 1959), and to amend Section 31 of the Santa Barbara County Flood Control and Water Conservation District Act (Chapter 1057, Statutes of 1955), and to amend Section 8.1 of the Santa Barbara County Water Agency Act (Chapter 1501, Statutes of 1945), and to amend Section 48 of the Santa Clara-Alameda-San Benito Water Authority Act (Chapter 1289, Statutes of 1955), and to amend

Section 30 of the Santa Clara County Flood Control and Water Conservation District Act (Chapter 1405, Statutes of 1951), and to amend Section 154 of the Santa Cruz County Flood Control and Water Conservation District Act (Chapter 1489, Statutes of 1955), and to amend Section 13 of the Sierra County Flood Control and Water Conservation District Act (Chapter 2123, Statutes of 1959), and to amend Section 13 of the Siskiyou County Flood Control and Water Conservation District Act (Chapter 2121, Statutes of 1959), and to amend Section 8.1 of the Solano County Flood Control and Water Conservation District Act (Chapter 1656, Statutes of 1951), and to amend Section 53 of the Solvang Municipal Improvement District Act (Chapter 1635, Statutes of 1951), and to amend Section 8 of the Sonoma County Flood Control and Water Conservation District Act (Chapter 994, Statutes of 1949), and to amend Section 10 of the Sutter County Water Agency Act (Chapter 2088, Statutes of 1959), and to amend Section 23 of the Upper Santa Clara Valley Water Agency Law (Chapter 28, Statutes of 1962 (1st Ex. Sess.)), and to amend Section 2 5 of the Vallejo Sanitation and Flood Control District Act (Chapter 17, Statutes of 1952 (1st Ex. Sess.)), and to amend Section 13 of the Ventura County Flood Control Act (Chapter 44, Statutes of 1944 (4th Ex. Sess.)), and to amend Section 8 of the Yolo County Flood Control and Water Conservation District Act (Chapter 1657, Statutes of 1951), and to amend Section 10 of the Yuba County Water Agency Act (Chapter 788, Statutes of 1959), and to amend Section 40 of the Yuba-Bear River Basin Authority Act (Chapter 2131, Statutes of 1959), relating to claims, actions and judgments against public entities and public officers, employees, and servants.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Part 3 (commencing with Section 900) is added to Division 3.6 of Title 1 of the Government Code as enacted by Senate Bill No. 42 of the 1963 Regular Session, to read:

PART 3. CLAIMS AGAINST PUBLIC ENTITIES

CHAPTER 1. GENERAL

Article 1. Definitions

900. Unless the provision or context otherwise requires, the definitions contained in this article govern the construction of this part.

900.2. "Board" means:

(a) In the case of a local public entity, the governing body of the local public entity.

(b) In the case of the State, the State Board of Control

900.4. "Local public entity" includes a county, city, district, public authority, public agency, and any other political subdivision or public corporation in the State, but does not include the State.

900.6. "State" means the State and any office, officer, department, division, bureau, board, commission or agency of the State claims against which are paid by warrants drawn by the Controller.

901. For the purpose of computing the time limits prescribed by Sections 911.2, 911.4 and 912, the date of the accrual of a cause of action to which a claim relates is the date upon which the cause of action would be deemed to have accrued within the meaning of the statute of limitations which would be applicable thereto if there were no requirement that a claim be presented to and be acted upon by the public entity before an action could be commenced thereon.

Article 2. General Provisions

905. There shall be presented in accordance with Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of this part all claims for money or damages against local public entities except:

(a) Claims under the Revenue and Taxation Code or other statute prescribing procedures for the refund, rebate, exemption, cancellation, amendment, modification or adjustment of any tax, assessment, fee or charge or any portion thereof, or of any penalties, costs or charges related thereto.

(b) Claims in connection with which the filing of a notice of lien, statement of claim, or stop notice is required under any provision of law relating to mechanics', laborers' or materialmen's liens.

(c) Claims by public employees for fees, salaries, wages, mileage or other expenses and allowances.

(d) Claims for which the workmen's compensation authorized by Division 4 (commencing with Section 3201) of the Labor Code is the exclusive remedy.

(e) Applications or claims for any form of public assistance under the Welfare and Institutions Code or other provisions of law relating to public assistance programs, and claims for goods, services, provisions or other assistance rendered for or on behalf of any recipient of any form of public assistance.

(f) Applications or claims for money or benefits under any public retirement or pension system.

(g) Claims for principal or interest upon any bonds, notes, warrants, or other evidences of indebtedness.

(h) Claims which relate to a special assessment constituting a specific lien against the property assessed and which are payable from the proceeds of such an assessment, by offset of a claim for damages against it or by delivery of any warrant or bonds representing it.

(i) Claims by the State or by a state department or agency or by another local public entity.

(j) Claims arising under any provision of the Unemployment Insurance Code, including but not limited to claims for money or benefits, or for refunds or credits of employer or worker contributions, penalties, or interest, or for refunds to workers of deductions from wages in excess of the amount prescribed.

(k) Claims for the recovery of penalties or forfeitures made pursuant to Article 1 (commencing with Section 1720) of Chapter 1 of Part 7 of Division 2 of the Labor Code.

(*l*) Claims governed by the Pedestrian Mall Law of 1960, Part 1 (commencing with Section 11000) of Division 13 of the Streets and Highways Code.

905.2. There shall be presented in accordance with Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of this part all claims for money or damages against the State:

(a) For which no appropriation has been made or for which no fund is available but the settlement of which has been provided for by statute or constitutional provision.

(b) For which the appropriation made or fund designated is exhausted.

(c) For money or damages (1) on express contract, (2) for an injury for which the State is liable or (3) for the taking or damaging of private property for public use within the meaning of Section 14 of Article I of the Constitution.

(d) For which settlement is not otherwise provided for by statute or constitutional provision.

905.4. Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of this part shall not be construed to be an exclusive means for presenting claims to the Legislature nor as preventing the Legislature from making such appropriations as it deems proper for the payment of claims against the State which have not been submitted to the board or recommended for payment by it pursuant to Chapters 1 and 2 of this part.

905.6. This part does not apply to claims against the Regents of the University of California.

905.8. Nothing in this part imposes liability upon a public entity unless such liability otherwise exists.

Chapter 2. Presentation and Consideration of Claims

Article 1. General

910. A claim shall be presented by the claimant or by a person acting on his behalf and shall show:

(a) The name and post office address of the claimant;

(b) The post office address to which the person presenting the claim desires notices to be sent;

(c) The date, place and other circumstances of the occurrence or transaction which gave rise to the claim asserted;

(d) A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of presentation of the claim; and

(e) The name or names of the public employee or employees causing the injury, damage, or loss, if known.

(f) The amount claimed as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed.

910.2. The claim shall be signed by the claimant or by some person on his behalf. Claims against local public entities for supplies, materials, equipment or services need not be signed by the claimant or on his behalf if presented on a billhead or invoice regularly used in the conduct of the business of the claimant.

910.4. The board may provide forms specifying the information to be contained in claims against the public entity. If the board provides forms pursuant to this section, the person presenting a claim need not use such form if he presents his claim in conformity with Sections 910 and 910.2. If he uses the form provided pursuant to this section and complies substantially with its requirements, he shall be deemed to have complied with Sections 910 and 910.2.

910.6. (a) A claim may be amended at any time before the expiration of the period designated in Section 911.2 or before final action thereon is taken by the board, whichever is later, if the claim as amended relates to the same transaction or occurrence which gave rise to the original claim. The amendment shall be considered a part of the original claim for all purposes.

(b) A failure or refusal to amend a claim, whether or not notice of insufficiency is given under Section 910.8, shall not constitute a defense to any action brought upon the cause of action for which the claim was presented if the court finds that the claim as presented complied substantially with Sections 910 and 910.2 or a form provided under Section 910 4.

910.8. (a) If in the opinion of the board or the person designated by it a claim as presented fails to comply substantially with the requirements of Sections 910 and 910.2, or with the requirements of a form provided under Section 910 4 if a claim is presented pursuant thereto, the board or such person may, at any time within 20 days after the claim is presented, give written notice of its insufficiency, stating with particularity the defects or omissions therein.

(b) Such notice may be given personally to the person presenting the claim or by mailing it to the address, if any, stated in the claim as the address to which the person presenting the claim desires notices to be sent. If no such address is stated in

the claim, the notice may be mailed to the address, if any, of the claimant as stated in the claim.

(c) The board may not take action on the claim for a period of 15 days after such notice is given.

911. Any defense as to the sufficiency of the claim based upon a defect or omission in the claim as presented is waived by failure to give notice of insufficiency with respect to such defect or omission as provided in Section 910.8, except that no notice need be given and no waiver shall result when the claim as presented fails to state either an address to which the person presenting the claim desires notices to be sent or an address of the claimant.

911.2. A claim relating to a cause of action for death or for injury to person or to personal property or growing crops shall be presented as provided in Article 2 (commencing with Section 915) of this chapter not later than the 100th day after the accrual of the cause of action. A claim relating to any other cause of action shall be presented as provided in Article 2 (commencing with Section 915) of this chapter not later than one year after the accrual of the cause of action.

911.4. When a claim that is required by Section 911.2 to be presented not later than the 100th day after the accrual of the cause of action is not presented within such time, a written application may be made to the public entity for leave to present such claim. The application shall be presented to the public entity as provided in Article 2 (commencing with Section 915) of this chapter within a reasonable time not to exceed one year after the accrual of the cause of action and shall state the reason for the delay in presenting the claim. The proposed claim shall be attached to the application.

911.6. (a) The board shall grant or deny the application within 35 days after it is presented to the board. If the board does not act upon the application within 35 days after the application is presented, the application shall be deemed to have been denied on the 35th day.

(b) The board shall grant the application where:

(1) The failure to present the claim was through mistake, inadvertence, surprise or excusable neglect and the public entity was not prejudiced by the failure to present the claim within the time specified in Section 911.2; or

(2) The claimant was a minor during all of the time specified in Section 911.2 for the presentation of the claim; or

(3) The claimant was physically or mentally incapacitated during all of the time specified in Section 911.2 for the presentation of the claim and by reason of such disability failed to present a claim during such time; or

(4) The claimant died before the expiration of the time specified in Section 911 2 for the presentation of the claim.

911.8. Written notice of the board's action upon the application shall be given to the claimant personally or by mailing it to the address, if any, stated in the proposed claim as the address to which the person making the application desires

notices to be sent If no such address is stated in the claim, the notice shall be mailed to the address, if any, of the claimant as stated in the claim. No notice need be given when the proposed claim fails to state either an address to which the person presenting the claim desires notices to be sent or an address of the claimant.

912. (a) As used in this section, "superior court" means:

(1) In the case of a claim against a local public entity, the superior court of the county in which the local public entity has its principal office

(2) In the case of a claim against the State, the superior court of any county in which the Attorney General has an office.

(b) The superior court shall grant leave to present a claim after the expiration of the time specified in Section 911.2 if the court finds that the application to the board under Section 911.4 was made within a reasonable time not to exceed one year after the accrual of the cause of action and was denied or deemed denied pursuant to Section 911.6 and that:

(1) The failure to present the claim was through mistake, inadvertence, surprise or excusable neglect unless the public entity against which the claim is made establishes that it would be prejudiced if leave to present the claim were granted, or

(2) The claimant was a minor during all of the time specified in Section 911.2 for the presentation of the claim; or

(3) The claimant was physically or mentally incapacitated during all of the time specified in Section 911.2 for the presentation of the claim and by reason of such disability failed to present a claim during such time; or

(4) The claimant died before the expiration of the time specified in Section 911.2 for the presentation of the claim.

(c) Application to the superior court for leave to present a claim under this section must be made by a petition showing (1) that application was made to the board under Section 911.4 and was denied or deemed denied and (2) the reason for the failure to present the claim. A copy of the proposed claim shall be attached to the petition. The petition shall be filed within 20 days after the application to the board is denied or deemed denied

(d) A copy of the petition and the proposed claim and a written notice of the time and place of hearing thereof shall be served (1) on the clerk or secretary or board of the local public entity if the claim is against a local public entity, or (2) on the State Board of Control or its secretary if the claim is against the State, not less than 10 days before the hearing.

(e) The court shall make an independent determination upon the application. The determination shall be made upon the basis of the petition, any affidavits in support of or in opposition to the petition, and any additional evidence received at the hearing on the petition.

912.2. If an application for leave to present a claim is granted by the board pursuant to Section 911.6, or if a petition for leave to present a claim is granted by the court pursuant to Section 912, the claim shall be deemed to have been presented to the board upon the day that leave to present the claim is granted.

912.4. The board shall act on a claim in the manner provided in Section 912.6 or 912.8 within 45 days after the claim has been presented. If a claim is amended, the board shall act on the amended claim within 45 days after the amended claim is presented. The claimant and the board may extend the period within which the board is required to act on the claim by written agreement made before or after the expiration of such period. If the board fails or refuses to act on a claim within the time prescribed by this section, the claim shall be deemed to have been rejected by the board on the last day of the period within which the board was required to act upon the claim. If the period within which the board is required to act is extended by agreement, whether made before or after the expiration of such period, the last day of the period within which the board is required to act shall be the last day of the period specified in such agreement.

912.6. (a) In the case of a claim against a local public entity, the board may act on a claim in one of the following ways:

(1) If the board finds the claim is not a proper charge against the public entity, it shall reject the claim.

(2) If the board finds the claim is a proper charge against the public entity and is for an amount justly due, it shall allow the claim.

(3) If the board finds the claim is a proper charge against the public entity but is for an amount greater than is justly due, it shall either reject the claim or allow it in the amount justly due and reject it as to the balance.

(4) If legal liability of the public entity or the amount justly due is disputed, the board may reject the claim or may compromise the claim.

(b) In the case of a claim against a local public entity, if the board allows the claim in whole or in part or compromises the claim, it may require the claimant, if he accepts the amount allowed or offered to settle the claim, to accept it in settlement of the entire claim.

912.8. In the case of claims against the State, the board shall act on claims in accordance with such procedure as the board, by rule, may prescribe. It may hear evidence for and against them and, with the approval of the Governor, report to the Legislature such facts and recommendations concerning them as it deems proper. In making recommendations the board may state and use any official or personal knowledge which any member may have touching any claim. The board may authorize any employee of the State to perform such functions of the board under this part as are prescribed by

the board; but, subject to Section 935.6, the board may not authorize an employee to allow, compromise or settle a claim.

913. Written notice of any action taken under Section 912.6 or 912 8 rejecting a claim in whole or in part shall be given to the person who presented the claim. Such notice may be given by mailing it to the address, if any, stated in the claim as the address to which the person presenting the claim desires notice to be sent. If no such address is stated in the claim, the notice may be mailed to the address, if any, of the claimant as stated in the claim. No notice need be given when the claim fails to state either an address to which the person presenting the claim desires notices to be sent or an address of the claimant.

913.2. The board may, in its discretion, within the time prescribed by Section 945.6 for commencing an action on the claim, re-examine a previously rejected claim in order to consider a settlement of the claim.

Article 2. Manner of Presentation and of Giving Notice

915. (a) A claim, any amendment thereto, or an application to the public entity for leave to present a late claim shall be presented to a local public entity by:

(1) Delivering it to the clerk, secretary or auditor thereof; or

(2) Mailing it to such clerk, secretary or auditor or to the governing body at its principal office.

(b) A claim, any amendment thereto, or an application for leave to file a late claim shall be presented to the State by:

(1) Delivering it to an office of the State Board of Control; or

(2) Mailing it to the State Board of Control at its principal office.

(c) A claim, amendment or application shall be deemed to have been presented in compliance with this section even though it is not delivered or mailed as provided in this section if it is actually received by the clerk, secretary, auditor or board of the local public entity, or is actually received at an office of the State Board of Control, within the time prescribed for presentation thereof.

915.2. If a claim, amendment to a claim or application to a public entity for leave to present a late claim is presented or sent by mail under this chapter, or if any notice under this chapter is given by mail, the claim, amendment, application or notice shall be mailed in the manner prescribed in this section. The claim, amendment, application or notice must be deposited in the United States post office, or a mailbox, sub-post office, substation, or mail chute, or other like facility regularly maintained by the government of the United States, in a sealed envelope, properly addressed, with postage paid. The claim. amendment, application or notice shall be deemed to have been presented and received at the time of the deposit. Proof of

mailing may be made in the manner prescribed by Section 1013a of the Code of Civil Procedure.

CHAPTER 3. PROCEEDINGS TO DETERMINE CONSTITUTIONALITY OF CLAIMS AGAINST THE STATE

920. As used in this chapter, "omnibus claim appropriation" means an act of appropriation, or an item of appropriation in a budget act, by which the Legislature appropriates a lump sum to pay the claim of the State Board of Control or its secretary against the State in an amount which the Legislature has determined is properly chargeable to the State.

920.2. Promptly following the effective date of an omnibus claim appropriation, the board or its secretary shall submit to the Controller a claim covering the full amount of the appropriation made in the omnibus claim appropriation. Any such claim is exempt from the provisions of Chapter 4 (commencing with Section 925) of this part, and the board shall have those powers necessary to administer and disburse the omnibus claim appropriation.

920.4. If the Controller believes or has reason to believe that the payment of any portion of the omnibus claim appropriation may violate the provisions of the Constitution, he shall withhold payment of the questioned portion and shall issue his warrant for the remainder of the appropriation. The secretary, subject to the board's approval, shall promptly disburse the undisputed portion of the omnibus claim appropriation and shall promptly give notice to the Joint Legislative Budget Committee of the Controller's action concerning the withheld portion.

920.6. Unless the Joint Legislative Budget Committee within 60 days after receipt of such notice advises the board in writing that the Legislature desires to reconsider any part of the withheld portion, the board shall institute proceedings to compel the Controller to issue his warrant for the balance of the omnibus claim appropriation. The board shall prosecute any such proceeding to final determination and shall disburse the funds finally paid over to it. Funds subject to such proceedings shall continue to be available until the end of the fiscal year in which final determination of the proceeding occurs.

920.8. If the Joint Legislative Budget Committee advises the board that the Legislature desires to reconsider any part of the omnibus claim appropriation withheld by the Controller, no further action shall be taken with respect to that part and the money appropriated therefor shall revert to funds from which they were appropriated, pending further legislative action. The board, however, shall institute proceedings as provided in Section 920.6 to compel payment of the remainder of the omnibus claim appropriation withheld by the Controller.

CHAPTER 4. PRESENTATION OF CLAIMS TO STATE CONTROLLER

925. As used in this chapter, "board" means the State Board of Control.

925.2. Claims for expenses of either house of the Legislature or members or committees thereof, and claims for official salaries fixed by statute, are exempt from this chapter and Section 13920.

925.4. Any person having a claim against the State for which appropriations have been made, or for which state funds are available, may present it to the Controller in the form and manner prescribed by the general rules and regulations adopted by the board for the presentation and audit of claims.

925.6. The Controller shall not draw his warrant for any claim until it has been audited by him in conformity with law and the general rules and regulations adopted by the board, governing the presentation and audit of claims. Whenever the Controller is directed by law to draw his warrant for any purpose, the direction is subject to this section, unless it is accompanied by a special provision exempting it from this section.

925.8. If the Controller approves a claim he shall draw his warrant for the amount approved in favor of the claimant.

926. If he disapproves a claim, the Controller shall file it and a statement of his disapproval and his reasons with the board as prescribed in the rules and regulations of the board.

926.2. The Controller shall not entertain for a second time a claim against the State once rejected by him or by the Legislature unless such facts are subsequently presented to the board as in suits between individuals would furnish sufficient ground for granting a new trial.

926.4. Any person who is aggrieved by the disapproval of a claim by the Controller, may appeal to the board. If the board finds that facts are presented justifying such action, the Controller shall reconsider his rejection of the claim.

926.6. After final rejection of a claim by the Controller following reconsideration, any person interested may appeal to the Legislature by filing with the board a notice of appeal. Upon receipt of such notice the board shall transmit to the Legislature the rejected claim, all papers accompanying it, and a statement of the evidence taken before the board.

926.8. Whenever a governmental agency of the United States, in the collection of taxes or amounts owing to it, is authorized by federal law to levy administratively on credits owing to a debtor, it may avail itself of the provisions of this section and claim credits owing by the State to such debtor, in manner as follows:

It shall file a certification of the facts with the state department, board, office or commission owing the credit to the debtor prior to the time the state agency presents the claims of the debtor therefor to the State Controller or to the State Personnel Board. The state agency in presenting the claim of

the debtor shall note thereon the fact of the filing of the certificate and shall also note any amounts owed by the debtor to the State by reason of advances or for any other purpose.

Subject to the provisions of Sections 12419.4 and 12419.5, the State Controller shall issue his warrant payable to the United States Treasurer for the net amount due the debtor, after offsetting for any amounts advanced to the debtor or by him owing to the State, or as much thereof as will satisfy in full the amount owing by the debtor to the United States as so certified; any balance shall be paid to the debtor.

CHAPTER 5. CLAIMS PROCEDURES ESTABLISHED BY AGREEMENT

930. The State Board of Control may, by rule, authorize any state agency to include in any written agreement to which the agency is a party, provisions governing (a) the presentation, by or on behalf of any party thereto, of any or all claims which are required to be presented to the board arising out of or related to the agreement and (b) the consideration and payment of such claims. A claims procedure established by an agreement made pursuant to this section exclusively governs the claims to which it relates, except that Sections 911.4 to 912.2, inclusive, are applicable to all such claims. As used in this section, "state agency" means any office, officer, department, division, bureau, board, commission or agency of the State claims against which are paid by warrants drawn by the Controller.

930.2. The governing body of a local public entity may include in any written agreement to which the entity, its governing body, or any board or employee thereof in an official capacity is a party, provisions governing the presentation, by or on behalf of any party thereto, of any or all claims arising out of or related to the agreement and the consideration and payment of such claims. The written agreement may incorporate by reference claim provisions set forth in a specifically identified ordinance or resolution theretofore adopted by the governing body. A claims procedure established by an agreement made pursuant to this section exclusively governs the claims to which it relates, except that Sections 911.4 to 912.2, inclusive, are applicable to all such claims.

CHAPTER 6. CLAIMS PROCEDURES ESTABLISHED BY PUBLIC ENTITIES

935. Claims against a local public entity for money or damages which are excepted by Section 905 from Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of this part, and which are not governed by any other statutes or regulations expressly relating thereto, shall be governed by the procedure prescribed in any charter,

ordinance or regulation adopted by the local public entity. The procedure so prescribed may include a requirement that a claim be presented and acted upon as a prerequisite to suit thereon, but may not require a shorter time for presentation of any claim than the time provided in Section 911.2 nor provide a longer time for action upon any claim than the time provided in Section 912.4, and Sections 911.4 to 912.2, inclusive, are applicable to all claims governed thereby.

935.2. A local public entity may establish a claims board of not less than three members to perform such functions of the governing body of the public entity under this part as are prescribed by the local public entity. The local public entity may provide that, upon written order of the claims board, the auditor or other fiscal officer of the local public entity shall cause a warrant to be drawn upon the treasury of the local public entity in the amount for which a claim has been allowed or compromised or settled.

935.4. A charter provision, or a local public entity by ordinance or resolution, may authorize an employee or commission of the local public entity to perform such functions of the governing body of the public entity under this part as are prescribed by the local public entity, but may not authorize such employee or commission to allow, compromise or settle a claim against the local public entity if the amount to be paid pursuant to such allowance, compromise or settlement exceeds five thousand dollars ($5,000), except that a charter provision may authorize a public employee or commission to allow, compromise or settle a claim, even where the amount to be paid exceeds five thousand dollars ($5,000). Upon the written order of such employee or commission, the auditor or other fiscal officer of the local public entity shall cause a warrant to be issued upon the treasury of the local public entity in the amount for which a claim has been allowed, compromised or settled.

935.6. The State Board of Control, by rule, may authorize any state agency to adjust and pay claims where the settlement does not exceed one thousand dollars ($1,000) or such lesser amount as the board may determine and a sufficient appropriation for such payment exists. Payments shall be made only upon approval of the settlement by the board. As used in this section, "state agency" means any office, officer, department, division, bureau, board, commission or agency of the State claims against which are paid by warrants drawn by the Controller.

SEC. 2. Part 4 (commencing with Section 940) is added to Division 3.6 of Title 1 of the Government Code as enacted by Senate Bill No. 42 of the 1963 Regular Session, to read:

PART 4. ACTIONS AGAINST PUBLIC ENTITIES AND PUBLIC EMPLOYEES

CHAPTER 1. GENERAL

Article 1. Definitions

940. Unless the provision or context otherwise requires, the definitions contained in this article govern the construction of this part.

940.2. "Board" means:

(a) In the case of a local public entity, the governing body of the local public entity.

(b) In the case of the State, the State Board of Control.

940.4. "Local public entity" includes a county, city, district, public authority, public agency, and any other political subdivision or public corporation in the State, but does not include the State.

940.6. "State" means the State and any office, officer, department, division, bureau, board, commission or agency of the State claims against which are paid by warrants drawn by the Controller.

Article 2. Construction

942. Nothing in this division shall be construed to deprive a claimant of the right to resort to writ of mandate or other proceeding against the public entity or the board or any employee of the public entity to compel it or him to pay the claim when and to the extent that it has been allowed.

943. This part does not apply to claims or actions against the Regents of the University of California.

944. Nothing in this part imposes liability upon a public entity unless such liability otherwise exists.

CHAPTER 2. ACTIONS AGAINST PUBLIC ENTITIES

945. A public entity may sue and be sued.

945.2. Except as otherwise provided by law, the rules of practice in civil actions apply to actions brought against public entities.

945.4. No suit for money or damages may be brought against a public entity on a cause of action for which a claim is required to be presented in accordance with Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of this division until a written claim therefor has been presented to the public entity and has been acted upon by the board, or has been deemed to have been rejected by the board, in accordance with Chapters 1 and 2 of Part 3 of this division.

945.6. (a) Except as provided in subdivision (b), any suit brought against a public entity on a cause of action for which a claim is required to be presented in accordance with

Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of this division must be commenced within six months after the date the claim is acted upon by the board, or is deemed to have been rejected by the board, in accordance with Chapters 1 and 2 of Part 3 of this division.

(b) When a person is unable to commence a suit on a cause of action described in subdivision (a) within the time prescribed in that subdivision because he has been sentenced to imprisonment in a state prison, such suit must be commenced within six months after the date that the civil right to commence such action is restored to such person. A person sentenced to imprisonment in a state prison may not commence such suit unless he presented a claim in accordance with Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of this division within the time prescribed therein.

945.8. Except where a different statute of limitations is specifically applicable to the public entity, any action against a public entity upon a cause of action for which a claim is not required to be presented in accordance with Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of this division must be commenced within the time prescribed by the statute of limitations that would be applicable if the action were brought against a defendant other than a public entity.

946. Where a claim that is required to be presented to a public entity in accordance with Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of this division is so presented and action thereon is taken by the board:

(a) If the claim is allowed in full and the claimant accepts the amount allowed, no suit may be maintained on any part of the cause of action to which the claim relates.

(b) If the claim is allowed in part and the claimant accepts the amount allowed, no suit may be maintained on that part of the cause of action which is represented by the allowed portion of the claim.

(c) If the claim is allowed in part, no suit may be maintained on any portion of the cause of action where, pursuant to a requirement of the board to such effect, the claimant has accepted the amount allowed in settlement of the entire claim.

947. (a) At any time after the filing of the complaint in any action against a public entity, the public entity may file and serve a demand for a written undertaking on the part of each plaintiff as security for the allowable costs which may be awarded against such plaintiff. The undertaking shall be in the amount of one hundred dollars ($100), or such greater sum as the court shall fix upon good cause shown, with at least two sufficient sureties, to be approved by the court. Unless the plaintiff files such undertaking within 20 days after service of a demand therefor, his action shall be dismissed.

(b) If judgment is rendered for the public entity in any action against it, allowable costs incurred by the public entity in the action, but in no event less than fifty dollars ($50), shall be awarded against each plaintiff.

(c) This section does not apply to an action commenced in a small claims court.

948. The head of the state agency concerned, upon recommendation of the Attorney General or other attorney authorized to represent the State, may settle, adjust or compromise any pending action where a sufficient appropriation for the payment of claims exists. Where no funds or insufficient funds for such payment exist, the head of the state agency concerned, upon recommendation of the Attorney General or other attorney authorized to represent the State, may settle, adjust or compromise any pending action with the approval of the Department of Finance. As used in this section, "state agency" means any office, officer, department, division, bureau, board, commission or agency of the State claims against which are paid by warrants drawn by the Controller.

949. The governing body of a local public entity may compromise, or may delegate the authority to its attorney or an employee to compromise, any pending action.

CHAPTER 3. ACTIONS AGAINST PUBLIC EMPLOYEES

950. Except as otherwise provided in this chapter, a claim need not be presented as a prerequisite to the maintenance of an action against a public employee or former public employee for injury resulting from an act or omission in the scope of his employment as a public employee.

950.2. Except as provided in Section 950.4, a cause of action against a public employee or former public employee for injury resulting from an act or omission in the scope of his employment as a public employee is barred if an action against the employing public entity for such injury is barred under Section 946 or is barred because of the failure (a) to present a written claim to the public entity or (b) to commence the action within the time specified in Section 945.6.

950.4. A cause of action against a public employee or former public employee is not barred by Section 950.2 if the plaintiff pleads and proves that he did not know or have reason to know, within the period prescribed for the presentation of a claim to the employing public entity as a condition to maintaining an action for such injury against the employing public entity, that the injury was caused by an act or omission of the public entity or an employee thereof.

950.6. When a written claim for money or damages for injury has been presented to the employing public entity:

(a) A cause of action for such injury may not be maintained against the public employee or former public employee whose act or omission caused such injury until the claim has

been rejected, or has been deemed to have been rejected, in whole or in part by the public entity.

(b) A suit against the public employee or former public employee for such injury must be commenced within six months after the date the claim is acted upon by the board, or is deemed to have been rejected by the board, in accordance with Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of this division or, where a person is unable to commence the suit within such time because he has been sentenced to imprisonment in a state prison, such suit must be commenced within six months after the date that the civil right to commence such action is restored to such person.

950.8. Any provision of a charter, ordinance or regulation heretofore or hereafter adopted by a local public entity which requires the presentation of a claim as a prerequisite to the maintenance of an action against a public employee to enforce his personal liability is invalid.

951. (a) At any time after the filing of the complaint in any action against a public employee or former public employee, if a public entity undertakes to provide for the defense of the action, the attorney for the public employee may file and serve a demand for a written undertaking on the part of each plaintiff as security for the allowable costs which may be awarded against such plaintiff. The undertaking shall be in the amount of one hundred dollars ($100), or such greater sum as the court shall fix upon good cause shown, with at least two sufficient sureties, to be approved by the court. Unless the plaintiff files such undertaking within 20 days after service of the demand therefor, his action shall be dismissed.

(b) If judgment is rendered for the public employee or former public employee in any action where a public entity is not a party to the action but undertakes to provide for the defense of the action, allowable costs incurred in defending the action, but in no event less than fifty dollars ($50), shall be awarded against each plaintiff.

(c) This section does not apply to an action commenced in a small claims court.

Chapter 4. Special Provisions Relating to Actions Against the State

955. The proper court for trial of actions against the State for the taking or damaging of private property for public use is a court of competent jurisdiction in the county in which the property is situate.

Except as provided in Section 955.2, upon written demand of the Attorney General made on or before answering, the place of trial in other actions shall be changed to Sacramento County.

955.2. Notwithstanding any other provision of law, where the State is named as a defendant in any action or proceeding

for death or injury to person or personal property and the injury or the injury causing death occurred within this State, the proper court for the trial of the action is a court of competent jurisdiction in the county where the injury occurred or where the injury causing death occurred. The court may, on motion, change the place of the trial in the same manner and under the same circumstances as the place of trial may be changed where an action is between private parties.

955.4. Except as provided in Sections 955.6 and 955.8:

(a) Service of summons in all actions on claims against the State shall be made on the Attorney General.

(b) The Attorney General shall defend all actions on claims against the State.

955.6. In actions for the taking or damaging of private property for public use within the meaning of Section 14 of Article I of the Constitution on claims arising out of work done by the Department of Public Works:

(a) Service of summons shall be made on the Attorney General or the Director of Public Works.

(b) The defense shall be conducted by the attorney for the Department of Public Works.

955.8. In actions for the taking or damaging of private property for public use within the meaning of Section 14 of Article I of the Constitution on claims arising out of work done by the Department of Water Resources:

(a) Service of summons shall be made on the Attorney General or the Director of Water Resources

(b) The defense shall be conducted by the legal counsel of the department, if authorized by the Attorney General pursuant to Section 127 of the Water Code; otherwise the defense shall be conducted by the Attorney General

SEC. 3. Part 5 (commencing with Section 965) is added to Division 3.6 of Title 1 of the Government Code as enacted by Senate Bill No. 42 of the 1963 Regular Session, to read:

PART 5. PAYMENT OF CLAIMS AND JUDGMENTS

CHAPTER 1. PAYMENT OF CLAIMS AND JUDGMENTS AGAINST THE STATE

965. Upon the allowance by the State Board of Control of all or part of a claim for which a sufficient appropriation exists, and the execution and presentation of such documents as the board may require which discharge the State of all liability under the claim, the board shall designate the fund from which the claim is to be paid and the state agency concerned shall pay the claim from such fund. Where no sufficient appropriation for such payment is available, the board shall report to the Legislature in accordance with Section 912.8.

965 2. The Controller shall draw his warrant for the payment of any final judgment or settlement against the State whenever a sufficient appropriation for such payment exists.

Claims upon such judgments and settlements are exempt from Section 925.6.

965.4. The Governor shall report to the Legislature, at each session, all judgments or settlements against the State not theretofore reported.

CHAPTER 2. PAYMENT OF TORT JUDGMENTS AGAINST LOCAL PUBLIC ENTITIES

Article 1. General

970. As used in this article:

(a) "Fiscal year" means a year beginning on July 1 and ending on June 30 unless the local public entity has adopted a different fiscal year as authorized by law, in which case "fiscal year" means the fiscal year adopted by such local public entity.

(b) "Local public entity" includes a county, city, district, public authority, public agency, and any other political subdivision or public corporation in the State, but does not include the Regents of the University of California and does not include the State or any office, officer, department, division, bureau, board, commission or agency of the State claims against which are paid by warrants drawn by the Controller.

(c) "Tort judgment" means a final judgment which is founded upon death or injury to person or property proximately caused by a negligent or wrongful act or omission and for which a local public entity is liable.

970.2. A local public entity shall pay any tort judgment in the manner provided in this article. A writ of mandate is an appropriate remedy to compel a local public entity to perform any act required by this article.

970.4. The governing body of a local public entity shall pay, to the extent funds are available in the fiscal year in which it becomes final, any tort judgment out of any funds to the credit of the local public entity that are:

(a) Unappropriated for any other purpose unless the use of such funds is restricted by law or contract to other purposes; or

(b) Appropriated for the current fiscal year for the payment of tort judgments and not previously encumbered.

970.6. (a) If a local public entity does not pay a tort judgment during the fiscal year in which it becomes final and if, in the opinion of the governing body, the unpaid amount of the tort judgment is not too great to be paid out of revenues for the ensuing fiscal year, the governing body shall pay the judgment during the ensuing fiscal year immediately upon the obtaining of sufficient funds for that purpose.

(b) If a local public entity does not pay a tort judgment during the fiscal year in which it becomes final and if, in the opinion of the governing body, the unpaid amount of the tort judgment is so great that undue hardship will arise if the

entire amount is paid out of the revenues for the ensuing fiscal year, the governing body shall pay the judgment, with interest thereon, in not exceeding 10 annual installments. Each payment shall be of an equal portion of the principal of the tort judgment. The local public entity, in its discretion, may prepay any one or more installments or any part of an installment.

(c) The authority to pay a tort judgment in installments as provided in this section is in addition to and not in lieu of any other law permitting local public entities to pay tort judgments in installments.

970.8. (a) Each local public entity that derives revenue for its maintenance and operation from taxes or assessments or from rates and charges made for services or facilities provided by the local public entity shall in each fiscal year levy taxes or assessments or make rates and charges or both, or otherwise provide funds, in an amount sufficient to pay all tort judgments in accordance with this article.

(b) If all or any portion of the revenue used for the maintenance and operation of a local public entity (other than an entity created by an agreement described in Section 895) liable for a tort judgment is derived from appropriations of another local public entity, such other local public entity shall in each fiscal year appropriate funds equal to its pro rata share of an amount sufficient to permit the local public entity liable for the tort judgment to pay the judgment in accordance with this article. Such amount shall be paid to the local public entity liable for the tort judgment and shall be used by such entity to satisfy the tort judgment. The pro rata share of such other local public entity for each tort judgment is an amount bearing the same proportion to the total amount of the tort judgment as the revenue derived from such other local public entity for maintenance and operation during the fiscal year in which the cause of action on such judgment accrued bears to the total revenues used for maintenance and operation during such fiscal year of the local public entity liable for the tort judgment. For this purpose, such other local public entity shall levy taxes or assessments, make rates and charges, or otherwise provide funds, sufficient in amount to raise the amount of the appropriation and payment required by this section.

971. Any limitation on the amount of taxes, assessments or rates and charges that may be levied or collected by a local public entity, and any limitation on the amount of appropriations and payments that may be made by a local public entity, and any limitation on the amount of liability or indebtedness that may be incurred by a local public entity, contained in any other statute or in any charter or ordinance, is inapplicable to the taxes, assessments, rates and charges or appropriations levied, collected or made pursuant to this article.

971.2. (a) All tort judgments for which a local public entity is liable are legal investments for all trust funds, and

for the funds of all insurance companies, banks (both commercial and savings) and trust companies, and for every other local public entity within this State, to the same extent as bonds of the local public entity liable for the tort judgment.

(b) Whenever any money or funds may by law be invested in or loaned upon the security of bonds of a local public entity, such money or funds may be invested in or loaned upon the security of a tort judgment for which such local public entity is liable; and whenever bonds of a local public entity may be used as security for the faithful performance or execution of any court or private trust or of any other act, a tort judgment for which such local public entity is liable may be so used.

(c) All tort judgments for which a local public entity is liable, to the same extent as bonds of such local public entity, are legal for use by any state or national bank or banks in the State as security for the deposit of funds of any local public entity within this State.

Article 2. Funding Judgments With Bonds

975. As used in this article:

(a) "Board" means the governing body of a local taxing entity.

(b) "Local taxing entity" means a local public entity that has the power to levy ad valorem taxes, or ad valorem assessments, upon property within the territory of the entity.

975.2. Whenever the board deems it necessary for the local taxing entity to incur a bonded indebtedness to fund all or any portion of an outstanding judgment against the entity, it shall by resolution state:

(a) The necessity for the indebtedness.

(b) The purpose for which the proposed debt is to be incurred.

(c) The amount of the proposed debt.

(d) The time and place for a hearing by the board on the question whether the local taxing entity should incur a bonded indebtedness to fund all or any portion of an outstanding judgment against the entity.

975.4. Notice of the hearing shall be given by publication of a copy of the resolution pursuant to Section 6066 in a newspaper of general circulation circulated within the local taxing entity. If there is no such newspaper, the resolution shall be posted in three public places in the local taxing entity for two succeeding weeks. No other notice of the hearing need be given.

975.6. The copy of the resolution published or posted shall be accompanied by a notice subscribed by the clerk or secretary of the local taxing entity that:

(a) The hearing referred to in the resolution will be had at the time and place specified in the resolution.

(b) At that time and place, any person interested, including persons owning property within the local taxing entity, will be heard upon the question stated in the resolution.

975.8. At the time and place fixed for the hearing on the resolution or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. Any person interested, including persons owning property within the local taxing entity, may appear and present any matters material to the question set forth in the resolution. Thereafter, the board shall determine whether it is necessary to incur the bonded indebtedness. The board's determination on the question of necessity is conclusive.

976. After the board has made its determination pursuant to Section 975.8, if it deems it necessary to incur the bonded indebtedness, it shall by resolution state:

(a) That it deems it necessary to incur the bonded indebtedness.

(b) The purpose for which the bonded indebtedness will be incurred.

(c) The amount of the debt to be incurred, which amount may include legal and other fees and costs incidental to or connected with the authorization, issuance and sale of the bonds, including but not limited to the costs of printing the bonds.

(d) The maximum term the bonds to be issued shall run before maturity, which term shall not exceed 40 years.

(e) The annual rate of interest to be paid, which rate shall not exceed 7 percent, payable annually or semiannually, or in part annually and in part semiannually.

(f) The proposition to be submitted to the voters.

(g) The date of the special election of the local taxing entity (which may be consolidated with any other election of the local taxing entity) at which such proposition shall be submitted to the voters; the manner of holding the election and the procedure for voting for or against the proposition.

976.2. The resolution made pursuant to Section 976 shall constitute the notice of such election and such resolution shall be published pursuant to Section 6066 in a newspaper of general circulation circulated within the local taxing entity. If there is no such newspaper, the resolution shall be posted in three public places in the local taxing entity for two succeeding weeks. No other notice of the election need be given.

976.4. The board shall provide for holding the election in the same manner as provided by law in respect to general elections of the local taxing entity so far as applicable, except as otherwise provided in this article.

976.6. Every elector authorized to vote in general elections of the local taxing entity may vote on the proposition to authorize the bonds.

976.8. If two-thirds or more of the votes cast upon the proposition at the election are in favor of incurring the bonded indebtedness, the board may issue the bonds at the time or times it deems proper.

977. The board shall prescribe the form of the bonds. The bonds may be issued in denominations not to exceed one thousand dollars ($1,000) and not less than one hundred dollars

($100). The board shall fix, and designate in the bonds, a time and place for payment of the bonds.

977.2. The board may provide for the redemption of bonds issued under this article before maturity at prices determined by it. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect. Notice of redemption shall be published at such time and in such manner as the board may provide in the resolution providing for the issuance of the bonds.

977.4. The bonds shall be signed by the presiding officer of the board and countersigned by the clerk or secretary of the local taxing entity, and the coupons shall be signed by the clerk or secretary. All signatures except that of the clerk or secretary on the bonds may be printed, lithographed or engraved. If any officer whose signature appears on the bonds or coupons ceases to be such officer before the delivery of the bonds, his signature is as effective as if he had remained in office.

977.6. The local taxing entity may sell the bonds at the times or in the manner the board deems to be to the public interest. The bonds shall be sold on sealed proposals to the highest bidder after advertising for bids by publication of notice of sale pursuant to Section 6061, not less than 10 days prior to the date of sale, in a newspaper of general circulation circulating in the local taxing entity. If there is no such newspaper, the notice of sale shall be posted in three places in the local public entity for two succeeding weeks ending not less than 10 days prior to the date of sale. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

977.8. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

978. Any bonds issued by any local taxing entity under the provisions of this article have the same force, value and use as bonds issued by any municipality and are exempt from all taxation within the State.

Such bonds are legal investments for all trust funds, for the funds of all insurance companies, banks (both commercial and savings) and trust companies, for the state school funds, and for any funds which may be invested in bonds of cities, counties, school districts, or municipalities in the State.

978.2. Bonds issued under this article constitute general obligations of the local taxing entity for the payment of both principal and interest of which all property in the local taxing entity subject to ad valorem taxation by the local taxing entity or subject to ad valorem assessment by the local taxing

entity shall be taxed or assessed without limitation of rate or amount.

The board shall, at the time and in the manner provided by law for levying taxes or assessments, fix an ad valorem rate of tax or assessment sufficient to pay the principal of and interest on all bonds issued under this article as they become due. Such ad valorem taxes or assessments shall be in addition to all other taxes or assessments levied by the local taxing entity, and when collected shall be used for no purpose other than the payment of such bonds and the interest thereon.

Nothing in this section shall be construed to prohibit the use of other revenues of the local taxing entity for the payment of principal and interest on bonds issued under this article.

978.4. The proceeds from the sale of bonds issued pursuant to this article shall not be used for any purpose other than the purpose stated in the resolution authorizing the issuance of the bonds.

978.6. The board may by resolution adopted by two-thirds vote of all its members declare that no part of a described bond issue authorized under this article which remains unsold shall be issued or sold. When the resolution takes effect, the bonds described in the resolution which remain unsold are voided.

978.8. The authority provided in this article is in addition and supplementary to any other law authorizing public entities to issue bonds to fund an outstanding indebtedness.

SEC. 4. Section 342 is added to the Code of Civil Procedure, to read:

342. An action against a public entity upon a cause of action for which a claim is required to be presented in accordance with Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of Division 3.6 of Title 1 of the Government Code must be commenced within the time provided in Section 945.6 of the Government Code.

SEC. 5. Section 904 of the Education Code is amended to read:

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

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

(b) If, in the opinion of the board, the amount of the judgment is so great that undue hardship will arise if the entire amount is paid out of taxes for the next ensuing tax year, the board shall provide for the payment of the judgment in not

exceeding 10 annual installments with interest thereon up to the date of each payment, and shall include provision for the payment in each budget for not exceeding 10 consecutive tax years next ensuing. Each payment shall be of an equal portion of the principal of the judgment, except that the board, in its discretion, may provide for the prepayment of any one or more installments or any part of an installment.

SEC. 6. Division 3.5 (commencing with Section 600) of Title 1 of the Government Code is repealed.

SEC. 7. Section 13920.1 of the Government Code is repealed.

SEC. 7.5. Section 86 of the Agricultural Code is amended to read:

86. Each district agricultural association is a state institution. Each association by its name has perpetual succession, may have a seal, and may be sued; provided, however, that claims against district agricultural associations shall be presented to the State Board of Control in accordance with Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, and, with the approval of the Department of Finance, may:

(a) Contract, and sue.

(b) Purchase, acquire, hold, sell, exchange or convey any interest in real or personal property and beautify or improve such property. Any acquisition of land or other real property shall be subject to the provisions of the Property Acquisition Law (Part 11, commencing with Section 15850, Division 3, Title 2 of the Government Code).

(c) Lease, let or grant licenses for the use of its real estate or personal property or any portion thereof to any person or public body for whatever purpose may be approved by the board of directors and the Department of Finance.

(d) Use or manage its real estate or personal property or any part thereof for any or all of the foregoing purposes jointly with any lessee, sublessee or licensee, or otherwise use or manage said property in connection with such lease, sublease or license heretofore or hereinafter made or granted.

(e) Lease or let its real property for public park, recreational, or playground purposes.

(f) Rent or permit the use of its premises for purposes beneficial to the agricultural industry, including but not limited to the holding of sales or auctions of cattle or other livestock.

(g) Contract with any county or county fair association for holding a fair jointly with the same. Such joint fair shall constitute a district fair of the association.

(h) Do any and all things necessary to carry out the above powers and the objects and purposes for which the association is formed.

SEC. 8. Section 439.56 of the Agricultural Code is amended to read:

439.56. Each such claim is governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except that the claim as presented shall be accompanied by the affidavits of two disinterested witnesses executed within four days after the finding of the carcasses of each animal. The affidavits shall fix the value of the livestock and establish the fact beyond reasonable doubt that the animal was killed by a dog or dogs. When allowed, such claims shall be paid from the fund provided for in this chapter in the same manner as other claims against the county are paid. The word "livestock" as used in this article includes domestic fowls and rabbits.

SEC. 9. Section 313 of the Code of Civil Procedure is amended to read:

313. The general procedure for the presentation of claims as a prerequisite to commencement of actions for money or damages against the State of California, counties, cities, cities and counties, districts, local authorities, and other political subdivisions of the State, and against the officers, employees, and servants thereof, is prescribed by Division 3.6 (commencing with Section 810) of Title 1 of the Government Code.

SEC. 10. Section 926 of the Education Code is amended to read:

926. All claims for money or damages against a school district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 11. Section 16978 of the Education Code is amended to read:

16978. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 12. Section 27591 of the Education Code is amended to read:

27591. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 13. Section 27891 of the Education Code is amended to read:

27891. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 14. Section 28381 of the Education Code is amended to read:

28381. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 15. Section 29700 of the Government Code is amended to read:

29700. Except as otherwise provided herein, this chapter applies to all claims for money or damages against counties including claims which are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of this code.

SEC. 16. Section 29706 of the Government Code is amended to read:

29706. Failure of a claimant to use a form prescribed by the board pursuant to Section 29705 is not a defense to a suit against the county on a claim for which Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of this code requires a claim to be presented.

SEC. 17. Section 29748 of the Government Code is amended to read:

29748. The board may prescribe, by resolution, additional procedures for the audit and disposition of claims but the procedures so prescribed may not be inconsistent with the provisions of this chapter, of Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) Division 3.6 of Title 1 of the Government Code, or of any other statutes or regulations expressly governing any such claims or the payment thereof.

SEC. 18. Section 37201 of the Government Code is amended to read:

37201. Demands against the city for money or damages are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of this code, except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 19. Section 39586 of the Government Code is amended to read:

39586. If the legislative body finds that property damage was caused by the negligence of a city officer or employee in connection with the abatement of a nuisance pursuant to this article, a claim for such damages may be paid from the city general fund. Claims therefor are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of this code.

SEC. 20. Section 61628 of the Government Code is amended to read:

61628. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of

Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 21. Section 5905 of the Harbors and Navigation Code is amended to read:

5905. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 22. Section 6095 of the Harbors and Navigation Code is amended to read:

6095. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 23 Section 6370 of the Harbors and Navigation Code is amended to read:

6370. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto. All claims not governed thereby shall be filed with the auditor on forms and blanks prescribed by him. A claim shall not be paid without the endorsement of the auditor certifying to its correctness.

The auditor shall keep a record, which shall be a public record, of all claims against the district showing by whom made, for what purpose, the amount thereof and when paid.

SEC. 24. Section 6960 of the Harbors and Navigation Code is amended to read:

6960. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto. All claims not governed thereby shall be filed with the auditor on forms and blanks prescribed by him. A claim shall not be paid without the endorsement of the auditor certifying to its correctness.

The auditor shall keep a record, which shall be a public one, of all claims against the district showing by whom made, for what purpose, the amount thereof and when paid.

SEC. 25. Section 7172 of the Harbors and Navigation Code amended to read:

7172. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto. Except for bonds and interest coupons which shall be paid when due, all claims shall be approved in writing by the president

or a member of the board designated for such purpose, or approved by the board in open meeting.

SEC. 26. Section 954 of the Health and Safety Code is amended to read:

954. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 27. Section 2320 of the Health and Safety Code is amended to read:

2320. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 28. Section 2880 of the Health and Safety Code is amended to read:

2880. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 29. Section 4130 of the Health and Safety Code is amended to read:

4130. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 30. Section 4185.1 of the Health and Safety Code is amended to read:

4185.1. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 31. Section 4665.6 of the Health and Safety Code is amended to read:

4665.6. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 32. Section 4817 of the Health and Safety Code is amended to read:

4817. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such

claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 33. Section 5617 of the Health and Safety Code is amended to read:

5617. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 34. Section 5745 of the Health and Safety Code is amended to read:

5745. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 35. Section 6096 of the Health and Safety Code is amended to read:

6096. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 36. Section 6805 of the Health and Safety Code is amended to read:

6805. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 37. Section 9010 of the Health and Safety Code is amended to read:

9010. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 38. Section 14163.5 of the Health and Safety Code is amended to read:

14163.5. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 39. Section 14363 of the Health and Safety Code is amended to read:

14363. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 40. Section 14488 of the Health and Safety Code is amended to read:

14488. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto

SEC. 41. Section 20115 of the Health and Safety Code is amended to read:

20115. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 42. Section 24232 of the Health and Safety Code is amended to read:

24232. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 43. Section 24374 of the Health and Safety Code is amended to read:

24374. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 45. Section 32492 of the Health and Safety Code is amended to read:

32492. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto

SEC. 46. Section 33340 of the Health and Safety Code is amended to read:

33340. All claims for money or damages against the agency are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title

1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 47. Section 34380 of the Health and Safety Code is amended to read:

34380. All claims for money or damages against the authority are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto. Claims, the risk or hazard of which are covered by insurance pursuant to the authorization of Section 34315(f) of this code and which have been presented in accordance with Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, may be referred to the carrier insuring against such risk or hazard for further action, in accordance with such procedure as may be adopted by the authority.

SEC. 48. Section 945 of the Military and Veterans Code is amended to read:

945. The expenses to the county of each burial or contribution shall not exceed the sum of two hundred fifty dollars ($250). Claims therefor are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code.

SEC. 49. Section 1209 of the Military and Veterans Code is amended to read:

1209. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 50. Section 5553.5 of the Public Resources Code is amended to read:

5553.5. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 51. Section 5784.19 of the Public Resources Code is amended to read:

5784.19. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto. All claims against the district shall be audited, allowed, and paid by the district board by warrants drawn on the treasurer. As an alternative, the district board may instruct the auditor of the supervising authority to audit, allow and draw his warrant on the treasurer, for all legal claims presented to him and authorized by a majority of the district board. The treas-

urer shall pay the warrants in the order in which they are presented.

SEC. 52. Section 9420 of the Public Resources Code is amended to read:

9420. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 53. Section 11520 of the Public Resources Code is amended to read:

11520. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 54. Section 12830 of the Public Utilities Code is amended to read:

12830. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 55. Section 16682 of the Public Utilities Code is amended to read:

16682. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 56. Section 22601 of the Public Utilities Code is amended to read:

22601. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 57. Section 25951 of the Public Utilities Code is amended to read:

25951. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 58. Section 29060 of the Public Utilities Code is amended to read:

29060. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 59. Section 8230 of the Streets and Highways Code is amended to read:

8230. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 60. Section 19190 of the Streets and Highways Code is amended to read:

19190. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 61. Section 25360 of the Streets and Highways Code is amended to read:

25360. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 62. Section 26225 of the Streets and Highways Code is amended to read:

26225. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 63. Section 27190 of the Streets and Highways Code is amended to read:

27190. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 64. Section 31867 of the Streets and Highways Code is amended to read:

31867. All claims for money or damages against the city are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 65. Section 33550 of the Streets and Highways Code is amended to read:

33550. All claims for money or damages against the authority are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 66. Section 35707 of the Streets and Highways Code is amended to read:

35707. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 67. Section 8991 of the Water Code is amended to read:

8991. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 68. Section 22727 of the Water Code is amended to read:

22727. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 69. Section 31084 of the Water Code is amended to read:

31084. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 70. Section 35752 of the Water Code is amended to read:

35752. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 71. Section 44457 of the Water Code is amended to read:

44457. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 72. Section 50145 of the Water Code is amended to read:

50145. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 73. Section 55720 of the Water Code is amended to read:

55720. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 74. Section 56117 of the Water Code is amended to read:

56117. Payment from the operating fund shall be made upon claims allowed by the district board. Claims for money or damages against the district are governed by the provisions of Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims, shall be prepared and presented to the board and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 75. Section 70200 of the Water Code is amended to read:

70200. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as similar claims against the county. Upon request from the directors, the auditor shall draw his warrant on the treasurer for the payment of claims.

SEC. 76. Section 3.1 of Chapter 349 of the Statutes of 1873-74 is amended to read:

Sec. 3.1. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as similar claims against the county. The county auditor shall draw his warrant on the county treasurer for the amount of any claim allowed in whole or in part in the same manner as if ordered by the board of supervisors.

SEC. 77. Section 9.5 of Chapter 63 of the Statutes of 1880 is amended to read:

Sec. 9.5. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900)

and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 78. Section 12.5 of Chapter 158 of the Statutes of 1885 is amended to read:

Sec. 12.5. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 79. Section 9 of Chapter 201 of the Statutes of 1895 is amended to read:

Sec. 9. All such charges and expenses shall be deemed as expenses of said work or improvement, and be a charge only upon the funds devoted to the particular work or improvement as provided hereafter. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 80. Section 49.5 of the Drainage Act of 1903 (Chapter 238, Statutes of 1903) is amended to read:

Sec. 49.5. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 81. Section 11 of Chapter 310 of the Statutes of 1905 is amended to read:

Sec. 11. All moneys collected from such district for such taxes, and all moneys received from any source for the benefit of such district shall be by the county treasurer placed in a fund, to be called the "Levee District Fund"; and all payments of any of the expenses of the work or improvements or other expenses of such district shall be made upon warrants drawn by the county auditor upon such fund, and paid by said treasurer. Claims for money or damages against the district are governed by the provisions of Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3 6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 82. Section 46.5 of Chapter 25 of the Statutes of 1907 is amended to read:

Sec. 46.5. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 83. Section 19.1 of the Storm Water District Act of 1909 (Chapter 222, Statutes of 1909) is amended to read:

Sec. 19.1. Claims for money or damages against the district are governed by the provisions of Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

For the purposes of the claims procedures required by this section, the board of supervisors of the county in which the storm water district was organized shall be deemed the governing body of the district, and payments of claims allowed in whole or in part by said board of supervisors shall be paid upon a warrant drawn by the auditor of the said county upon the order of said board in the same manner as claims upon the county treasury.

SEC. 84. Section 71753 of the Water Code as added by Chapter 156, Statutes of 1963 is amended to read:

71753. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable to the district.

SEC. 85. Section 8.5 of Chapter 99 of the Statutes of 1913 is amended to read:

Sec. 8.5. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 86. Section 8.5 of Chapter 361 of the Statutes of 1915 is amended to read:

Sec. 8.5. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto

SEC. 87. Section 34.5 of the Water Conservation Act of 1927 (Chapter 91, Statutes of 1927) is amended to read:

Sec. 34.5. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 88. Section 6.1 of the Metropolitan Water District Act (Chapter 429, Statutes of 1927) is amended to read:

Sec. 6.1. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 89. Section 10.5 of Chapter 641 of the Statutes of 1931 is amended to read:

Sec. 10.5. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 90. Section 21.1 of the Water Conservation Act of 1931 (Chapter 1020, Statutes of 1931) is amended to read:

Sec. 21.1. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 91. Section 135.5 of the California Water Storage and Conservation District Act (Chapter 1253, Statutes of 1941) is amended to read:

Sec. 135.5. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 92. Section 15.5 of the County Water Authority Act (Chapter 545, Statutes of 1943) is amended to read:

Sec. 15.5. All claims for money or damages against the authority are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 93. Section 29 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes of 1949) is amended to read:

Sec. 29. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body,

and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 94. Section 10 of the Amador County Water Agency Act (Chapter 2137, Statutes of 1959) is amended to read:

Sec. 10. Claims for money or damages against the agency are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 95. Section 20.5 of the American River Flood Control District Act (Chapter 808, Statutes of 1927) is amended to read:

Sec. 20.5. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 96. Section 75 of the Antelope Valley-East Kern Water Agency Law (Chapter 2146, Statutes of 1959) is amended to read:

Sec. 75. Claims for money or damages against the agency are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against counties.

SEC. 97. Section 30 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617, Statutes of 1951) is amended to read:

Sec. 30. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 98. Section 9.5 of the Contra Costa County Storm Drainage District Act (Chapter 1532, Statutes of 1953) is amended to read:

Sec. 9.5. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 99. Section 20 of the Contra Costa County Water Agency Act (Chapter 518, Statutes of 1957) is amended to read:

Sec. 20. Claims for money or damages against the agency are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 100. Section 25 of Chapter 40 of the Statutes of 1962 (1st Ex. Sess.) (Crestline-Lake Arrowhead Water Agency Act) is amended to read:

Sec. 25. All claims for money and damages against the Crestline-Lake Arrowhead Water Agency are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein, or by other statutes and regulations expressly applicable thereto.

SEC. 101. Section 31 of the Del Norte County Flood Control District Act (Chapter 166, Statutes of 1955) is amended to read:

Sec. 31. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 102. Section 41 of the El Dorado County Water Agency Act (Chapter 2139, Statutes of 1959) is amended to read:

Sec. 41. Claims for money or damages against the agency are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner

and with the same effect as are similar claims against the county.

SEC. 103. Section 53 of the Fairfield-Suisun Sewer District Act (Chapter 303, Statutes of 1951) is amended to read:

Sec. 53. The district may issue warrants in payment of district obligations. When not paid for want of funds, the warrants shall be registerable as provided in the Government Code for registration of county warrants when not paid for want of funds. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county. All claims shall be free of the limitation of any budget law.

SEC. 104. Section 11.5 of the Fresno Metropolitan Flood Control Act (Chapter 503, Statutes of 1955) is amended to read:

Sec. 11.5. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 105. Section 31 of the Humboldt County Flood Control District Act (Chapter 939, Statutes of 1945) is amended to read:

Sec. 31. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 106. Section 15 of the Kings River Conservation District Act (Chapter 931, Statutes of 1951) is amended to read:

Sec. 15. Claims for money or damages against the district are governed by the provisions of Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county. The district may em-

ploy counsel to defend any action brought against it or any of its directors, officers, agents or employees on account of any taking, injury, damage or destruction to any property or injury or damage to any person, and the fees and expenses involved therein shall be a lawful charge against the district.

SEC. 107. Section 34 of the Lake County Flood Control and Water Conservation District Act (Chapter 1544, Statutes of 1951) is amended to read:

Sec. 34. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 108. Section 13 of the Lassen-Modoc County Flood Control and Water Conservation District Act (Chapter 2127, Statutes of 1959) is amended to read:

Sec. 13. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 109. Section 14½ of the Los Angeles County Flood Control Act (Chapter 755, Statutes of 1915) is amended to read:

Sec. 14½. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 110. Section 4.23 of the Los Angeles Metropolitan Transit Authority Act of 1957 (Chapter 547, Statutes of 1957) is amended to read:

Sec. 4.23. Claims for money or damages against the authority are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 111. Section 11 of the Lower San Joaquin Levee District Act (Chapter 1075, Statutes of 1955) is amended to read:

Sec. 11. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the County of Merced. For the purposes of this section the County Auditor and the County Treasurer of Merced County are ex officio the auditor and treasurer of the district. Any reasonable and necessary expenses actually incurred by Merced County in carrying out any of the provisions of this act relating to the district shall be paid out of the funds of the district applicable thereto.

SEC. 112. Section 29 of the Marin County Flood Control and Water Conservation District Act (Chapter 666, Statutes of 1953) is amended to read:

Sec. 29. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 113. Section 10 of the Mariposa County Water Agency Act (Chapter 2036, Statutes of 1959) is amended to read:

Sec. 10. Claims for money or damages against the agency are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 114. Section 8 of the Mendocino County Flood Control and Water Conservation District Act (Chapter 995, Statutes of 1949) is amended to read:

Sec. 8. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or

regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 115. Section 24 of the Mojave Water Agency Law (Chapter 2146, Statutes of 1959) is amended to read:

Sec. 24. Claims for money or damages against the agency are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 116. Section 53 of the Montalvo Municipal Improvement District Act (Chapter 549, Statutes of 1955) is amended to read:

Sec. 53. The district may issue warrants on any moneys with the county treasurer in payment of district obligations. The warrants shall be registerable as provided for county warrants when not paid for want of funds. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county. All claims shall in every respect be free of the limitation of any budget laws.

SEC. 117. Section 30 of the Monterey County Flood Control and Water Conservation District Act (Chapter 699, Statutes of 1947) is amended to read:

Sec. 30. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 118. Section 15 1 of the Monterey Peninsula Airport District Act (Chapter 52, Statutes of 1941) is amended to read:

Sec. 15.1. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 119. Section 8 of the Morrison Creek Flood Control District Act (Chapter 1771, Statutes of 1953) is amended to read:

Sec. 8. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 120. Section 30 of the Napa County Flood Control and Water Conservation District Act (Chapter 1449, Statutes of 1951) is amended to read:

Sec. 30. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 121. Section 42 of the Nevada County Water Agency Act (Chapter 2122, Statutes of 1959) is amended to read:

Sec. 42. Claims for money or damages against the agency are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 122. Section 3.1 of the Orange County Flood Control Act (Chapter 723, Statutes of 1927) is amended to read:

Sec. 3.1. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 123. Section 20.5 of the Orange County Water District Act (Chapter 924, Statutes of 1933) is amended to read:

Sec. 20.5. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 124. Section 29.5 of the Palo Verde Irrigation District Act (Chapter 452, Statutes of 1923) is amended to read:

Sec. 29.5. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 125. Section 13 of the Plumas County Flood Control and Water Conservation District Act (Chapter 2114, Statutes of 1959) is amended to read:

Sec. 13. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 126. Section 15 of the Riverside County Flood Control and Water Conservation District Act (Chapter 1122, Statutes of 1945) is amended to read:

Sec. 15. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 127. Section 8.1 of the Sacramento County Water Agency Act (Chapter 10, Statutes of 1952 (1st Ex. Sess.)) is amended to read:

Sec. 8.1. Claims for money or damages against the agency are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 128. Section 34 of the San Benito County Water Conservation and Flood Control District Act (Chapter 1598, Statutes of 1953) is amended to read:

Sec. 34. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 129. Section 8 of the San Bernardino County Flood Control Act (Chapter 73, Statutes of 1939) is amended to read:

Sec. 8. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 130. Section 17.5 of the San Diego County Flood Control District Act (Chapter 1372, Statutes of 1945) is amended to read:

Sec. 17.5. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 131. Section 30 of the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294, Statutes of 1945) is amended to read:

Sec. 30. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 132. Section 9 of the San Mateo County Flood Control District Act (Chapter 2108, Statutes of 1959) is amended to read:

Sec. 9. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3 6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body,

and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 133. Section 31 of the Santa Barbara County Flood Control and Water Conservation District Act (Chapter 1057, Statutes of 1955) is amended to read:

Sec. 31. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 134. Section 8.1 of the Santa Barbara County Water Agency Act (Chapter 1501, Statutes of 1945) is amended to read:

Sec. 8.1. Claims for money or damages against the agency are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 135. Section 48 of the Santa Clara-Alameda-San Benito Water Authority Act (Chapter 1289, Statutes of 1955) is amended to read:

Sec. 48. All claims for money or damages against the authority are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 136. Section 30 of the Santa Clara County Flood Control and Water Conservation District Act (Chapter 1405, Statutes of 1951) is amended to read:

Sec. 30. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body. and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 137. Section 154 of the Santa Cruz County Flood Control and Water Conservation District Act (Chapter 1489, Statutes of 1955) is amended to read:

Sec. 154. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 138. Section 13 of the Sierra County Flood Control and Water Conservation District Act (Chapter 2123, Statutes of 1959) is amended to read:

Sec. 13. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 139. Section 13 of the Siskiyou County Flood Control and Water Conservation District Act (Chapter 2121, Statutes of 1959) is amended to read:

Sec. 13. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 140. Section 8.1 of the Solano County Flood Control and Water Conservation District Act (Chapter 1656, Statutes of 1951) is amended to read:

Sec. 8.1. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 141. Section 53 of the Solvang Municipal Improvement District Act (Chapter 1635, Statutes of 1951) is amended to read:

Sec. 53. The district may issue warrants in payment of district obligations. The warrants shall be registerable as provided for county warrants when not paid for want of funds. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county. All claims shall be free of the limitation of any budget law.

SEC. 142. Section 8 of the Sonoma County Flood Control and Water Conservation District Act (Chapter 994, Statutes of 1949) is amended to read:

Sec. 8. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 143. Section 10 of the Sutter County Water Agency Act (Chapter 2088, Statutes of 1959) is amended to read:

Sec. 10. Claims for money or damages against the agency are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 144. Section 23 of the Upper Santa Clara Valley Water Agency Law (Chapter 28, Statutes of 1962 (1st Ex. Sess.)) is amended to read:

Sec. 23. All claims for money or damages against this agency are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 145. Section 2.5 of the Vallejo Sanitation and Flood Control District Act (Chapter 17, Statutes of 1952 (1st Ex. Sess.)) is amended to read:

Sec. 2.5. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 146. Section 13 of the Ventura County Flood Control Act (Chapter 44, Statutes of 1944 (4th Ex. Sess.)) is amended to read:

Sec. 13. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 147. Section 8 of the Yolo County Flood Control and Water Conservation District Act (Chapter 1657, Statutes of 1951) is amended to read:

Sec. 8. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 148. Section 10 of the Yuba County Water Agency Act (Chapter 788, Statutes of 1959) is amended to read:

Sec. 10. Claims for money or damages against the agency are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 149. Section 40 of the Yuba-Bear River Basin Authority Act (Chapter 2131, Statutes of 1959) is amended to read:

Sec. 40. Claims for money or damages against the authority are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applica-

ble to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against counties.

SEC. 150. Section 15 of the Kings River Conservation District Act (Chapter 931, Statutes of 1951) is amended to read:

Sec. 15. Claims for money or damages against the district are governed by the provisions of Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county. The district may employ counsel to defend any action or proceeding brought against it on account of any taking, injury, damage or destruction, or to defend as provided in Part 6 (commencing with Section 995) of Division 3.6 of Title 1 of the Government Code an action or proceeding brought against any of its officers, employees, or servants, and the fees and expenses involved therein are a lawful charge against the district.

SEC. 150.5. Section 1013 of Division 4 of the Education Code as enacted by Senate Bill No. 718 of the 1963 Regular Session is amended to read:

1013. The governing board of any school district shall pay any judgment for debts, liabilities, or damages out of the school funds to the credit of the district, subject to the limitation on the use of the funds provided in the Constitution. If any judgment is not paid during the tax year in which it was recovered:

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

(b) And if, in the opinion of the board, the amount of the judgment is so great that undue hardship will arise if the entire amount is paid out of taxes for the next ensuing tax year, the board shall provide for the payment of the judgment in not exceeding 10 annual installments with interest thereon up to the date of each payment, and shall include provision for the payment in each budget for not exceeding 10 consecutive tax years next ensuing. Each payment shall be of an equal portion of the principal of the judgment, except that the board, in its discretion, may provide for the prepayment of any one or more installments or any part of an installment.

SEC. 150.6. Section 1014 of Division 4 of the Education Code as enacted by Senate Bill No. 718 of the 1963 Regular Session is amended to read:

1014. All claims for money or damages against a school district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 150.7. Sections 150.5 and 150.6 of this act shall be operative only if Senate Bill No. 718 of the 1963 Regular Session is enacted into law, in which case said Sections 150.5 and 150.6 shall be operative at the same time as said Senate Bill No. 718, and Sections 904 and 926 of the Education Code, as amended by Sections 5 and 10 of this act are repealed.

SEC. 151. Section 150 of this act shall become operative only if Senate Bill No. 45 is enacted by the Legislature at its 1963 Regular Session, and in such case Section 106 of this act is repealed.

SEC. 152. (a) This act applies to all causes of action heretofore or hereafter accruing.

(b) Nothing in this act revives or reinstates any cause of action that, on the effective date of this act, is barred either by failure to comply with any applicable statute, charter or ordinance requiring the presentation of a claim or by failure to commence an action thereon within the period prescribed by an applicable statute of limitations.

(c) Subject to subdivision (b), where a cause of action accrued prior to the effective date of this act and a claim thereon has not been presented prior to the effective date of this act, a claim shall be presented in compliance with this act, and for the purposes of this act such cause of action shall be deemed to have accrued on the effective date of this act.

(d) Subject to subdivision (b), where a cause of action accrued prior to the effective date of this act and a claim thereon was presented prior to the effective date of this act, the provisions of this act so far as applicable shall apply to such claim; and, if such claim has not been acted upon by the board prior to the effective date of this act, such claim shall be deemed to have been presented on the effective date of this act.

SEC. 153. Section 33510 as added to Part 1 (commencing with Section 33000), Division 24 of the Health and Safety Code as proposed by Assembly Bill No. 1734, is amended to read:

33510. All claims for money or damages against the agency are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 154. Section 153 of this act shall become operative only if Assembly Bill No. 1734 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as Assembly Bill No. 1734 takes effect; at which time Section 33340 of the Health and Safety Code as amended by Section 46 of this act is repealed.

CHAPTER 1716

An act to amend Section 74001 of, and to add Section 74001.5 to, the Government Code, relating to municipal courts.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 74001 of the Government Code is amended to read:

74001. There shall be the following number of judges: in the Anaheim-Fullerton Municipal Court, six; in the Santa Ana-Orange Municipal Court, four; in the Huntington Beach-Seal Beach Municipal Court, two; in the Newport Beach Municipal Court, two; and in the event a municipal court is established in the Laguna Beach-San Clemente Judicial District, in the Laguna Beach-San Clemente Municipal Court, one.

SEC. 2. Section 74001.5 is added to said code, to read:

74001.5. In the event that a municipal court is established in the Laguna Beach-San Clemente Judicial District, the officers and attachés of the justice court superseded by such municipal court shall succeed to positions in the municipal court in accordance with Article 3 (commencing with Section 71080) of Chapter 6 of Title 8 of this code.

CHAPTER 1717

An act to amend Section 74821 of the Government Code, relating to the Sunnyvale Judicial District.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 74821 of the Government Code is amended to read:

74821. There shall be two judges.

CHAPTER 1718

An act to amend Section 73601 of the Government Code, relating to municipal courts.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 73601 of the Government Code is amended to read:

73601. There shall be two judges.

CHAPTER 1719

An act to amend Section 72602 of the Government Code, relating to municipal courts of Los Angeles County.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 72602 of the Government Code is amended to read:

72602. Each of the Los Angeles County municipal courts established in judicial districts shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:

Whittier Municipal Court District	2
San Antonio Municipal Court District	3
East Los Angeles Municipal Court District	3
Inglewood Municipal Court District	2
South Bay Municipal Court District	3
Compton Municipal Court District	3
Downey Municipal Court District	2
Los Angeles Municipal Court District	49
Santa Anita Municipal Court District	1
Alhambra Municipal Court District	2
Los Cerritos Municipal Court District	2
Long Beach Municipal Court District	5
Beverly Hills Municipal Court District	2
Santa Monica Municipal Court District	2
Burbank Municipal Court District	2
Glendale Municipal Court District	2
Pasadena Municipal Court District	4
El Monte Municipal Court District	2
Pomona Municipal Court District	2
South Gate Municipal Court District	1
Citrus Judicial District	4
Antelope Municipal Court District	1
Culver Municipal Court District	1

CHAPTER 1720

An act to amend Section 72602 of the Government Code, relating to municipal courts of Los Angeles County.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 72602 of the Government Code is amended to read:

72602. Each of the Los Angeles County municipal courts established in judicial districts shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:

Whittier Municipal Court District	2
San Antonio Municipal Court District	3
East Los Angeles Municipal Court District	3
Inglewood Municipal Court District	2
South Bay Municipal Court District	3
Compton Municipal Court District	3
Downey Municipal Court District	2
Los Angeles Municipal Court District	49
Santa Anita Municipal Court District	1
Alhambra Municipal Court District	2
Los Cerritos Municipal Court District	2
Long Beach Municipal Court District	5
Beverly Hills Municipal Court District	2
Santa Monica Municipal Court District	2
Burbank Municipal Court District	2
Glendale Municipal Court District	2
Pasadena Municipal Court District	4
El Monte Municipal Court District	2
Pomona Municipal Court District	2
South Gate Municipal Court District	1
Citrus Judicial District	4
Antelope Municipal Court District	1
Culver Municipal Court District	1

CHAPTER 1721

An act to add Section 24202 to the Education Code, relating to state college employees.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 24202 is added to the Education Code, to read:

24202. (a) The trustees may authorize payments into a private fund to provide health and welfare benefits to non-permanent employees of the class specified in Section 18853 of the Government Code employed by the trustees, upon a finding by the trustees as to any such position that the criteria stated in Section 18853.5, subdivision (a), of the Government Code are satisfied.

(b) Payments made by the State pursuant to this section to any such fund on behalf of any employees shall be in lieu of benefits such as vacation allowance, sick leave, and retire-

ment which are now or may hereafter be granted directly by the State in accordance with law.

(c) The trustees are empowered to determine the equitable application of this section to insure that the employees receive benefits comparable to, but not in excess of, those provided in comparable private employment.

(d) The payments authorized by this section shall be a proper charge against any funds available for the support of the California State Colleges.

CHAPTER 1722

An act to add Section 21159 to the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 21159 is added to the Government Code, to read:

21159. A school district contracting agency may employ any member of this system who has retired for service or disability from the school district, without reinstatement from retirement, for a period of not to exceed 30 working days, either during an actual emergency to prevent the stoppage of public business or because the retired employee has skills needed in performing work of limited duration. Such employment with salary shall not exceed 60 working days in any calendar year, and the rate of pay shall not exceed that paid by the district to other employees performing comparable duties.

This section shall apply only when the average daily attendance of a school district or of two or more school districts governed by governing boards of identical personnel is 400,000 or more as shown by the annual report of the county superintendent of schools for the preceding fiscal year.

CHAPTER 1723

An act to amend Section 681 of the Harbors and Navigation Code, relating to vessels.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 681 of the Harbors and Navigation Code is amended to read:

681. (a) The owner of each vessel requiring numbering by this State shall file an initial application for number with the Division of Small Craft Harbors at its Sacramento office or an agent authorized by the Division of Small Craft Harbors on forms approved by the commission. The application shall contain the name and address of the owner, and of the legal owner if any. The application shall be signed by the owner of the vessel and shall be accompanied by a fee of five dollars ($5). Initial application for numbers made during 1961 and every third year thereafter shall be accompanied by a fee of four dollars ($4). Initial application for numbers made during 1962 and every third year thereafter shall be accompanied by a fee of three dollars ($3). Upon receipt of the application in approved form, the Division of Small Craft Harbors shall issue a certificate of ownership to the legal owner and a certificate of number to the owner, or both to the owner if there is no legal owner, stating the number issued to the vessel and the name and address of the owner. The Division of Small Craft Harbors shall forward the original application to the department. The owner shall paint on or attach to each side of the bow of the vessel the identification number in such manner as may be prescribed by rules and regulations of the commission in order that it may be clearly visible. The number shall be maintained in a legible condition. The certificate of number shall be pocket size and shall be available at all times for inspection on the vessel for which issued, whenever such vessel is in operation. The Division of Small Craft Harbors may issue one or more stickers, tabs or other suitable devices to identify vessels as being currently registered. The size, shape, and color of such sticker, tab, or other device and the positioning of such on the vessel shall be as determined by the commission.

(b) The owner of any vessel already covered by a number in full force and effect which has been issued to it pursuant to then operative federal law or a federally approved numbering system of another state shall make application within thirty (30) days after the ninety (90) day reciprocity period provided for in Section 682. Such application shall be in a manner and pursuant to the procedure required for the issuance of a number under subdivision (a) of this section.

(c) Should the ownership of an undocumented vessel change, the existing certificate of ownership and a new application form accompanied by a fee of three dollars ($3) shall be filed with the Division of Small Craft Harbors and a new certificate of ownership and a new certificate of number shall be issued in the same manner as provided for in the initial issuance of number and the number shall be reassigned to the new owner.

(d) In the event that an agency of the United States government shall have in force an overall system of identification numbering for undocumented vessels within the United States, the numbering system employed pursuant to this article shall be in conformity therewith.

(e) The Division of Small Craft Harbors may issue any certificate of ownership and certificate of number or temporary certificate of number directly or the Division of Small Craft Harbors may authorize any person to act as agent for the issuance of a certificate of number or temporary certificate of number. In the event that a person accepts such authorization, he may be assigned a block of numbers which upon issuance, in conformity with this article and with any rules and regulations of the commission, shall be valid as if issued directly by the Division of Small Craft Harbors. All registration of vessels pursuant to the provisions of this code shall be conducted by the Division of Small Craft Harbors at its Sacramento office or by any agent authorized by the Division of Small Craft Harbors to conduct such registration. No field offices shall be established by the Division of Small Craft Harbors for the registering of vessels.

(f) All records of the commission, the department, and the Division of Small Craft Harbors made or kept pursuant to this section shall be public records.

(g) Every certificate of number issued pursuant to this article shall continue in full force and effect until December 31, 1962 unless sooner terminated, discontinued or extended in accordance with the provisions of this article. Certificates of number shall be renewed by the owner between January 1, 1963, and February 4, 1963, or between January 1 and February 4 every three years thereafter, by presentation of the certificate of number last issued for the vessel or by presentation of a potential registration card issued by the Division of Small Craft Harbors. The fee for renewal shall be three dollars ($3) and shall accompany the request for such renewal.

(h) All certificates of number valid on the effective date of this section, and all certificates of number issued from that date to December 31, 1962, shall expire on December 31, 1962, and on December 31st of every third year thereafter regardless of when such certificates are initially issued.

(i) If the initial application for number is not received by the Division of Small Craft Harbors on or before the date set by the commission a penalty of one-half the fee shall be assessed. If a certificate of number is not renewed on or before the date on which is expires a penalty of one-half the fee shall be assessed.

(j) All money received, except moneys collected under Section 683, pursuant to this article shall be deposited in the Small Craft Harbors Revolving Fund and is appropriated for the support of the Division of Small Craft Harbors in the administration of this article. Any money that is not so used shall be expended in accordance with Section 5882 of the Public Resources Code.

(k) The owner shall furnish the Division of Small Craft Harbors notice of the wrecking or junking, or the destruction or abandonment of such undocumented vessel within fifteen (15) days thereof. Such wrecking, junking, destruction or

abandonment shall terminate the certificate of ownership and certificate of number of such undocumented vessel which if in existence shall be surrendered to the Division of Small Craft Harbors. The Division of Small Craft Harbors, upon receiving notice of the abandonment of an undocumented vessel, or upon an official determination that an undocumented vessel has been abandoned, may order the destruction of such vessel at the expiration of 30 days if an investigation by the division has disclosed that no owner, legal owner, or lienholder claims an interest in such vessel, or if such persons have waived their interest. Nothing in this section shall be construed to deny the legal rights, otherwise provided for by law, of any person claiming an interest in an abandoned vessel if such person notifies the division within the time specified in this section.

(*l*) Any holder of a certificate of number shall notify the Division of Small Craft Harbors within 30 days, if his address no longer conforms to the address appearing on the certificate and shall, as a part of such notification, furnish the Division of Small Craft Harbors with his new address. The Division of Small Craft Harbors may provide for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or for the alteration of an outstanding certificate to show the new address of the holder.

(m) No number other than the number issued to an undocumented vessel or granted reciprocity pursuant to this article shall be painted, attached, or otherwise displayed on either side of the bow of such undocumented vessel.

(n) A fee of one dollar ($1) shall be charged for a copy of certificate of number, certificate of ownership, or any application filed pursuant to this article.

(o) Fees received pursuant to this article are appropriated for payment of refunds of money received or collected in the payment of fees, permits, or services whenever the fee, permit or service cannot lawfully be issued or rendered to the applicant, and in cases where the payment in whole or in part represents overpayment or payment in duplicate.

(p) The Division of Small Craft Harbors shall transmit information from each initial application and each transfer application or renewal application to the county assessor in the county of residence of the owner of the vessel and to the county assessor in the county in which the vessel is principally kept if other than the county of residence of the owner. If an application shows that the owner of the vessel has changed his residence from one county to another county or that there has been a change in the county in which the vessel is principally kept, the Division of Small Craft Harbors shall transmit information of the change to the assessor of the county in which the owner of the vessel formerly resided or to the assessor of the county in which the vessel formerly was principally kept. After the Division of Small Craft Harbors receives a notice pursuant to subdivision (k) of this section the division shall

transmit information of the destruction or abandonment to the assessor of the county in which the owner of the vessel resides and to the assessor of the county in which the vessel is or was principally kept, if other than the county of residence of the owner.

(q) A nonprofit corporation organized solely for charitable purposes pursuant to Part 1 (commencing at Section 9000) or Part 3 (commencing at Section 10200), Division 2, Title 1 of the Corporations Code, which purposes relate to promoting the ability of boys and girls to do things for themselves, to train them in scoutcraft and camping, and to teach them patriotism, courage, self-reliance and kindred virtues, shall not be required to pay the fees provided for in this section.

The rules and regulations adopted by the commission shall be adopted in accordance with the provisions of Chapter 4 (commencing at Section 11370), Part 1, Division 3, Title 2 of the Government Code

SEC. 2. The provisions of this act shall not become operative until July 1, 1964.

CHAPTER 1724

An act to amend Section 681 of the Harbors and Navigation Code, relating to vessels.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963]

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

SECTION 1. Section 681 of the Harbors and Navigation Code is amended to read:

681. (a) The owner of each vessel requiring numbering by this State shall file an initial application for number with the Division of Small Craft Harbors at its Sacramento office or an agent authorized by the Division of Small Craft Harbors on forms approved by the commission. The application shall contain the name and address of the owner, and of the legal owner if any, and the builder's hull number or any hull number of the vessel as may be required by the division. The application shall be signed by the owner of the vessel and shall be accompanied by a fee of five dollars ($5); except that initial application for numbers made during 1961 and every third year thereafter shall be accompanied by a fee of four dollars ($4); and initial application for numbers made during 1962 and every third year thereafter shall be accompanied by a fee of three dollars ($3). Upon receipt of the application in approved form, the Division of Small Craft Harbors shall issue a certificate of ownership to the legal owner and a certificate of number to the owner, or both to the owner if there is no legal owner, stating the number issued to the vessel and the name

and address of the owner. The owner shall paint on or attach to each side of the bow of the vessel the identification number in such manner as may be prescribed by rules and regulations of the commission in order that it may be clearly visible. The number shall be maintained in a legible condition. The certificate of number shall be pocket size and shall be available at all times for inspection on the vessel for which issued, whenever such vessel is in operation. The Division of Small Craft Harbors may issue one or more stickers, tabs or other suitable devices to identify vessels as being currently registered. The size, shape, and color of such sticker, tab, or other device and the positioning of such on the vessel shall be as determined by the commission.

(b) The owner of any vessel already covered by a number in full force and effect which has been issued to it pursuant to then operative federal law or a federally approved numbering system of another state shall make application within thirty (30) days after the ninety (90) day reciprocity period provided for in Section 682. Such application shall be in a manner and pursuant to the procedure required for the issuance of a number under subdivision (a) of this section.

(c) Should the ownership of an undocumented vessel change, the existing certificate of ownership and a new application form accompanied by a fee of three dollars ($3) shall be filed with the Division of Small Craft Harbors and a new certificate of ownership and a new certificate of number shall be issued in the same manner as provided for in the initial issuance of number and the number shall be reassigned to the new owner.

(d) In the event that an agency of the United States government shall have in force an overall system of identification numbering for undocumented vessels within the United States, the numbering system employed pursuant to this article shall be in conformity therewith.

(e) The Division of Small Craft Harbors may issue any certificate of ownership and certificate of number or temporary certificate of number directly or the Division of Small Craft Harbors may authorize any person to act as agent for the issuance of a certificate of number or temporary certificate of number. In the event that a person accepts such authorization, he may be assigned a block of numbers which upon issuance, in conformity with this article and with any rules and regulations of the commission, shall be valid as if issued directly by the Division of Small Craft Harbors. All registration of vessels pursuant to the provisions of this code shall be conducted by the Division of Small Craft Harbors at its Sacramento office or by any agent authorized by the Division of Small Craft Harbors to conduct such registration. No field offices shall be established by the Division of Small Craft Harbors for the registering of vessels.

(f) All records of the commission, the department, and the Division of Small Craft Harbors made or kept pursuant to this section shall be public records.

(g) Every certificate of number issued pursuant to this article shall continue in full force and effect until December 31, 1962 unless sooner terminated, discontinued or extended in accordance with the provisions of this article. Certificates of number shall be renewed by the owner between January 1, 1963, and February 4, 1963, or between January 1 and February 4 every three years thereafter, by presentation of the certificate of number last issued for the vessel or by presentation of a potential registration card issued by the Division of Small Craft Harbors. The fee for renewal shall be three dollars ($3) and shall accompany the request for such renewal.

(h) All certificates of number valid on the effective date of this section, and all certificates of number issued from that date to December 31, 1962, shall expire on December 31, 1962, and on December 31st of every third year thereafter regardless of when such certificates are initially issued.

(i) If the initial application for number is not received by the Division of Small Craft Harbors on or before the date set by the commission a penalty of one-half the fee shall be assessed. If a certificate of number is not renewed on or before the date on which it expires a penalty of one-half the fee shall be assessed, except where the vessel has not been used on the waters of the State subsequent to the expiration date.

(j) All money received, except moneys collected under Section 683, pursuant to this article shall be deposited in the Small Craft Harbors Revolving Fund and is appropriated for the support of the Division of Small Craft Harbors in the administration of this article. Any money that is not so used shall be expended in accordance with Section 5882 of the Public Resources Code.

(k) The owner shall furnish the Division of Small Craft Harbors notice of the wrecking or junking, or the destruction or abandonment of such undocumented vessel within fifteen (15) days thereof. Such wrecking, junking, destruction or abandonment shall terminate the certificate of ownership and certificate of number of such undocumented vessel which if in existence shall be surrendered to the Division of Small Craft Harbors. The Division of Small Craft Harbors, upon receiving notice of the abandonment of an undocumented vessel, or upon an official determination that an undocumented vessel has been abandoned, may order the destruction of such vessel at the expiration of 30 days if an investigation by the division has disclosed that no owner, legal owner, or lienholder claims an interest in such vessel, or if such persons have waived their interest. Nothing in this section shall be construed to deny the legal rights, otherwise provided for by law, of any person claiming an interest in an abandoned vessel if such person notifies the division within the time specified in this section.

(*l*) Any holder of a certificate of number shall notify the Division of Small Craft Harbors within 30 days, if his address no longer conforms to the address appearing on the certificate and shall, as a part of such notification, furnish the Division of Small Craft Harbors with his new address. The Division of Small Craft Harbors may provide for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or for the alteration of an outstanding certificate to show the new address of the holder.

(m) No number other than the number issued to an undocumented vessel or granted reciprocity pursuant to this article shall be painted, attached, or otherwise displayed on either side of the bow of such undocumented vessel.

(n) A fee of one dollar ($1) shall be charged for a copy of certificate of number, certificate of ownership, or any application filed pursuant to this article.

(o) Fees received pursuant to this article are appropriated for payment of refunds of money received or collected in the payment of fees, permits, or services whenever the fee, permit or service cannot lawfully be issued or rendered to the applicant, and in cases where the payment in whole or in part represents overpayment or payment in duplicate.

(p) The Division of Small Craft Harbors shall transmit information from each initial application and each transfer application or renewal application to the county assessor in the county of residence of the owner of the vessel and to the county assessor in the county in which the vessel is principally kept if other than the county of residence of the owner. If an application shows that the owner of the vessel has changed his residence from one county to another county or that there has been a change in the county in which the vessel is principally kept, the Division of Small Craft Harbors shall transmit information of the change to the assessor of the county in which the owner of the vessel formerly resided or to the assessor of the county in which the vessel formerly was principally kept. After the Division of Small Craft Harbors receives a notice pursuant to subdivision (k) of this section the division shall transmit information of the destruction or abandonment to the assessor of the county in which the owner of the vessel resides and to the assessor of the county in which the vessel is or was principally kept, if other than the county of residence of the owner.

(q) A nonprofit corporation organized solely for charitable purposes pursuant to Part 1 (commencing at Section 9000) or Part 3 (commencing at Section 10200), Division 2, Title 1 of the Corporations Code, which purposes relate to promoting the ability of boys and girls to do things for themselves, to train them in scoutcraft and camping, and to teach them patriotism, courage, self-reliance and kindred virtues, shall not be required to pay the fees provided for in this section.

(r) On or after October 1, 1963, upon application for original registration or transfer of registration of an undocu-

mented vessel, the division may assign an appropriate builder's hull number to such vessel whenever there is no builder's hull number thereon, or when a builder's hull number thereon has been destroyed or obliterated; and such builder's hull number shall be permanently marked in an integral part of the hull which is accessible for inspection.

(s) No person shall intentionally deface, destroy, or alter the builder's hull number of a vessel required to be numbered under this chapter, without written authorization from the division; nor shall any person place or stamp any serial or other number or mark upon an undocumented vessel which might interfere with identification of the builder's hull number. This does not prohibit the restoration by an owner of an original number or mark when the restoration is authorized by the division, nor prevent any manufacturer from placing in the ordinary course of business numbers or marks upon new vessels or new parts thereof.

The rules and regulations adopted by the commission shall be adopted in accordance with the provisions of Chapter 4 (commencing at Section 11370), Part 1, Division 3, Title 2 of the Government Code.

SEC. 2. The amendment to subdivision (j) of Section 681 of the Harbors and Navigation Code, as enacted at the 1963 Regular Session of the Legislature, shall not become operative until July 1, 1964.

CHAPTER 1725

An act to amend Sections 73648, 73958 and 74748 of, to add Article 25.5 (commencing with Section 74361) to Chapter 10 of Title 8 of, and to repeal Sections 73644, 73645, 73645.1, 73954, 73955, 73960.1, 74344, 74345, 74345.1, 74346, 74349, 74744, 74745, 74750.1, and 74751 of, the Government Code, relating to municipal courts.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 73644 of the Government Code is repealed.

SEC. 2. Section 73645 of said code is repealed.

SEC. 3. Section 73645.1 of said code is repealed.

SEC. 4. Section 73648 of said code is amended to read:

73648. (a) The clerk shall, on the effective date of the amendments to this article enacted by the Legislature at the 1963 Regular Session or as soon thereafter as practicable, assign each of his deputies, attachés, or employees to a position prescribed in this article which is comparable in duties to the position held by such deputy, attaché, or employee immediately prior to the effective date of such amendments. Each clerk, deputy, attaché, or employee shall receive the added compensa-

tion provided in this article, including increments for continuous service in such prior positions in the court. No further examination or qualification shall be required of deputies, attachés, or employees assigned pursuant to this article.

(b) In addition to the compensation provided in this article the clerk, and attachés of the municipal court shall receive, and they shall be entitled to, the same vacations, sick leaves, leaves of absence and similar privileges and benefits as are now or may hereafter be provided for the employees of the County of San Diego, including the right to participate in any group accident, health or life insurance plan adopted by the board of supervisors of said county. Such privileges and benefits shall be retroactively applied. The judge or a majority of the judges of the municipal court may adopt rules for the conduct of, and personnel privileges to be afforded to, the personnel of their court; or a majority of all of the municipal court judges in the county, convened from time to time by the presiding judge of the municipal court district which embraces the county seat, may adopt uniform rules for such purposes relative to the personnel serving the municipal courts in the county; and for that purpose they may adopt in whole or in part the provisions of any county ordinance applicable to employees of the county, except where the same may be in conflict with any provisions of the State Constitution or laws relating to municipal courts and attachés of such courts. Attachés may be voluntarily transferred from a position in one judicial district to a position in another within the county and promoted or voluntarily demoted from a position in one judicial district to a position in another within the county in substantially the same manner as transfers, demotions and promotions are authorized generally in county departments or between departments of the county.

(c) Notwithstanding the provisions of Section 71183, a person appointed by the clerk from an eligible list certified by the Civil Service Commission of the County of San Diego to fill a temporary position established pursuant to Section 72150 and employed in such temporary position immediately prior to the 91st day after the final adjournment of a regular session of the Legislature, may be appointed by such clerk to a like permanent position in such clerk's office without further examination, qualification or certification on a civil service eligible list; provided, that the number of such positions in such clerk's office has been increased by the last regular session of the Legislature so as to make such temporary position a permanent position.

(d) Where in the clerk's office titles of positions in effect immediately prior to the 91st day after the final adjournment of the 1963 Regular Session of the Legislature are changed, such positions shall be grouped under the titles enumerated in Sections 73642 and 73643.

SEC. 5. Section 73954 of said code is repealed.

SEC. 6. Section 73955 of said code is repealed.

SEC. 7. Section 73958 of said code is amended to read:

73958. (a) The clerk shall, on the effective date of the amendments to this article enacted by the Legislature at the 1963 Regular Session or as soon thereafter as practicable, assign each of his deputies, attachés, or employees to a position prescribed in this article which is comparable in duties to the position held by such deputy, attaché, or employee immediately prior to the effective date of such amendments. Each clerk, deputy, attaché, or employee shall receive the added compensation provided in this article, including increments for continuous service in such prior positions in the court. No further examination or qualification shall be required of deputies, attachés, or employees assigned pursuant to this article.

(b) Notwithstanding any provisions of law to the contrary, in addition to the compensation provided in this article, the clerk and attachés of the municipal court shall receive, and they shall be entitled to, the same vacations, sick leaves, and leaves of absence, and similar privileges and benefits as are now or may hereafter be provided for the employees of the County of San Diego, including the right to participate in any group accident, health or life insurance plan adopted by the board of supervisors of said county. Such privileges and benefits shall be retroactively applied.

(c) Notwithstanding the provisions of Section 71183, a person appointed by the clerk from an eligible list certified by the Civil Service Commission of the County of San Diego to fill a temporary position established pursuant to Section 72150 and employed in such temporary position immediately prior to the 91st day after the final adjournment of a regular session of the Legislature, may be appointed by such clerk to a like permanent position in such clerk's office without further examination, qualification or certification on a civil service eligible list; provided, that the number of such positions in such clerk's office has been increased by the last regular session of the Legislature so as to make such temporary position a permanent position.

(d) Where in the clerk's office titles of positions in effect immediately prior to the 91st day after the final adjournment of the 1963 Regular Session of the Legislature are changed, such positions shall be grouped under the titles enumerated in Sections 73952 and 73953.

SEC. 8. Section 73960.1 of said code is repealed.

SEC. 9. Section 74344 of said code is repealed.

SEC. 10. Section 74345 of said code is repealed.

SEC. 11. Section 74345.1 of said code is repealed.

SEC. 12. Section 74346 of said code is repealed.

SEC. 13. Section 74349 of said code is repealed.

SEC. 14. Article 25.5 (commencing with Section 74361) is added to Chapter 10 of Title 8 of said code, to read:

Article 25.5. Marshal of Municipal Courts in San Diego County

74361. There shall be one marshal for all municipal courts established in judicial districts in San Diego County who shall be appointed pursuant to this article and who shall receive the monthly compensation specified in Schedule 44, set forth in Section 74343.1. In no event shall the compensation of the marshal be less than ten (10) schedule ranges higher than that specified for the position of assistant marshal. The present Marshal of the San Diego Judicial District shall succeed to this position

74362. The marshal shall be designated as Marshal of Municipal Courts, San Diego County.

74363. A branch office of the Marshal of Municipal Courts, San Diego County, shall be maintained in each municipal court district.

74364. The marshal may appoint:

(a) Two assistant marshals, each of whom shall receive the monthly compensation specified in Schedule 39, set forth in Section 74343.1. Those individuals who held the positions of Assistant Marshal of the San Diego Judicial District and Marshal of the Oceanside Judicial District, before the effective date of this article, shall each succeed to one of these positions.

(b) One captain, who shall receive the monthly compensation specified in Schedule 37, set forth in Section 74343.1. The individual who held the position of Marshal of the El Cajon Judicial District, before the effective date of this article, shall succeed to this position. Upon the occurrence of a vacancy, this position shall cease to exist.

(c) Two lieutenants, each of whom shall receive the monthly compensation specified in Schedule 34, set forth in Section 74343.1. Those individuals who held the position of lieutenant in the San Diego Judicial District, before the effective date of this article, shall succeed, each, to one of these positions.

(d) Ten sergeants, each of whom shall receive the monthly compensation specified in Schedule 32, set forth in Section 74343.1. Those individuals who held the position of sergeant in the San Diego Judicial District, the Oceanside Judicial District, the El Cajon Judicial District, and the South Bay Judicial District, before the effective date of this article, shall succeed, each, to one of these positions.

(e) One deputy marshal (female), who shall receive the monthly compensation specified in Schedule 28, set forth in Section 74343.1. The individual who held the position of deputy marshal-female in the San Diego Judicial District, before the effective date of this article, shall succeed to this position. Upon the occurrence of a vacancy, this position shall cease to exist.

(f) Sixty-one deputy marshals, each of whom shall receive monthly the compensation specified in Schedule 28, set forth in Section 74343.1. Those individuals who held the positions

of senior deputy marshal in the San Diego Judicial District, and deputy marshals in the Oceanside Judicial District, El Cajon Judicial District, and South Bay Judicial District, before the effective date of this article, shall succeed, each, to one of these positions.

(g) Twenty-two deputy marshals-stenographers, each of whom shall receive the monthly compensation specified in Schedule 23, set forth in Section 74343.1. Those individuals who held the positions of deputy marshal-stenographer in the San Diego Judicial District, and deputy marshal-clerical in the Oceanside Judicial District, El Cajon Judicial District, and South Bay Judicial District, before the effective date of this article, shall succeed, each, to one of these positions. The first two vacancies to occur in the position of deputy marshal-stenographer shall not be filled, and the number of such positions authorized by this section shall be reduced by two. The next eleven (11) vacancies occurring in this position shall cause a corresponding reduction in the number of deputy marshal-stenographers hereby authorized; provided, however, that each such vacancy shall increase by one, a position designated as deputy marshal-clerk. The positions of deputy mashal-clerk I, II or III shall each receive the compensation specified in Schedule 19, set forth in Section 74343.1.

(h) One deputy marshal-matron, who shall receive the monthly compensation specified in Schedule 26, set forth in Section 74343.1. The individual who held the position of Court Matron of the San Diego Judicial District, before the effective date of this article, shall succeed to this position.

74365. Whenever any vacancy occurs in the position of marshal, municipal courts, San Diego County, after the effective date of this section, the judges of all the municipal courts in San Diego County by a majority vote of their aggregate number, shall select and appoint the marshal under such organization, rules and procedure as they adopt or ratify therefor. The procedure for discharge of the marshal shall come under the same rules or organization. The judges may prescribe, and regulate by a majority vote the organization, policies, rules and regulations for the conduct of the marshal and his offices, and it shall be their duty and that of the personnel of his offices to be governed thereby. For the purpose of voting to select, appoint or discharge a marshal, or to prescribe and regulate the organization, policies, rules and regulations aforesaid, upon five days written notice, the judges of the municipal courts in judicial districts located in San Diego County shall meet at a time and place designated by the presiding judge of the municipal court of the judicial district in which is included the county seat. If and when, under any provision of law, the municipal court judges in the judicial districts of the county have formally organized to administer all matters jointly affecting their courts, the conduct of such meetings and the voting thereat shall be pursuant to the rules or bylaws adopted by said judges for that purpose.

74366. The marshal shall possess the rights and powers and perform the duties imposed upon marshals of municipal courts generally. With respect to proceedings in each of the municipal courts established in San Diego County, he shall exercise all powers and perform all duties imposed by law upon the sheriff with respect to proceedings in the superior court.

74367. For the purpose of this article, the appointing authority means the person having the power in the first instance to select the employee from an eligible list provided for that purpose.

74368. The appointing authority may lay off and suspend an employee or employees because of lack of work requiring the service of the existing personnel of such office or department.

74369. All persons holding positions on the 91st day after the 1963 Regular Session of the Legislature shall continue in their respective positions without further examination or qualification and at the added compensation provided in this article, including increments for continuous prior service in such positions in the court. Thereafter, any increments earned by additional service in grade shall take effect upon the first day of the month following completion of such required service.

74370. In addition to the compensation provided in this article the marshals and other attachés of the municipal court shall receive, and they shall be entitled to the same vacation, sick leaves, leaves of absence, and all privileges and benefits as are now or may hereafter be provided for the employees of the County of San Diego, including the right to participate in any group accident, health, or life insurance plan adopted by the board of supervisors of the county. It is further provided that the privileges and benefits hereinbefore provided shall be retroactively applied.

74371. All provisions of law relating to marshals of municipal courts, or a marshal of a municipal court and the deputies and attachés thereof, not inconsistent with the provisions of this article, apply to the Marshal of Municipal Courts, San Diego County, and to the officers, deputies and attachés of the marshal. The judges of the municipal courts of the judicial districts in San Diego County acting jointly by a vote of a majority of said judges may adopt rules not inconsistent with the provisions of this article to make effective the provisions thereof.

74372. The persons who hold the positions of marshal, deputy marshals, and other persons lawfully entitled to act as such shall become employees of the office of Marshal of Municipal Courts, San Diego County, and shall retain their status and all rights, privileges and benefits. This shall include all personnel and attachés of the marshal's offices in the municipal courts of the San Diego Judicial District, El Cajon Judicial District, South Bay Judicial District and Oceanside Judicial District.

74373. Except where this article otherwise provides, the provisions of law succeeding the Municipal and Justice Court Act of 1949 or this code shall govern the appointment and assignment of officers, deputies and attachés to the offices and positions enumerated in this article, and shall define the rights, benefits, and privileges of the marshals, constables, deputies and attachés of superseded courts, including the right of such persons to succeed to such offices and positions. All assistants, deputies, and other employees of the Marshal of Municipal Courts, San Diego County, may be appointed, promoted, removed, suspended, or discharged for cause by the said marshal, subject in such appointment, promotion, removal, suspension, or discharge to all civil service provisions applicable to the personnel of the office of Sheriff, San Diego County.

74374. The hereinafter enumerated classes of position in the marshal's office of the municipal courts in San Diego County are deemed to be equivalent in job and salary level to certain classifications in the classified civil service of San Diego County and whenever the salary of a classification in the service of San Diego County is adjusted by the board of supervisors, the salary of the comparable classification in the marshal's office shall be adjusted a commensurate number of ranges in the salary schedule. Such adjustment shall not be more than eight ranges higher or eight ranges lower than the range specified in this article. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to the county classifications. In the event the salary of any San Diego County classification listed in this section is adjusted by the board of supervisors on any date in 1963 prior to the effective date of this article, said adjustments shall be applied to the salary of the comparable classifications in the marshal's office, such adjustments to take effect on the effective date of this article. Any salary adjustments made as a result of this section shall be effective only until 90 days after the adjournment of the next general session of the State Legislature.

The equivalent classifications are as follows:

Municipal court marshal classification	County classification
Assistant marshal	Chief deputy sheriff
Deputy marshal-captain	Deputy sheriff-captain
Deputy marshal-lieutenant	Deputy sheriff-lieutenant
Deputy marshal-sergeant	Deputy sheriff-sergeant
Deputy marshal and deputy marshal-female	Deputy sheriff
Deputy marshal-matron	Deputy sheriff-matron
Deputy marshal-stenographer	Senior stenographer-senior clerk
Deputy marshal-clerk	Intermediate clerk

74375. A person appointed by the marshal, pursuant to Section 72150, if appointed from an eligible list certified by the Civil Service Commission of the County of San Diego to fill a temporary position, may be appointed by the marshal to a corresponding permanent position without further examination, qualification, or certification on a civil service list if, the Legislature, at its regular session, increased the number of positions in the marshal's office of the type to which person was appointed so as to make such temporary position a permanent position.

74376. In the event that the number of judges provided by Sections 73641, 73951, 74341, and 74741 of this code is increased, or that additional municipal court judicial districts are provided in the County of San Diego, thereby causing an increase in the number of judges, the marshal of the municipal courts may appoint one deputy marshal, who shall receive compensation at the rate specified by subdivision (f) of Section 74364 and Section 74374, for each additional judge appointed or elected.

74377. The first 12 months served in any position shall be considered probationary and the appointing power shall have the authority to dismiss without cause in the case of a new employee, or demote without cause in the case of a promoted employee during said probationary period.

74378. Notwithstanding any other sections in this code, effective October 1, 1963, persons holding appointments under this article, as marshal, assistant marshal, captain, lieutenant, sergeant, deputy, deputy-female, and deputy-matron shall each receive compensation at a rate two ranges higher than that specified for said positions in other sections of this article. Said increased compensation shall be paid to each person for a period of time equal to that period of time each such person was employed in a permanent or temporary position, in any marshal's office in any municipal court in San Diego County between the dates July 1, 1962 and September 20, 1963, inclusive. Such two-range increase in compensation shall also be over and above any increase granted to said positions as a result of the provisions of Section 74374 of this article. This section does not apply to any persons appointed after the effective date of this article as amended at the 1963 Regular Session of the Legislature. This section shall cease to be in effect after February 2, 1965.

SEC. 15. Section 74744 of said code is repealed.

SEC. 16. Section 74745 of said code is repealed.

SEC. 17. Section 74748 of said code is amended to read:

74748. (a) The clerk shall, on the effective date of the amendments to this section enacted by the Legislature at the 1963 Regular Session or as soon thereafter as practicable, assign each of his deputies, attachés, or employees to a position prescribed in this article which is comparable in duties to the position held by such deputy, attaché, or employee immediately prior to the effective date of such amendments. Each clerk,

deputy, attaché, or employee shall receive the added compensation provided in this article, including increments for continuous service in such prior positions in the court. No further examination or qualification shall be required of deputies, attachés, or employees assigned pursuant to this section.

(b) In addition to the compensation provided in this article, the clerk and attachés of the municipal court shall receive, and they shall be entitled to, the same vacations, sick leaves, and leaves of absence, and similar privileges and benefits as are now or may hereafter be provided for the employees of the County of San Diego, including the right to participate in any group accident, health or life insurance plan adopted by the board of supervisors of said county. Such privileges and benefits shall be retroactively applied.

The judge or a majority of the judges of any municipal court may adopt rules for the conduct of, and personnel privileges to be afforded to, the personnel of their court; or a majority of all of the municipal court judges in the county, convened from time to time by the presiding judge of the municipal court district which embraces the county seat, may adopt uniform rules for such purposes relative to the personnel serving the municipal courts in the county; and for that purpose they may adopt in whole or in part the provisions of any county ordinance applicable to employees of the county, except where the same may be in conflict with any provisions of the State Constitution or laws relating to municipal courts and attachés of such courts. Attachés may be voluntarily transferred from a position in one judicial district to a position in another within the county and promoted or voluntarily demoted from a position in one judicial district to a position in another within the county in substantially the same manner as transfers, demotions and promotions are authorized generally in county departments or between departments of the county.

(c) Notwithstanding the provisions of Section 71183, a person appointed by the clerk from an eligible list certified by the Civil Service Commission of the County of San Diego to fill a temporary position established pursuant to Section 72150 and employed in such temporary position immediately prior to the 91st day after the final adjournment of a regular session of the Legislature, may be appointed by such clerk to a like permanent position in such clerk's office without further examination, qualification or certification on a civil service eligible list; provided, that the number of such positions in such clerk's office has been increased by the last regular session of the Legislature so as to make such temporary position a permanent position

(d) Where in the clerk's office titles of positions in effect immediately prior to the 91st day after the final adjournment of a regular session of the Legislature are changed, such

positions shall be grouped under the titles enumerated in Sections 74742 and 74743.

SEC. 18. Section 74750.1 of said code is repealed.

SEC. 19. Section 74751 of said code is repealed.

CHAPTER 1726

An act to amend the heading of Article 16 (commencing with Section 73950) of Chapter 10 of Title 8 of, to amend Sections 73950, 73952, 73957 and 73958 of, to add Sections 73951, 73951.1, 73953 and 73953.1 to, and to repeal Sections 73951, 73953, 73953.1, 73954, 73955, 73960, 73960.1, 73961, 74743.2 and 74751 of, the Government Code, relating to municipal courts.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. The heading of Article 16 (commencing with Section 73950) of Chapter 10 of Title 8 of the Government Code is amended to read:

Article 16. North County

SEC. 1.5. Section 73950 of said code is amended to read:

73950. This article applies to the municipal court of the North County Judicial District.

SEC. 2. Section 73951 of said code is repealed.

SEC. 3. Section 73951 is added to said code, to read:

73951. There shall be two judges.

SEC. 4. Section 73951.1 is added to said code, to read:

73951.1. In the event the Board of Supervisors of San Diego County consolidates all or any part of the Escondido Judicial District with the North County Judicial District, there shall be three judges. The third judge shall take office on the effective date of the ordinance providing for the consolidation.

SEC. 5. Section 73952 of said code is amended to read:

73952. There shall be one clerk, who shall be appointed by the judges of the court and who shall receive a monthly salary at a rate specified in Schedule No. 39 of Section 74343.1.

SEC. 6. Section 73953 of said code is repealed.

SEC. 7. Section 73953 is added to said code, to read:

73953. The clerk may appoint:

(a) Four deputy clerks IV, each of whom shall receive the monthly salary specified in Schedule No. 29. The position of chief deputy clerk shall succeed to the position of deputy clerk IV.

(b) Eleven deputy clerks III, each of whom shall receive the monthly salary specified in Schedule No. 24. The position of deputy clerk shall succeed to the position of deputy clerk III.

(c) Three deputy clerks II, each of whom shall receive the monthly salary specified in Schedule No. 21. The position of junior deputy clerk shall succeed to the position of deputy clerk II.

(d) Three deputy clerks I, each of whom shall receive the monthly salary specified in Schedule No. 18. Appointments to such positions shall be at step B of the Schedule.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 74343.1. The provisions of subdivisions (a), (b), (c), and (d) of said section apply to the attachés appointed pursuant to this section. In no event shall the salary of the clerk or any deputy clerk who occupied his position on the day prior to the effective date of this section be less than his salary on such day.

SEC. 8 Section 73953.1 of said code is repealed.

SEC. 9 Section 73953.1 is added to said code, to read:

73953.1. In the event the Board of Supervisors of the County of San Diego consolidates all or a substantial part of the Escondido Judicial District with the North County Judicial District the clerk of the court may appoint one additional deputy clerk IV, one additional deputy clerk III and four additional deputy clerks II. The Clerk of the Escondido Justice Court and the employees in the office of such clerk on the day prior to the effective date of such consolidation each shall succeed to the additional position that is most nearly comparable to the position held in the office of the Clerk of the Escondido Justice Court. Any person succeeding to such positions who has attained permanent status in the classified service of the County of San Diego shall succeed to a permanent position without further examination, qualification or certification and without serving any further probationary period. Any such person who has not attained permanent status in the classified service of the County of San Diego shall be required to complete a probationary period of six months in the position to which he succeeds; provided, however, service as a county employee in a comparable position shall be counted toward completion of said probationary period. Said clerk and deputies shall receive a monthly salary at a rate specified in the appropriate schedule provided in Section 73953 and Section 74343.1 of this code; provided, however, they shall be given credit for prior service in comparable positions in the office of the Clerk of the Escondido Justice Court and in no event shall the salary of any such clerk or deputy who succeeds to such position receive a salary less than that being received on the day prior to the effective date of such consolidation. Each person succeeding to such additional position shall transfer with him any unused vacation or sick leave credit to which

he is entitled as a county employee on the day prior to the effective date of such consolidation.

SEC. 10. Section 73954 of said code is repealed.

SEC. 11. Section 73955 of said code is repealed.

SEC. 12. Section 73957 of said code is amended to read:

73957. The headquarters of the municipal court and the clerk and marshal of the North County Judicial District shall be located within the City of Oceanside or such other place as shall be designated by the Board of Supervisors of the County of San Diego. The municipal court shall hold sessions at its headquarters and at such other location or locations within the North County Judicial District as said board of supervisors may designate. In the event said board of supervisors consolidates all or a substantial part of the Escondido Judicial District with the North County Judicial District the municipal court shall hold sessions at a department of said court at a location within the City of Escondido to be designated by said board of supervisors and the judge of the superseded Escondido Justice Court or his successor in such office shall be assigned to such branch. Such assignment shall include the trial and proper disposition of all matters filed in said department of the court. In the event of such consolidation the clerk and marshal of the North County Judicial District shall maintain branch offices at a location within the City of Escondido to be designated by said board of supervisors, which branch offices shall maintain the same office hours as the headquarters offices and shall provide facilities for complete municipal court services at said branch offices including the filing of original complaints and other documents and the posting of bail and said board of supervisors shall provide facilities within the City of Escondido for the complete transaction of business of the court including the holding of jury trials.

SEC. 13. Section 73958 of said code is amended to read:

73958. (a) All persons holding positions on the 91st day after any regular session of the Legislature shall continue in their respective positions without further examination or qualification and at the added compensation provided in this article, including increments for continuous prior service in such positions in the court. Any person whose title is changed as a result of this act shall receive credit for continued service to which he would be entitled under his previous position and shall receive compensation at the step covering such length of service. Thereafter, any increments earned by additional service in grade shall take effect upon the first day of the month following completion of such required service.

(b) In addition to the compensation provided in this article, the attachés of the municipal court shall receive, and they shall be entitled to the same vacations, sick leave, leaves of absence and similar privileges and benefits as are now or may hereafter be provided for the employees of the County of San Diego, including the right to participate in a retirement plan, and in any group health, accident or life insurance plan

adopted by the Board of Supervisors of San Diego County. Such privileges and benefits shall be retroactively applied. The municipal court judges may adopt rules for the conduct of and personnel privileges to be afforded the attachés of the court.

(c) All attachés may be appointed, promoted, removed, suspended or discharged for cause by the appointing authority subject in such appointment, promotion, removal, suspension or discharge to civil service provisions applicable to the classified personnel of San Diego County. Whenever a person or attaché is appointed or promoted to a position, such person or attaché must serve a probationary period of at least six months.

(d) Notwithstanding the provisions of Section 71183, a person appointed by the clerk or marshal from an eligible list certified by the Civil Service Commission of the County of San Diego to fill a temporary position established pursuant to Section 72150 and employed in such temporary position immediately prior to the 91st day after the final adjournment of a regular session of the Legislature, may be appointed by such clerk or marshal to a like permanent position in such clerk's or marshal's office without further examination, qualification or certification on a civil service eligible list; provided, that the number of such positions in the clerk's or marshal's office has been increased by the last regular session of the Legislature so as to make such temporary position a permanent position.

SEC. 14. Section 73960 of said code is repealed.

SEC. 15. Section 73960.1 of said code is repealed.

SEC. 16. Section 73961 of said code is repealed.

SEC. 17. Section 74743.2 of said code is repealed.

SEC. 18. Section 74751 of said code is repealed.

CHAPTER 1727

An act to amend Section 5851 of, and to add Sections 5855 and 5856 to, the Streets and Highways Code, relating to the Improvement Act of 1911.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 5851 of the Streets and Highways Code is amended to read:

5851. If the whole district is so included within one city, the district shall continue in existence for all purposes until a copy of a resolution adopted by the city requesting dissolution of the district or requesting transfer of jurisdiction over the district and the funds of the district to the city is filed with the board of supervisors whereupon the district shall be dissolved or jurisdiction over the district shall be transferred by resolution of the board of supervisors to the city, as re-

quested by the resolution adopted by the city, and such funds shall be paid to the treasurer of that city and administered by the legislative body of the city for the benefit of the district.

SEC. 2. Section 5855 is added to said code, to read:

5855. Where the board of supervisors or legislative body has so declared in its resolution of intention to order the formation of a lighting maintenance district or any annexation thereto, the board of supervisors or legislative body may, in its resolution ordering the formation of a lighting maintenance district or any annexation thereto, order the district divided into tax assessment zones. Tax assessment zones may be formed at a time other than at the formation of the district or any annexation thereto if pursuant to the same procedure of resolution, notice, and hearing as are applicable under this chapter to the annexation of territory.

Where any district is divided into tax assessment zones, each zone shall include lighting systems of approximately the same general type. No district shall be divided into zones within said district unless the board of supervisors or legislative body finds that the tax assessment zone requires special services or special facilities in addition to those provided generally by the maintenance district and that the tax levy is commensurate with the special benefits to be provided in the zone.

SEC. 3. Section 5856 is added to said code, to read:

5856. If a lighting maintenance district is divided into zones, the board of supervisors or legislative body may determine what portion of the amount of money to be secured from the levy of taxes shall be secured from each zone within the district.

CHAPTER 1728

An act to amend Section 11201 of the Education Code, relating to school attendance.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 11201 of the Education Code is amended to read:

11201. Attendance of physically handicapped pupils in a graded special class for the same number of minutes as constitute a day of attendance in the same grade of regular classes shall constitute a day of attendance, except for such minors 16 years of age and over who are enrolled in an approved occupational training program. Each clock hour of teaching time devoted to individual instruction of physically handicapped pupils shall count as one day of attendance. The average daily attendance of all physically handicapped pupils shall be computed by dividing the total number of days of attend-

ance of the pupils by the number of days taught in the regular schools of the district.

Notwithstanding any provision of this code to the contrary, however, when a physically handicapped minor 16 years of age or over is enrolled in an approved occupational training program pursuant to Sections 6931 and 6932 of this code, two clock hours of attendance in a special day school or class in combination with two clock hours of attendance in such an occupational training program shall count as one day of attendance. No such pupil shall be credited with more than five days of attendance per calendar week or more than the number of calendar days such special day school or class is maintained in such fiscal year.

CHAPTER 1729

An act to amend Section 591 of the Streets and Highways Code, and to amend Section 513 of the Streets and Highways Code as proposed by Senate Bill No. 64, relating to highway routes.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 591 of the Streets and Highways Code is amended to read:

591. Route 291 is from Route 158 via Western Avenue to 25th Street in San Pedro.

The commission may allocate from the State Highway Fund the necessary funds for the construction of all or any portion of said route when the County of Los Angeles and the Cities of Los Angeles and Torrance have entered into a co-operative agreement with the department wherein said cities and county shall furnish to the State of California without charge all right-of-way necessary and agree to pay one-half the cost of plans and construction.

SEC. 2. Section 513 of the Streets and Highways Code as proposed by Senate Bill No. 64 is amended to read:

513. Route 213 is from 25th Street in San Pedro to Route 405 via Western Avenue.

The commission may allocate from the State Highway Fund the necessary funds for the construction of all or any portion of said route when the County of Los Angeles and the Cities of Los Angeles and Torrance have entered into a co-operative agreement with the department wherein said cities and county shall furnish to the State of California without charge all right-of-way necessary and agree to pay one-half the cost of plans and construction.

SEC. 3. Section 2 of this act shall become operative only if Senate Bill No. 64 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as Senate Bill No. 64 becomes operative, at which time Section 591 of the Streets and Highways Code as added by Section 1 of this act is repealed.

CHAPTER 1730

An act to add Section 20810 to the Education Code, relating to school district support and management.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 20810 is added to the Education Code, to read:

20810. The maximum rate of school district tax is hereby increased for any school year for any school district which is obligated to pay to another school district tuition or other expenses of educating pupils in grades 7 and 8 in a junior high school. The increase in such maximum tax rate shall be in the amount necessary to produce that part of such tuition or expense obligation which represents the allocation, by the district maintaining the junior high school, of any part of its retirement or health and welfare benefit contributions under Sections 14210 and 14214 of this code, Sections 20532, 22551 and 22553 of the Government Code, and Article 1 (commencing with Section 53200) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code, less any unencumbered balances remaining at the end of the preceding school year derived from the revenue from the increase in the rate of tax provided by this section.

If at the end of any school year there remains an unencumbered balance derived from the increase in tax rate hereby provided, such balance shall be used exclusively in the following school year for the payment of such obligations of the district.

CHAPTER 1731

An act to add Section 4011.6 to the Penal Code, relating to removal of prisoner from county or city jail.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 4011.6 is added to the Penal Code, to read:

4011.6. In any case in which it appears to the person in charge of a county or city jail that a person in custody in such jail may be mentally ill, he may cause such inmate to be examined by a physician and if it is the opinion of such physician that the person is mentally ill, the person in charge of the jail may file with the superior court a petition for commitment of the prisoner to a state hospital. The proceedings shall be conducted in the same manner as provided by Article 3 (commencing with Section 5047) of Chapter 1 of Part 1 of Division 6 of the Welfare and Institutions Code.

If the prisoner is committed to a state hospital, the time passed therein shall count as part of the prisoner's sentence. When the prisoner is committed to the hospital, the person in charge of the jail shall advise the superintendent of the hospital of the expiration date of the prisoner's sentence. If the prisoner is to be released from the state hospital before such expiration date, the superintendent shall notify the person in charge of the jail, who shall send for, take, and receive the prisoner back into the jail.

CHAPTER 1732

An act to add Section 7184 to the Financial Code, relating to savings and loan associations.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 7184 is added to the Financial Code, to read:

7184. An association may, with or without security, make loans, advance credit, and purchase obligations representing loans and advances of credit, for the purpose of making improvements on residential property. Such loans or advances:

(a) Shall not exceed three thousand five hundred dollars ($3,500) on any one loan or advance.

(b) Shall not be for a period in excess of five years.

(c) Shall not aggregate at any one time more than 5 percent of the association's total assets.

CHAPTER 1733

An act to add Section 17505 to the Business and Professions Code, relating to selling practices.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 17505 is added to the Business and Professions Code, to read:

17505. No person shall state, in an advertisement of his goods, that he is a producer, manufacturer, processor, wholesaler, or importer, or that he owns or controls a factory or other source of supply of goods, when such is not the fact, and no person shall in any other manner misrepresent the character, extent, volume, or type of his business.

CHAPTER 1734

An act to amend Section 1352.1 of the Labor Code, relating to female employees.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 1352.1 of the Labor Code is amended to read:

1352.1. The provisions of this article shall not apply to or affect executives, administrators, or professional women. No women shall be considered to be employed in an administrative, executive or professional capacity unless one of the following conditions prevail:

(a) The employee is engaged in work which is predominately intellectual, managerial, or creative; which requires exercise of discretion and independent judgment; and for which the remuneration is not less than four hundred dollars ($400) per month, or

(b) The employee is licensed or certified by the State of California and is engaged in the practice of one of the following recognized professions: law, medicine, dentistry, architecture, engineering or accounting.

CHAPTER 1735

An act to amend Section 22349 of, and to add Section 22356 to, the Vehicle Code, relating to vehicle speeds.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 22349 of the Vehicle Code is amended to read:

22349. Except as provided in Section 22356, no person shall drive a vehicle upon a highway at a speed greater than 65 miles per hour.

SEC. 2. Section 22356 is added to said code, to read:

22356. Whenever the Department of Public Works, after consultation with the Department of the California Highway Patrol, determines upon the basis of an engineering and traffic survey that a speed greater than 65 miles per hour would facilitate the orderly movement of vehicular traffic and would be reasonable and safe upon any state highway or portion thereof which is a freeway with full control of access and without crossings at grade otherwise subject to a maximum speed limit of 65 miles per hour, the Administrator of Highway Transportation may declare a higher maximum speed limit of 70 miles per hour, which declared maximum speed limit shall be effective when appropriate signs giving notice thereof are erected upon the highway.

Whenever the Administrator of Highway Transportation declares a maximum speed limit pursuant to this section, the Department of Public Works shall place and maintain upon those highways subject to such maximum speed limit official signs directing slow-moving traffic to use the right-hand traffic lane except when overtaking and passing another vehicle proceeding in the same direction.

CHAPTER 1736

An act to repeal Article 8 (commencing with Section 25780), Chapter 7.5, Division 20 of, and to amend Sections 25805, 25816, and 25817 of, the Health and Safety Code, relating to radiation control.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Article 8 (commencing with Section 25780), Chapter 7.5, Division 20 of the Health and Safety Code is repealed.

SEC. 2. Section 25805 of said code is amended to read:

25805. As used in this chapter:

(a) "Co-ordinator" means the Co-ordinator of Atomic Energy Development and Radiation Protection.

(b) "Ionizing radiation" means gamma rays and X-rays; alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles; but not sound or radio waves, or visible, infrared, or ultraviolet light.

(c) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than the United States Atomic Energy Commission, or any successor thereto, and other than federal govern-

ment agencies licensed by the United States Atomic Energy Commission or any successor thereto.

(d) "Byproduct material" means any radioactive material, except special nuclear material, yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(e) "Source material" means (1) uranium, thorium, or any other material which the department declares by rule to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the material to be such; or (2) ores containing one or more of the foregoing materials, in such concentration as the department declares by rule to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the material in such concentration to be source material.

(f) "Special nuclear material" means (1) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the department declares by rule to be special nuclear material after the United States Atomic Energy Commission, or any successor thereto, has determined the material to be such, but does not include source material; or (2) any material artificially enriched by any of the foregoing, but does not include source material.

(g) "General license" means a license, pursuant to regulations promulgated by the department, effective without the filing of an application, to transfer, acquire, own, possess or use quantities of, or devices or equipment utilizing, byproduct, source, or special nuclear materials or other radioactive material occurring naturally or produced artificially.

(h) "Specific license" means a license, issued after application, to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of, or devices or equipment utilizing, byproduct, source, or special nuclear materials or other radioactive material occurring naturally or produced artificially.

(i) "Registration" means the reporting of possession of a source of radiation and the furnishing of information with respect thereto, in accordance with subdivision (b) of Section 25815 of this code.

SEC. 3. Section 25816 of said code is amended to read:

25816. The department shall provide by regulation a schedule of the fees which shall be paid by applicants for the licensing of radioactive materials and of devices and equipment utilizing such materials. The revenues derived from such fees shall be used, together with other funds made available therefor, for the purpose of the issuance of licenses and the inspection and regulation of the licensees. Any agreement made pursuant to Section 25810 shall include provisions for distribution of funds provided for this program proportionate to the services performed by each participating agency. Regulations adopted pursuant to this section shall become effective only when the Director of Finance approves them as fixing fees

which will return revenues not in excess of anticipated costs. Provisions for distribution of funds to participating agencies shall be subject to approval of the Director of Finance for the purpose of insuring equitable allocation proportionate to the services performed.

SEC. 4. Section 25817 of said code is amended to read:

25817. The department shall provide by regulation a schedule of fees which shall be paid by persons possessing sources of ionizing radiation which are subject to registration in accordance with subdivision (b) of Section 25815, and regulations adopted pursuant thereto. The revenues derived from such fees shall be used, together with other funds made available therefor, for the purpose of carrying out any inspections of such sources of ionizing radiation required by this chapter or regulations adopted pursuant thereto. The fees shall not exceed five dollars ($5) annually for each source of ionizing radiation. Any agreement made pursuant to Section 25810 shall include provisions for the distribution of funds provided for this program proportionate to the services performed by each participating agency. The provisions for the distribution of funds to the participating agencies shall be subject to approval by the Director of Finance for the purpose of insuring an equitable allocation proportionate to the services performed.

CHAPTER 1737

An act to add Section 61621.5 to the Government Code, relating to community services districts.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 61621.5 is added to the Government Code, to read:

61621.5. A district may by ordinance adopt regulations binding upon all persons to govern the use of its facilities and property, including regulations imposing reasonable charges for the use thereof. Violation of any such regulation relating to the use of roads is a misdemeanor.

CHAPTER 1738

An act to amend Sections 17305, 17305.5, 18253 and 18254, of the Education Code, relating to school automobile driver training instruction, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 17305 of the Education Code is amended to read:

17305. (a) In addition, subject to the provisions of Section 17305.5, there shall be provided such sum as the Superintendent of Public Instruction shall certify as necessary to reimburse school districts for the actual cost of instructing pupils in the operation of motor vehicles. The amount shall not exceed forty-two dollars ($42) per pupil instructed in automobile driver training, in accordance with the rules and regulations as set forth by the State Board of Education. Such amounts as are necessary to carry out the provisions of this section are appropriated from the General Fund and shall be transferred therefrom to the State School Fund by the State Controller each fiscal year.

(b) Subject to the provisions of Section 17305.5, there shall also be provided the sum the Superintendent of Public Instruction shall certify as necessary to reimburse school districts for the actual cost of replacing vehicles used exclusively in automobile driver training programs and simulators used in such programs, but the amount shall not exceed three-fourths of that part of the actual cost of instructing pupils in automobile driver training during the preceding fiscal year which was: (1) in excess of forty-two dollars ($42) per pupil instructed, and (2) expended by the district in in replacing such vehicles and simulators.

A simulator is any automobile driver training device approved by the Department of Education to be used in classrooms for purposes of driver training instruction under simulated driving conditions.

SEC. 2. Section 17305.5 of said code is amended to read:

17305.5. The amounts provided under Section 17305 for any fiscal year shall not exceed the total of the moneys credited to the Driver Training Penalty Assessment Fund in the State Treasury during the preceding fiscal year.

SEC. 3. Section 18253 of said code is amended to read:

18253. The Superintendent of Public Instruction shall make an additional allowance to each school district as reimbursement for the actual expense of replacing vehicles used exclusively in automobile driver training programs and of replacing simulators used in such programs, but the amount shall not exceed three-fourths of that part of the actual cost of instructing pupils in automobile driver training during the preceding fiscal year which was: (1) in excess of forty-two dollars ($42) per pupil instructed, and (2) expended by the district in replacing such vehicles and simulators.

A "simulator" is any automobile driver training device approved by the Department of Education to be used in classrooms for purposes of driver training instruction under simulated driving conditions.

SEC. 4. Section 18254 of said code is amended to read:

18254. The allowances made to the several school districts under Sections 18251 and 18253 shall, when the Superintendent of Public Instruction determines that the funds credited to the Driver Training Penalty Assessment Fund during the pre-

ceding fiscal year will be insufficient to provide the full amounts otherwise allowable, be proportionately reduced.

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

In order that the clarifying changes proposed by this bill in the provisions dealing with fiscal year State reimbursement of school districts for automobile driver training programs may go into effect at the beginning of the coming (1963-1964) fiscal year and control these fiscal operations from and after that logical time, it is necessary that this act take immediate effect.

CHAPTER 1739

An act to amend Sections 17305 and 18251 of the Education Code, relating to automobile driver training.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 17305 of the Education Code is amended to read:

17305. (a) In addition, subject to the provisions of Section 17305.5, there shall be provided such sum as the Superintendent of Public Instruction shall certify as necessary to reimburse school districts for the actual cost of instructing pupils in the operation of motor vehicles. The amount shall not exceed forty-five dollars ($45) per pupil instructed in automobile driver training, in accordance with the rules and regulations as set forth by the State Board of Education. Such amounts as are necessary to carry out the provisions of this section are appropriated from the General Fund and shall be transferred therefrom to the State School Fund by the State Controller each fiscal year.

(b) Subject to the provisions of Section 17305.5, there shall also be provided the sum the Superintendent of Public Instruction shall certify as necessary to reimburse school districts for the actual cost of replacing vehicles used exclusively in automobile driver training programs and simulators used in such programs, but the amount shall not exceed three-fourths of that part of the actual cost of instructing pupils in automobile driver training during the preceding fiscal year which was: (1) in excess of forty-five dollars ($45) per pupil instructed, and (2) expended by the district in replacing such vehicles and simulators.

A simulator is any automobile driver training device approved by the Department of Education to be used in class-

rooms for purposes of driver training instruction under simulated driving conditions.

SEC. 2. Section 18251 of said code is amended to read:

18251. The Superintendent of Public Instruction shall allow to each school district an amount equal to the actual cost, but not in excess of forty-five dollars ($45) per pupil instructed in automobile driver training, during the preceding fiscal year in accordance with Sections 8109 and 18252 and with regulations set forth by the State Board of Education to districts for instructing pupils in automobile driver training.

CHAPTER 1740

An act to amend Section 74301 of the Government Code, relating to the municipal courts.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 74301 of the Government Code is amended to read:

74301. There shall be three judges.

CHAPTER 1741

An act to amend Sections 4102, 4104, 4105, 4135, 4215, 4216, 4217, 4222, 4243, and 4280 of, and to add Sections 4105.1, 4109, 4110, 4111, 4217.1, 4223.1 and 4223.2 to the Agricultural Code, relating to milk and dairy products.

[Approved by Governor July 15, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. Section 4102 of the Agricultural Code is amended to read:

4102. "Distributor" means any person, who purchases or handles market milk, market cream, or dairy products for resale, including brokers and agents. The definition of "distributor" shall not include any of the following: (1) any retail store which is not engaged in manufacturing, processing or bottling milk, cream, or dairy products; (2) any establishment where milk, cream or dairy products are sold only for consumption on the premises and which is not engaged in manufacturing, processing, or bottling of milk, cream or dairy products; and (3) any producer who delivers milk or cream only to a distributor or manufacturer.

SEC. 2. Section 4104 of said code is amended to read:

4104. "Producer" means any person who operates a dairy herd or herds producing milk or cream commercially and whose bulk milk or bulk cream is received or handled by any distributor, manufacturer or any nonprofit co-operative association of producers.

SEC. 3. Section 4105 of said code is amended to read:

4105. "Producer-distributor" means any person who is both a producer of milk or cream and a distributor of milk, cream or dairy products. For the purpose of this chapter a "producer-distributor" shall be deemed to be a producer in any transaction involving the delivering of bulk milk or bulk cream produced by him to a distributor, manufacturer, or any nonprofit co-operative association of producers, and shall be deemed to be a distributor in any transaction involving the pasteurization of bulk market milk or bulk market cream or the packaging thereof in bottles, cartons, dispenser cans or other consumer packages, or the sale or delivery of packaged milk, packaged cream, or packaged dairy products.

SEC. 4. Section 4105.1 is added to said code, to read:

4105.1. For the purposes of this chapter, a nonprofit co-operative association organized and existing under the provisions of Chapter 4, Division 6, of this code, which acts for producers, including members and any nonmembers of the association, to whom it accounts on a patronage basis, shall be deemed to be a producer in: (a) any transaction involving its receipt or handling of bulk market milk, bulk market cream, or bulk dairy products produced or delivered by said producers, (b) any transaction involving the sale or delivery thereof to any producer, distributor, manufacturer or other nonprofit co-operative association of producers, (c) the receipt by it of payment for bulk market milk, bulk market cream, or bulk dairy products produced or delivered by said producers, or (d) any transaction in connection with accounting to said producers for the proceeds derived from the sale or marketing of any and all market milk, market cream, or dairy products, whether packaged or in bulk.

For the purposes of this chapter, any such nonprofit co-operative association shall be deemed to be a distributor in any transaction involving the receipt by it of market milk, market cream, or dairy products from any person other than a producer to whom it accounts on a patronage basis and in any transaction involving the pasteurization of bulk milk or bulk cream, or the packaging thereof in bottles, cartons, dispenser cans or other consumer packages, or the sale or delivery of packaged milk, packaged cream or packaged dairy products.

A nonprofit co-operative association accounts to producers on a patronage basis when it accounts to each producer for his share of the net proceeds derived from the marketing operations of the association, according to quantity and quality of fluid milk and fluid cream furnished to the association for

marketing and according to any marketing pools and quotas established by the association.

SEC. 5. Section 4109 is added to said code, to read:

4109. "Bulk milk" and "bulk cream" mean milk and cream, respectively, which have not been pasteurized or packaged in bottles, cartons, dispenser cans or other consumer packages, and are handled or delivered, in bulk, in tanks, cans or other bulk containers.

For this purpose, skim milk or cream which has been preheated or pasteurized not more than once, as provided in Section 518 of this code, and is handled or delivered in bulk shall not be deemed to be pasteurized.

SEC. 6. Section 4110 is added to said code, to read:

4110. "Packaged milk," "packaged cream" and "packaged dairy products" mean market milk, market cream and dairy products, respectively, which are packaged in cartons, bottles, dispenser cans or other consumer packages for sale to wholesale customers, retail customers or consumers.

SEC. 7. Section 4111 is added to said code, to read:

4111. "Person" means any individual, firm, corporation, partnership, trust, incorporated or unincorporated association, nonprofit co-operative association, nonprofit corporation, or any other business unit or organization.

SEC. 8. Section 4135 of said code is amended to read:

4135. The sale by any retail store, or manufacturer or distributor, including any producer-distributor or nonprofit co-operative association acting as a distributor, of milk, cream, or dairy products at less than cost is an unfair practice. Cost as applied to manufacturers and distributors, as used herein, shall mean the cost of raw product, plus all costs of manufacturing, processing, handling, sale and delivery, including overhead costs; and cost as applied to retail stores, as used herein, shall mean invoice or replacement cost, whichever is lower, plus the cost of doing business of such retail store. "Cost of raw product," in the case of market milk and market cream, whether or not such market milk or market cream is used in the processing or manufacture of dairy products, shall be the applicable minimum price therefore, if any, payable by distributors to producers pursuant to stabilization or marketing plans in effect under the provisions of Chapter 17 (commencing with Section 4200) of Division 6; provided, however, that the foregoing definition of "cost of raw product," as applied to sales on a bid basis to public agencies or institutions, shall be applicable only to market milk or market cream utilized for Class 1 purposes, as such purposes are defined in Chapter 17, Division 6 of this code. Evidence of cost, based on audits or surveys, made in accordance with generally accepted cost accounting procedures, shall constitute prima facie evidence of such cost at the time of the commission of such violation. The director shall establish by rule and regulations pursuant to Section 4143 the procedures which shall be considered as "generally accepted

cost accounting procedures." Such procedures are those found by the director to accurately determine actual costs.

SEC. 9. Section 4215 of said code is amended to read:

4215. "Producer" means any person who produces fluid milk from five or more cows or goats in conformity with the applicable health regulations of the place in which it is sold, and whose bulk fluid milk or bulk fluid cream is received or handled by any distributor or any nonprofit association of producers.

SEC. 10. Section 4216 of said code is amended to read:

4216. "Distributor" means any person who purchases or handles fluid milk or fluid cream for processing, manufacture or sale, including brokers and agents. The definition of "distributor" shall not include any of the following: (1) any retail store that is not actively and directly engaged in processing and packaging fluid milk or fluid cream, (2) any establishment where fluid milk or fluid cream is sold only for consumption on the premises, that is not actively and directly engaged in processing and packaging fluid milk or fluid cream, (3) any person owned or controlled by one or more retail stores, or owned or controlled by one or more establishments where fluid milk or fluid cream is sold for consumption on the premises which person is not actively and directly engaged in the processing and packaging of fluid milk or fluid cream, (4) any producer who delivers fluid milk or fluid cream only to a distributor, (5) any person as to any transaction where such person purchases processed and packaged fluid milk or fluid cream, but does not thereafter physically handle such fluid milk or fluid cream for sale. The term "physically handle" as used in this subdivision shall mean: (a) to refrigerate or store or assemble individual order allotments at a fixed, established business location prior to transportation on regularly operated routes for sales of fluid milk or fluid cream on such routes to wholesale customers or directly to consumers at their homes or places of work; or (b) to transport in a mobile vehicle or unit regularly operated on routes predominately for sales of fluid milk or fluid cream on such routes to wholesale customers or directly to consumers at their homes or places of work.

SEC. 11. Section 4217 of said code is amended to read:

4217. "Producer-distributor" means any person who is both a producer and a distributor of fluid milk or fluid cream. For the purposes of this chapter a producer-distributor shall be deemed to be a producer in any transaction involving the delivery of bulk fluid milk or bulk fluid cream produced by him to a distributor, or any nonprofit co-operative association of producers and shall be deemed to be a distributor in any transaction involving the purchase by him of fluid milk or fluid cream, the pasteurization or packaging of fluid milk or fluid cream, or the sale or delivery of packaged fluid milk or packaged fluid cream to any person.

SEC. 12. Section 4217.1 is added to said code, to read:

4217.1. For the purposes of this chapter, a nonprofit co-operative association organized and existing under the provisions of Chapter 4, Division 6, of this code, which acts for producers, including members and any nonmembers of the association, to whom it accounts on a patronage basis, shall be deemed to be a producer in: (a) any transaction involving its receipt or handling of bulk fluid milk or bulk fluid cream, produced or delivered by said producers, (b) any transaction involving the sale or delivery thereof to any producer, distributor, manufacturer or other nonprofit co-operative association of producers, (c) the receipt by it of payment for bulk market milk, bulk market cream, or bulk dairy products produced or delivered by said producers, or (d) any transaction in connection with accounting to said producers for the proceeds derived from the sale or marketing of bulk fluid milk or bulk fluid cream, or packaged fluid milk or packaged fluid cream.

For the purposes of this chapter, any such nonprofit co-operative association shall be deemed to be a distributor in any transaction involving the receipt by it of fluid milk or fluid cream from any person other than a producer to whom it accounts on a patronage basis and in any transaction involving the pasteurization of bulk fluid milk or bulk fluid cream or the packaging thereof in bottles, cartons, dispenser cans or other consumer packages, or the sale or delivery of packaged fluid milk or packaged fluid cream.

A nonprofit co-operative association accounts to producers on a patronage basis when it accounts to each producer for his share of the net proceeds derived from the marketing operations of the association, according to quantity and quality of fluid milk and fluid cream furnished to the association for marketing and according to any marketing pools and quotas established by the association.

SEC. 13. Section 4222 of said code is amended to read:

4222. "Person" means any individual, firm, corporation, partnership, trust, incorporated or unincorporated association, nonprofit co-operative association, nonprofit corporation, or any other business unit or organization.

SEC. 14. Section 4223.1 is added to said code, to read:

4223.1. "Bulk fluid milk" and "bulk fluid cream," respectively, mean fluid milk and fluid cream as defined in this code, which have not been pasteurized or packaged in bottles, cartons, dispenser cans or other consumer packages, and are handled or delivered, in bulk, in tanks, cans or other bulk containers.

For this purpose, skim milk or cream which has been preheated or pasteurized not more than once, as provided in Section 518 of this code, and is handled or delivered in bulk shall not be deemed to be pasteurized.

SEC. 15. Section 4223.2 is added to said code, to read:

4223.2. "Packaged fluid milk" and "packaged fluid cream," respectively, mean fluid milk and fluid cream which are packaged in cartons, bottles, dispenser cans or other consumer packages for sale to wholesale customers, retail customers or consumers.

SEC. 16. Section 4243 of said code is amended to read:

4243. For the purposes of enforcing the provisions of this chapter, the director may investigate any and all transactions between producers and distributors or between nonprofit cooperative associations and producers or among distributors or between distributors and retail stores or between distributors and consumers or between retail stores and consumers, and for that purpose the director or his authorized agents shall have access to and may enter at all reasonable hours all places where milk is being stored, bottled or manufactured, or where milk or milk products are being bought, sold or handled, or where the books, papers, records or documents relating to such transactions are kept, and shall have power to inspect and copy the same in any place within the State.

SEC. 17. Section 4280 of said code is amended to read:

4280. Each stabilization and marketing plan shall contain provisions for prohibiting producers, distributors and retail stores from engaging in the unfair practices hereinafter set forth:

(a) The payment, allowance or acceptance of secret rebates, secret refunds, or unearned discounts by any person, whether in the form of money or otherwise.

(b) The giving of any milk, cream, dairy products, services or articles of any kind, except to bona fide charities, for the purpose of securing or retaining the fluid milk or fluid cream or fluid skim milk business of any customer.

(c) The extension to certain customers of special prices or services not made available to all customers who purchase fluid milk or fluid cream or fluid skim milk of like quantity under like terms and conditions.

(d) The false or misleading advertising of fluid milk or fluid cream or fluid skim milk as defined in Sections 17500, 17501, and 17502 of the Business and Professions Code.

(e) The purchase of any fluid milk in excess of 200 gallons monthly from any producer or association of producers unless a written contract has been entered into with such producer or association of producers. Such contract shall include the following: (1) the amount of fluid milk to be purchased for any period; (2) the quantity of such milk to be paid for as class 1, if any. Such quantity, if any, shall be stated in pounds of milk or pounds of milk fat or gallons of milk; provided, that if the price to be paid for such class 1 milk is established separately for the milk fat and skim milk contained in such milk, such quantity to be paid for as class 1 shall be stated in pounds of milk or pounds of milk fat or gallons of milk or both in pounds of milk fat and pounds of skim milk sepa-

rately, but in any marketing area where an equalization pool is a part of a stabilization and marketing plan, such contract need not specify the quantity of milk in any one class; (3) the price to be paid for all milk received; (4) the date and method of payment for such fluid milk, which shall be that payment shall be made for approximately one-half of the milk delivered in any calendar month not later than the first day of the next following month and the remainder not later than the 15th day of said month; (5) the charges for transportation if hauled by the distributor; and (6) a proviso to the effect that the producer shall not be obligated to deliver in any calendar month fluid milk to be paid for at or less than the minimum price for fluid milk that is used for class 3, as said class is defined in Section 4228. The contract may contain such other provisions as are not in conflict with this chapter. A signed copy of such contract shall be filed by the distributor with the director within five days from the date of its execution. The provisions of this subdivision do not apply to the purchase of fluid milk which is necessary to meet an unanticipated increase in demand or an unanticipated shortage in the supply of a distributor; provided, that the quantity of fluid milk so purchased from any one producer or association of producers shall not exceed 1,000 gallons in any one month; and, provided further, that a complete record of all such purchases shall be kept by the distributor and the price paid for such milk by the distributor shall not be less than the price established in the applicable stabilization and marketing plan for the usage to which such milk is applied.

(f) The purchasing, processing, bottling, transporting, delivering or otherwise handling in any marketing area of any fluid milk or fluid cream or fluid skim milk which is to be or is sold or otherwise disposed of by such distributor at any place in the geographical area within the outer, outside and external boundaries or limits of such marketing area, whether such place is a part of the marketing area or not, at less than the minimum wholesale and minimum retail prices effective in such marketing area.

(g) The payment by a distributor to any producer, including any nonprofit co-operative association acting as a producer, or the receipt by a producer, including any nonprofit co-operative association acting as a producer, from a distributor, of a lesser price for any fluid milk or fluid cream or fluid skim milk which is distributed to any person, including agencies of the federal, state or local government, located upon property within the geographical limits of any marketing area for less than the minimum prices established by the director to be paid by distributors to producers for fluid milk, or the milk fat and skim milk contained therein, or fluid cream or fluid skim milk for said marketing area. The provisions of this section with respect to fluid milk shall apply whether or not such fluid milk is received by the distributor as whole milk, or as skim milk and fluid cream, or either, or as any other deriva-

tives of such fluid milk which are reconstituted into such fluid milk, or fluid cream or fluid skim milk for market usage, and whether or not a fluid cream plan has been established for the marketing area.

CHAPTER 1742

An act to create a California Arts Commission, and making an appropriation therefor.

[Approved by Governor July 16, 1963. Filed with Secretary of State July 17, 1963.]

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

SECTION 1. The Legislature finds and declares:

(a) That many of our citizens lack the opportunity to view, enjoy or participate in living theatrical performances, musical concerts, operas, dance and ballet recitals, art exhibits, examples of fine architecture, and the performing and visual arts, generally.

(b) That with increasing leisure time the practice and enjoyment of the arts are of increasing importance.

(c) That many of our citizens possess talents of an artistic and creative nature which cannot be utilized to their fullest extent under existing conditions.

(d) That the general welfare of the people of the State will be promoted by giving further recognition to the arts as a vital part of our culture and heritage and as an important means of expanding the scope of our educational program.

(e) That interest in the arts will provide employment for artists in all fields and encourage citizens to participate in the practice of the arts instead of discouraging them and compelling them to leave the practice of the arts.

(f) That increased activities in the arts will increase employment in the State by encouraging the production of artistic events in various communities in the State, thus utilizing the talents and services of many citizens.

(g) That the standards of artistic performance will be improved because of competition created by encouragement of increased citizen participation, as well as a demand for higher standards by a broader and more numerous group of citizens.

(h) That the general economy will be helped by the increased employment in performance of artistic programs, by the construction of places for performance and exhibition of artistic programs, and by many visitors who will visit the State to witness these programs.

SEC. 2. The Legislature declares it to be the policy of the State to join with private patrons and with institutions and professional organizations concerned with the arts, to insure that the role of the arts in the life of our community will continue to grow and to play an ever more significant part in the

welfare and educational experience of our citizens, and establish the paramount position of this State in the nation and in the world as a cultural center.

SEC. 3. The Legislature declares that all activities undertaken by the State, in carrying out the policy set out in Section 2, shall be directed toward encouraging and assisting, rather than in any way limiting, the freedom of artistic expression which is essential for the well-being of the arts.

SEC. 4. There is in the state government a California Arts Commission. The commission shall be responsible directly to the Governor. The commission shall consist of 15 members appointed by the Governor with the consent of the Senate. The members of the commission shall be broadly representative of all fields of the performing and visual arts and shall be appointed from among private citizens who are widely known for their professional competence and experience in connection with the performing and visual arts. In making these appointments due consideration shall be given to the recommendations made by representatives of civic, educational and professional associations and groups concerned with or engaged in the production or presentation of the performing and visual arts generally.

Two Members of the Senate, appointed by the Senate Committee on Rules, and two Members of the Assembly, appointed by the Speaker, shall meet with, and participate in, the work of the commission to the extent that such participation is not incompatible with their positions as Members of the Legislature. The Members of the Legislature appointed to the commission shall serve at the pleasure of the appointing power. For the purposes of this act, such Members of the Legislature shall constitute a joint interim legislative committee on the subject of this act and shall have the powers and duties imposed upon such committees by the Joint Rules of the Senate and Assembly.

SEC. 5. (a) Five members of the commission shall be appointed to serve until July 1, 1964; five members shall be appointed to serve until July 1, 1965; and five members shall be appointed to serve until July 1, 1966. Thereafter, all members shall be appointed for a term of three years. All members shall hold office until the appointment of their successors. Any vacancies shall be immediately filled by the Governor for the unexpired portion of the term in which they occur. No member of the commission shall be eligible for reappointment during a one-year period following the expiration of his term other than those members whose terms expire on July 1, 1964, or July 1, 1965.

(b) Members of the California Arts Commission shall serve without compensation, but each member shall be reimbursed for his necessary traveling and other expenses incurred in the performance of his official duties.

(c) The commission shall select annually from its membership a chairman and vice chairman.

SEC. 6. All meetings of the commission shall be open and public and all persons shall be permitted to attend any meetings of the commission.

SEC. 7. The commission shall have the powers and authority necessary to carry out the duties imposed upon it by this chapter including the power, but not limited to the following:

(a) To adopt rules and regulations in accordance with the provisions of the Administrative Procedure Act (commencing with Government Code, Section 11370) necessary for proper execution of the powers and duties granted to and imposed upon the commission by this chapter.

(b) To employ such administrative, technical and other personnel as may be necessary for the performance of its powers and duties

(c) To fix the salaries of the personnel employed pursuant to this section which salaries shall be fixed as nearly as possible to conform to the salaries established by the State Personnel Board for classes of positions in the state civil service involving comparable duties and responsibilities.

(d) To hold hearings, make and sign any agreements and to do or perform any acts which may be necessary, desirable or proper to carry out the purposes of this chapter.

(e) To request and obtain from any department, division, board, bureau, commission, or other agency of the State such assistance and data as will enable it properly to carry out its powers and duties hereunder.

(f) To appoint such advisory committees as it deems advisable and necessary to the carrying out of its powers and duties hereunder

(g) To accept any federal funds granted, by act of Congress or by executive order, for all or any of the purposes of this act.

(h) To accept any gifts, donations, or bequests for all or any of the purposes of this act.

SEC. 8. The commission shall:

(a) Make a comprehensive survey of public and private institutions engaged within the State in artistic and cultural activities, including but not limited to music, theater, dance, painting, sculpture, architecture and allied arts and crafts, and of such other cultural resources in the State as are contemplated by this chapter.

(b) Determine the legitimate needs and aspirations culturally and artistically of our citizens in all parts of the State.

(c) Ascertain how these resources, including those already in existence and those which should be brought to existence, are to serve the cultural needs and aspirations of the citizens of the State.

(d) Assist the communities within the State in originating and creating their own cultural and artistic programs.

(e) Submit a report to the Governor and to the Legislature not later than 10 calendar days following the commencement of each general session of the Legislature concerning such studies it has made and such actions it has taken and recom-

mending such legislation and other action as is necessary for the implementation and enforcement of this chapter. The commission shall submit a first report to the Governor and the Legislature at the 1964 Regular Session.

SEC 9. In the course of carrying out its powers and duties under this chapter the commission shall avoid any actions which would interfere with the freedom of artistic expression or with the established or contemplated cultural programs in any local community.

SEC. 10. The sum of fifty thousand dollars ($50,000) is hereby appropriated out of any money in the State Treasury in the General Fund for the expenses of the commission.

CHAPTER 1743

An act to add Sections 72.1, 73 2 and Article 1.5 (commencing with Section 78 1) to Chapter 3, Division 1 of, and to amend Sections 73 and 73.1 of, the Agricultural Code, relating to the California State Exposition and Fair.

[Approved by Governor July 17, 1963 Filed with Secretary of State July 19, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 72.1 is added to the Agricultural Code, to read:

72.1. The California Exposition and Fair Executive Committee, consisting of eight members, is hereby created as a state institution within the Department of Finance. Except as otherwise provided in Section 73.2, it shall succeed to all the rights, powers, and responsibilities of the Board of Directors of the California State Fair and Exposition. Three of the members of the committee shall be appointed by the Governor from the Board of Directors of the California State Fair and Exposition for a period equal to the remainder of their terms on such board. The Director of Finance, the Director of Public Works, the Director of Agriculture, the State Controller and the President of the California State Fair and Exposition Board shall constitute the remaining members of the committee. All vacancies amongst the appointees of the Governor shall be filled by the Governor for a term of four years. Two Members of the Senate appointed by the Senate Committee on Rules and two Members of the Assembly appointed by the Speaker shall meet with and, except as otherwise provided by the Constitution, advise with the committee to the extent that such advisory participation is not incompatible with their duties as Members of the Legislature. The members of said committee and the advisory Members of the Legislature serving with them shall be entitled to be reimbursed from the State Fair Fund for any actual and necessary expenses incurred in connection with the performance of their duties.

In the event that there is or has been created a Department of General Services within the state government the committee shall be within such department. In such event the committee shall be increased to nine members, and the Director of General Services shall become an additional member thereof.

The chairman of such committee shall be designated annually on February 1st, by the Governor, from among the members of the committee.

SEC. 2. Section 73 of said code is amended to read:

73. The California State Exposition and Fair Executive Committee, subject to the approval of the Department of Finance, shall provide for and manage a permanent exposition as provided for in the California State Exposition and Fair Law, Article 1.5 (commencing with Section 78.1) of this chapter, and an annual fair and exposition in one or more seasonal divisions in Sacramento County of the industries and industrial products of this State and commercial products exported and imported through the ports of this State. Such exposition and fair shall be designated as the California State Exposition and Fair. In any year during which an international exposition, conducted in whole or in part under the auspices of the State and endorsed by the United States government, is held within the State of California, and the California State Exposition and Fair Executive Committee deems it inexpedient to hold a State Fair, the funds available for State Fair purposes for that year only may be expended with the approval of the Director of Finance, in co-operation with the management of said exposition to provide for a proper exhibition of the industries of California at such exposition. This section shall not be deemed to impair the power and authority of a nonprofit corporation to provide for and manage such exposition and fair pursuant to the California State Exposition and Fair Law.

SEC. 3. Section 73.1 of said code is amended to read:

73.1. The California State Exposition and Fair Executive Committee, with the approval of the Director of Finance, may lease or license the use of any real or personal property under its jurisdiction and control to any person or public body for whatever purpose may be approved by such committee and the Director of Finance, provided that any lease of the new fair site in Sacramento County adjacent to the American River shall be subject to the provisions of the California State Exposition and Fair Law, Article 1.5 (commencing with Section 78.1) of this chapter.

SEC. 4. Section 73.2 is added to said code, to read:

73.2. With respect to the management and operation of the California State Exposition and Fair at the present Stockton Boulevard site in Sacramento, all the rights, powers, and responsibilities of the California State Exposition and Fair Executive Committee, except as provided in Article 1.5 (commencing with Section 78.1) of this chapter, shall be exercised

by the Board of Directors of the California State Fair and Exposition, until such time as said committee declares by resolution that the California State Exposition and Fair at the new site adjacent to the American River in Sacramento is operationable, provided nothing herein shall be deemed to impair the power of such committee to exercise any of its rights, powers, and responsibilities with respect to the California Exposition and Fair at the new site either before or after adoption of such resolution.

In addition to the number of committee members provided for by Section 72.1, upon the declaration by the California State Exposition and Fair Executive Committee that the new site is operationable the membership of the committee shall be augmented by 10 additional members by adding the nonmembers of the committee then serving on such board to the committee, whereupon the Board of Directors of the California State Fair and Exposition shall cease to exist. The members so added shall serve on the committee for the same period they would have been authorized to serve had they remained members of said board. Appointments of new members of the committee represented by the augmented positions shall be made by the Governor for a term of four years.

The abolition of the Board of Directors of the California State Fair and Exposition in the manner provided for in this section shall in no way be deemed to abridge the succession of the California Exposition and Fair Executive Committee to such rights, powers, and responsibilities that the Board of Directors of the California State Fair and Exposition possessed while in existence.

SEC. 5. Article 1.5 (commencing with Section 78.1) is added to Chapter 3, Division 1 of said code, to read:

Article 1.5. California State Exposition and Fair Law

78.1. This article shall be known as the "California State Exposition and Fair Law."

78.2. As used in this article:

(a) "Committee" means the California State Exposition and Fair Executive Committee created by Section 72.1.

(b) "Corporation" means a nonprofit corporation organized under the General Nonprofit Corporation Law, Part 1 (commencing with Section 9000), Division 2, of the Corporations Code.

(c) "Exposition" means the new California State Exposition and Fair on the new site in Sacramento County adjacent to the American River.

(d) "Site" means the new site in Sacramento County adjacent to the American River of the new California State Exposition and Fair.

78.3. It is the desire of the Legislature that the new plan of organization for the exposition on the site, as now or hereafter constituted, shall be put into effect through the provision

of a corporation, subject to such changes, modifications, or augmentations in such plan as may be deemed advisable. It is the view of the Legislature that the implementation of the exposition requires such creative talents and flexibility of operation that it can be adequately and competently performed only through the medium of corporations.

78.4. The committee may contract with a corporation for the construction, operation, and maintenance of the exposition on terms and conditions which it determines are in the best interests of the State. Such contract shall provide for all of the following:

(a) The lease to the corporation of the site or any portion thereof for such period of time as the committee deems advisable.

(b) The operation of a permanent exposition, and annual fair in one or more seasonal divisions.

(c) Construction on the site of such exposition and fair facilities as are approved by the committee.

(d) The operation of such intermittent, seasonal, or continuous activities on the site as the parties deem beneficial to the exposition.

(e) The development and operation of horse racing on the site by the corporation.

(f) The preservation of appropriate records and documents pertaining to activities and expenditures of the corporation and their availability for examination by the committee, and audit by the Director of Finance at the expense of the corporation.

(g) The terminability of such contract by the committee, with the approval of the Director of Finance.

(h) All revenues accruing from the operations of the exposition being deemed to be assets of the corporation to be used solely for the purpose of discharging its duties under the aforesaid contract, subject to such budgetary controls as are required by this article.

(i) The utilization by the corporation of civil service personnel employed by the committee, who shall remain employees of the State, and the reimbursement to the State by the corporation of all costs connected with their employment by the State.

(j) Employment of personnel of the corporation, except such persons or categories as may be exempted by the committee, in accordance with a merit system embodied in rules and regulations of the corporation approved by the committee.

(k) Two members of the committee to serve as members of the board of directors of the corporation.

(*l*) Such other provisions as in the judgment of the State should be included in said contract, not inconsistent with this article or other provisions of law.

78.5. Any contract or lease between the corporation and the committee, including any amendments thereto, shall be subject to the approval of the Director of Finance.

78.6. The State Personnel Board may contract with the corporation to furnish services to implement any merit system established by the corporation in a manner not inconsistent with the rules and regulations of such corporation affecting such system, provided that in such event the State Personnel Board shall charge the corporation what it deems to be the fair cost of providing such service.

78.7. The Director of Finance may lease for such term as he deems advisable, or sell, any portion of the site for commercial or industrial development in areas thereof designated in writing by the committee, subject to such consideration and other provisions as the Director of Finance deems will best serve the interests of the State. Any consideration received therefrom shall be credited to the State Fair Fund, except to the extent any consideration from any such property leased is permitted, with the approval of the Director of Finance, to be assigned for value received by the corporation. The Director of Finance shall have authority to make any conveyances necessary to effectuate and implement such sale or lease, including but not limited to easements necessary to permit utilization of the property by a lessee or vendee.

78.8. The corporation with which the committee contracts pursuant to Section 78.4 shall be subject to all of the following provisions:

(a) It shall be deemed to hold any real or personal property received from the State or other sources, and any proceeds derived therefrom or through the use thereof, directly or indirectly, as trustee solely for the performance of its activities in connection with the exposition. Such real or personal property, and any possessory interest therein on the part of the corporation, shall be exempt from taxation to the same extent as other real or personal property owned and solely occupied, by the State for governmental purposes.

(b) Any moneys of the corporation, whether received from the State, the activities of the exposition, or otherwise, shall until needed by the corporation, be invested, with the approval of the Director of Finance, only in bonds or other obligations specified in Section 16430 of the Government Code, except to the extent they are placed in demand or time deposits, which particular deposits are insured in full by an agency of the United States government.

(c) That any contract for personnel or for the services of independent contractors, or for the hiring of equipment other than from the State Public Works Board, if in excess of, or subject to being in excess of, two years, shall be subject to the written approval of the committee.

(d) The corporation shall have no power to transfer, mortgage, pledge, or dispose of any real property on the site, except that it may, with the written approval of the committee, dispose of surplus fixtures on the site, to be removed therefrom. In addition it shall have no power to assign, transfer, mortgage, pledge, hypothecate or dispose of any anticipated

assets or revenues, except with the approval of the Director of Finance. The corporation may dispose of personal property with the sole consent of the committee.

(e) The corporation shall submit an annual report to the committee which shall include a statement of its operations, receipts and disbursements during the last preceding calendar year, within a reasonable period of time, as designated by the committee, after the conclusion of such calendar year. The corporation shall also submit to the committee special reports, analyses or information as requested by the committee.

(f) That if state appropriations are disbursed to pay principal or interest on the revenue bonds hereinafter referred to, the corporation may be required by the committee to repay such amounts to the State with such interest as the Director of Finance determines is the average interest being received by the State at the time said disbursements are made, as soon as funds above normal operating requirements, as determined by the committee, are available to the corporation.

(g) The persons constituting the board of directors of the corporation shall receive their actual expenses incurred in attending meetings or otherwise performing their duties, but shall receive no compensation or emoluments otherwise from the corporation in any capacity. Neither the directors or members of the corporation, if any, nor their immediate families, shall have any interest in any contract made with the corporation, provided this provision does not prohibit any interest of a remote nature which is disclosed to the board.

(h) The board of directors of the corporation shall have sole authority to manage and operate the corporation. Neither the members of the corporation, if any, nor the board of directors thereof shall have any power to limit the number of original directors or the terms of office thereof, but such board of directors shall have power to remove any director for good cause and shall solely fill any vacancy occurring in the board. The corporation shall not be deemed to be an agency of the State.

(i) No member of the board of directors, officer, or employee of the corporation shall be liable in his personal capacity for any obligations of the corporation, nor shall the State be liable for any debts or obligations of the corporation, save as provided in this article.

(j) The corporation shall, at least 60 days prior to any calendar year, submit an annual budget to the committee in the form prescribed by the Director of Finance showing estimated revenues and proposed expenditures from all sources during the ensuing calendar year for approval in writing by the committee and by the Director of Finance. Failure to obtain both approvals prior to the calendar year for which it is proposed shall be deemed to constitute, effective at the start of such calendar year, a cancellation and termination of all leases and contracts between the corporation and the committee. Expenditures by the corporation for any item or subitem in said budget during the calendar year for which it is approved shall

be limited to the amount prescribed therein. Any person who incurs any expenditures in excess thereof shall be personally liable for the amount of such excess. The committee and Director of Finance, both concurring, shall have authority (1) to approve any amendment of said budget at any time, at the request of the corporation, or (2) to direct such amendment in accordance with action initiated by either the committee or Director of Finance.

(k) The corporation shall provide such premiums or exhibits at the annual exposition, in amounts, and in accordance with policies, indicated in writing by the committee. In this regard, the corporation shall submit its proposals relating to premiums for review by the committee.

(*l*) The corporation shall provide at its own expense insurance in amounts and for purposes determined by the committee, covering improvements, equipment, and facilities on the site, and protecting the corporation and the State against liability to third parties arising out of the operation and maintenance of the exposition and the grounds thereof.

(m) The corporation shall, with the approval of the committee, have authority to lease property on the exposition grounds proper for such period of time, consideration and other terms and conditions, as are approved by the Director of Finance.

(n) The corporation shall not at any time undertake any construction on the site unless the plans, specifications, and contracts therefor have been approved by the committee, provided that this provision shall not apply to any construction undertaken by the corporation on any part of the site leased, by virtue of authority given under other provisions of this article, by the Director of Finance, or by the corporation with the approval of the Director of Finance.

(o) All contracts entered into by the corporation shall contain a provision that the successor or assignee of the corporation may enforce them

78 9. The State Public Works Board may authorize the corporation to undertake the construction provided for in Section 1 of Chapter 1072 of the Statutes of 1957, in lieu of the State Public Works Board, subject to the approval of plans and specifications therefor by such board, as provided therein, and to the provisions of subdivision (n) of Section 78.8. In connection with such construction the State Public Works Board may convey such easements on the site as it deems necessary therefor. Notwithstanding any other provision of law, revenue bonds authorized to be issued by the State Public Works Board under Section 1 of Chapter 1072 of the Statutes of 1957 may be sold at public or private sale with or without competitive bids. Except as herein provided, the State Public Works Board shall follow the requirements of such section as if said buildings and facilities had been constructed by it.

78.10. The corporation may receive any of the following:

(a) Such grants by the committee, State Public Works Board, and Director of Finance, in such amounts and under such terms and conditions as they deem appropriate, from funds available for use in connection with the exposition, or any activity thereof, which grants are hereby authorized.

(b) Grants and donations from any other source, public or private, not prohibited by law.

The corporation may utilize the grants referred to in subdivision (a) of this section for any purpose, relative to the exposition, for which the grantor thereof could have utilized such grants.

78.11. In the event of the cancellation or termination of the corporation's contracts and leases with the committee, or dissolution of the corporation, after the corporation has entered into a contract with the committee respecting the operation of the exposition:

(a) The assets of the corporation, of any kind whatever, shall ipso facto become the property of the State under the jurisdiction of the committee, and the corporation shall promptly execute any documents, and do any and all other acts deemed necessary or desirable by the committee, to facilitate the committee's receipt of such assets and the continuation of operations by the committee as provided in subdivision (b) of this section.

(b) The committee shall continue the operation of the exposition, in the absence of a further contract between the committee and another corporation therefor. While the committee is operating the exposition (1) it shall have all rights, privileges, and grants which the corporation would have had if it had continued to operate the exposition, and (2) it shall assume by operation of law all the lawful obligations incurred by the corporation, including any rental payments due or to be due to the State Public Works Board provided that such obligations shall be discharged solely from such assets and revenues as would have been available to the corporation for the discharge thereof if it had continued to operate the exposition. In the event of a cancellation or termination of the contract between the committee and a corporation the committee may enter into contracts with other corporations, and the provisions of this article shall apply thereto as if a corporation so contracting had been the original contracting corporation. Any contracting corporation subsequent to the original contracting corporation shall assume by operation of law all remaining liabilities incurred by previous nonprofit corporations in connection with their operation of the exposition and the committee shall be relieved therefrom. The committee shall transfer to any subsequent contracting nonprofit corporation all the assets of the exposition, other than such title to real property of the site and improvements situated thereon as it may possess

In the event that the committee operates the exposition pursuant to this section it shall possess all of the powers re-

specting such operation which it would have been authorized to grant pursuant to any contract with a nonprofit corporation.

78.12. Nothing in Section 19482 of the Business and Professions Code shall prevent the California Horse Racing Board from granting a license to a nonprofit corporation or other applicant for the operation of horse racing on the site.

78.13. The committee shall submit a report to the Legislature and Governor during the first 30 days of each general session of the State Legislature respecting the financial condition, present operations, and future planned activities of the exposition, and may require the corporation to furnish any and all information and material necessary to make such report.

SEC. 6. In the event that there is or has been created a Department of General Services within the state government, all powers and designations given the Director of Finance under this act shall be exercised by (or in the case of designations, shall be vested in) the Director of General Services, except powers given to the Director of Finance pursuant to subdivisions (b) and (f) of Section 78 8, and subdivision (a) of Section 78.10 of the Agricultural Code.

SEC. 7. Nothing in this act shall be construed to impair any of the rights given the holders of bonds sold by the State Public Works Board pursuant to the State Building Construction Act of 1955, Part 10b (commencing with Section 15800), Division 3, Title 2 of the Government Code.

CHAPTER 1744

An act to amend Sections 2016 of, and to add Section 2036 to, the Code of Civil Procedure, relating to discovery in civil actions and proceedings.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 2016 of the Code of Civil Procedure is amended to read:

2016. (a) Any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for the purpose of discovery or for use as evidence in the action or for both purposes. Such depositions may be taken in an action at any time after the service of the summons or in a special proceeding after the service of the petition or after the appearance of the defendant or respondent. After commencement of the action or proceedings, the deposition may be taken without leave of court, except that leave of court, granted with or without notice, and for good cause shown, must be obtained if the notice of the taking of the deposition is served by the plaintiff within 20 days

after service of the summons or petition on, or appearance of, the defendant or respondent. The attendance of witnesses or the production of books, documents, or other things at depositions may be compelled by the use of subpoena as provided in Chapter 2 (commencing with Section 1985), Title 3, Part 4 of this code.

(b) Unless otherwise ordered by the court as provided by subdivision (b) or (d) of Section 2019 of this code, the deponent may be examined regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the examining party, or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts. It is not ground for objection that the testimony will be inadmissable at the trial if the testimony sought appears reasonably calculated to lead to the discovery of admissible evidence. All matters which are privileged against disclosure upon the trial under the law of this State are privileged against disclosure through any discovery procedure. This article shall not be construed to change the law of this State with respect to the existence of any privilege, whether provided for by statute or by judicial decision.

The work product of an attorney shall not be discoverable unless the court determines that denial of discovery will unfairly prejudice the party seeking discovery in preparing his claim or defense or will result in an injustice, and any writing that reflects an attorney's impressions, conclusions, opinions, or legal research or theories shall not be discoverable under any circumstances.

(c) Examination and cross-examination of deponents may proceed as permitted at the trial under the provisions of this code.

(d) At the trial or upon the hearing of a motion or an interlocutory proceeding, any part or all of a deposition, so far as admissible under the rules of evidence, may be used against any party who was present or represented at the taking of the deposition or who had due notice thereof, in accordance with any one of the following provisions:

(1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of deponent as a witness.

(2) The deposition of a party to the record of any civil action or proceeding or of a person for whose immediate benefit said action or proceeding is prosecuted or defended, or of anyone who at the time of taking the deposition was an officer, director, superintendent, member, agent, employee, or managing agent of any such party or person may be used by an adverse party for any purpose.

(3) The deposition of a witness, whether or not a party, may be used by any party for any purpose if the court finds:

(i) that the witness is dead; or (ii) that the witness is at a greater distance than 150 miles from the place of trial or hearing, or is out of the State, unless it appears that the absence of the witness was procured by the party offering the deposition; or (iii) that the witness is unable to attend or testify because of age, sickness, infirmity, or imprisonment; or (iv) that the party offering the deposition has been unable to procure the attendance of the witness by subpoena; or (v) upon application and notice, that such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally in open court, to allow the deposition to be used.

(4) Subject to the requirements of this section, a party may offer in evidence all or any part of a deposition, and if such party introduces only part of such deposition, any party may introduce any other parts.

Substitution of parties does not affect the right to use depositions previously taken; and, when an action in any court of the United States or of any state has been dismissed and another action involving the same subject matter is afterward brought between the same parties or their representatives or successors in interest, all depositions lawfully taken and duly filed in the former action may be used in the latter as if originally taken therefor.

(e) Subject to the provisions of subdivision (c) of Section 2021 of this code, objection may be made at the trial or hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying.

(f) A party shall not be deemed to make a person his own witness for any purpose by taking his deposition. Except where the deposition is used under the provisions of paragraph (2) of subdivision (d) of this section, the introduction in evidence of the deposition or any part thereof for any purpose other than that of contradicting or impeaching the deponent, or for explaining or clarifying portions of the said deposition offered by an adverse party, makes the deponent the witness of the party introducing the deposition, as to the portions of the deposition introduced by said party. At the trial or hearing any party may rebut any relevant evidence contained in a deposition whether introduced by him or by another party.

(g) It is the policy of this State (i) to preserve the rights of attorneys to prepare cases for trial with that degree of privacy necessary to encourage them to prepare their cases thoroughly and to investigate not only the favorable but the unfavorable aspects of such cases and (ii) to prevent an attorney from taking undue advantage of his adversary's industry or efforts.

SEC. 2. Section 2036 is added to said code, to read:

2036. (a) A party required to show "good cause" to obtain discovery under any provisions of Chapter 2 (commenc-

ing with Section 1985) or of Article 3 (commencing with Section 2016) of Chapter 3 of this title shall show specific facts justifying discovery and mere proof of the relevance of the information sought to the subject matter of the action shall not be sufficient.

(b) The showing set forth in subdivision (a) of this section and any showing made in opposition thereto shall be made in the trial court prior to that court's determination of the matter.

SEC. 3. The amendments to this act during the course of its passage shall not constitute evidence that the Legislature intended thereby to limit the courts in their interpretation of what constitutes the work product of an attorney.

CHAPTER 1745

An act to amend Sections 6812 and 6816 of, and to add Section 6822 to, the Education Code, relating to children with defective hearing.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6812 of the Education Code is amended to read:

6812. Physically handicapped minors may be instructed in special schools or special classes, in hospitals, sanatoriums, or preventoriums, in the home through the employment of home instructors, by co-operative arrangement with the Bureau of Vocational Rehabilitation of the State Department of Education, or by any other means approved by the State Department of Education.

Minors with speech disorders or defects may be admitted at school for individual instruction at the age of three years for the purpose of remedying such speech disorders or defects.

Minors who are deaf or hard of hearing, as determined by the State Board of Education, and between the ages of three and six years may be admitted at school for individual instruction or be instructed in the home through the employment of a home instructor, provided there are fewer than five such educable minors in the community making the establishment of a special day class impracticable, or the establishment of a special day class for such minors is impracticable because there are fewer than five such minors in the community within reasonable travel distance of a school suitable for the establishment of such a special day class, and provided, further, that such instruction is afforded by a teacher or home instructor possessing full qualifications for the credential to teach deaf

pupils as prescribed by the regulations of the State Board of Education.

SEC. 1.5. Section 6812 of said code is amended to read:

6812. Physically handicapped minors may be instructed in special schools or special classes, in hospitals, sanatoriums, or preventoriums, in the home through the employment of home instructors, by co-operative arrangement with the Department of Rehabilitation, or by any other means approved by the State Department of Education.

Minors with speech disorders or defects may be admitted at school for individual instruction at the age of three years for the purpose of remedying such speech disorders or defects.

Minors who are deaf or hard of hearing, as determined by the State Board of Education, and between the ages of three and six years may be admitted at school for individual instruction or be instructed in the home through the employment of a home instructor, provided there are fewer than five such educable minors in the community making the establishment of a special day class impracticable. or the establishment of a special day class for such minors is impracticable because there are fewer than five such minors in the community within reasonable travel distance of a school suitable for the establishment of such a special day class, and provided, further, that such instruction is afforded by a teacher or home instructor possessing full qualifications for the credential to teach deaf pupils as prescribed by the regulations of the State Board of Education.

SEC. 2. Section 6816 of said code is amended to read:

6816. The Superintendent of Public Instruction shall determine the amount of the excess expense incurred by each school district for the education of physically handicapped pupils. "Excess expense" as employed in this section includes the total current expenses of education incurred for remedial classes and for individual instruction of physically handicapped children in the home or in an institution, plus the excess amount of the current expenses incurred for all other physically handicapped pupils instructed in special schools, in special classes, in individual instruction at school of minors with speech disorders or defects who may be admitted at the age of three years, in individual instruction at school of minors from the age of three who are deaf or hard of hearing, or in regular classes over the expense for an equal number of units of average daily attendance of pupils not classified as physically handicapped or mentally retarded pupils. "Remedial classes" as herein employed includes special classes providing remedial instruction for physically handicapped pupils who are excused in small numbers for a portion of a class period from regular, special day, and special training schools or classes, without appreciable reduction in the costs of such schools or classes.

SEC. 3. Section 6822 is added to said code, to read:

6822. The State Department of Education shall establish and maintain a nursery school-parent institute at the California School for the Deaf in Riverside and in Berkeley for preschool deaf children between the ages of three and six years and their parents or guardians for the school years 1963-64 and 1964-65. Each such nursery school-parent institute shall be maintained for not less than one and not more than two calendar weeks per school year.

Such nursery school-parent institute shall provide a program designed to assist and instruct the parents of preschool deaf children in the early care and training of the deaf child, in the promotion of the communication skills of the deaf child, and in doing all those things which will help assure the physical, mental, social and communication development of the deaf child.

Any preschool deaf child and his parents or guardians receiving individual instruction at school, or in the home through home instruction, under the provisions of Education Code, Section 6812, shall not be eligible for attending the nursery school-parent institute provided under the provisions of this section.

The Department of Education shall make annual budget arrangements for carrying out the provisions of this section. Such budget arrangements shall include, and shall be limited to, provisions for all expenses incidental to providing such nursery school-parent institute such as lodging and meals for the deaf child and its parents or guardians.

SEC. 4. The Department of Education shall study the problems and successes resulting from the nursery school-parent institute for preschool deaf children and their parents or guardians and report its findings and recommendations to the Legislature at its 1965 Regular Session.

SEC. 5. Section 1.5 of this act shall become operative only if Senate Bill No. 1023 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as Senate Bill No. 1023 takes effect; at which time Section 6812 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 1746

An act to amend Sections 2370 and 2375 of the Welfare and Institutions Code, and to amend Section 12803 of the Government Code, relating to the Citizens' Advisory Committee on Aging.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 2370 of the Welfare and Institutions Code is amended to read:

2370. There is in the Health and Welfare Agency, to advise the Governor on the needs and problems of the senior citizens of California, a Citizens' Advisory Committee on Aging. The committee shall be composed of eight persons, appointed by the Governor, and selected on the basis of their demonstrated interest in the health, welfare, and happiness and the maintaining of adequate living standards for senior citizens in this State. The committee shall be advisory in character, and shall not be delegated any administrative authority or responsibility beyond what is stated in this chapter. The Governor shall designate the chairman and vice chairman of the committee and committee members shall serve at the pleasure of the Governor. Committee members shall serve without compensation, but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties under this chapter.

SEC. 2. Section 2375 of said code is amended to read:

2375. The committee shall prepare and render annually a written report of its activities and its recommendations to the Governor through the Administrator of the Health and Welfare Agency for improvements and additions to the existing efforts of state government on behalf of the senior citizens of California and to the ways the State of California could encourage and promote programs and services by local communities on behalf of their senior citizens.

SEC. 3. Section 12803 of the Government Code is amended to read:

12803. The Health and Welfare Agency consists of the following departments: Social Welfare; Mental Hygiene; and Public Health; and in addition, the Citizens' Advisory Committee on Aging.

CHAPTER 1747

An act to add Chapter 10.5 (commencing with Section 6971) to Division 6 of, and to amend Sections 6812, 6818, 8903, and 18601 of, the Education Code, to amend Sections 3210, 3213, 7900, and 7905 of the Welfare and Institutions Code, to add Sections 11555.5 and 18597 to, and to amend Section 12803 of, the Government Code, relating to rehabilitation.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 10.5 (commencing with Section 6971) is added to Division 6 of the Education Code, to read:

CHAPTER 10.5. DEPARTMENT OF REHABILITATION

Article 1. General Provisions

6971. It is the public policy of the State of California to assist and encourage handicapped individuals to attain their maximum usefulness and self-sufficiency in order that they may make their full contribution to society.

Consolidation of basic rehabilitative services in a Department of Rehabilitation is designed to place emphasis upon the need for maximum efficient utilization of state services, to strengthen and develop services where needed, and to promote effective co-ordination of all public and private agencies serving the handicapped.

6972. There is in the Health and Welfare Agency the Department of Rehabilitation.

6973. The Department of Rehabilitation is under the control of an officer known as the Director of Rehabilitation. As used in this chapter "department" and "director" refer to the Department of Rehabilitation and the Director of Rehabilitation, respectively, unless the context otherwise requires.

6974. The director is appointed by the Governor, subject to confirmation by the Senate, and holds office at the pleasure of the Governor. The annual salary of the director is provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code. The director is a member of the Governor's Council.

6975. The provisions of Chapter 2 (commencing with Section 11150), Part 1, Division 3, Title 2 of the Government Code apply to the director and the director is the head of a department within the meaning of the chapter.

6976. The department may co-operate with the governing board or boards of one or more school districts to employ a special co-ordinator to assist in the vocational adjustment of physically and mentally handicapped minors.

6977. The department is vested with all necessary powers and authority to co-operate with the government of the United States or any agency or agencies thereof in the administration of any act of Congress relating to rehabilitation of the handicapped.

6978. The department may adopt, amend, or repeal, in accordance with the provisions of the Administrative Procedure Act, such rules and regulations as may be reasonably necessary to enable it to carry out its duties and powers.

Article 2. Succession to Functions and Responsibilities

6981. The department succeeds to and is vested with all of the duties, powers, purposes, responsibilities, and jurisdiction vested in the Director of Education, the State Board of Education, the Department of Education and the Bureau of Vocational Rehabilitation, the Vocational Rehabilitation Service,

and the Vocational Rehabilitation Section in the Department of Education under the following statutes:

(a) Article 9 (commencing with Section 6201) of Chapter 6 of Division 6 of the Education Code.

(b) Article 4 (commencing with Section 18751) of Chapter 4 of Division 14 of, and Section 25610 of the Education Code.

(c) Chapter 11 (commencing with Section 7001) and Chapter 11.5 (commencing with Section 7041) of Division 6 of the Education Code.

(d) Chapter 11 (commencing with Section 6900) of Division 7 of Title 1 of the Government Code.

(e) Welfare and Institutions Code Sections 1523.5, 3251 and 3252.

(f) Article 2 (commencing with Section 3300), Article 3 (commencing with Section 3325), Article 4 (commencing with Section 3331), Article 5 (commencing with Section 3341), Article 6 (commencing with Section 3351), Article 7 (commencing with Section 3361), Article 8 (commencing with Section 3366), of Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code.

6983. The Department of Rehabilitation succeeds to the responsibilities, powers, and functions of the Director of Education with respect to trust funds derived from gifts, donations, bequests, and devises accepted pursuant to Section 403 of the Education Code for the benefit of any institution or for any purpose, activity or function which is transferred to the Department of Rehabilitation by the provisions of this chapter.

6984. Whenever any reference is made to the Department of Education, the Director of Education, the State Board of Education, and the Bureau of Vocational Rehabilitation, the Vocational Rehabilitation Service and the Vocational Rehabilitation Section in the Department of Education in the statutes enumerated in Section 6981, it shall be deemed to be a reference to, and to mean, the Director of Rehabilitation or the Department of Rehabilitation.

6985. All public property, real or personal, of the agencies described in Section 6984, used principally or primarily in carrying out of any function, or acquired in connection with the exercise of any function, which function is transferred to the Department of Rehabilitation, is transferred to the Department of Rehabilitation.

6986. All officers and employees of the agencies enumerated in Section 6984 on the operative date of this section, who are serving in the state civil service, other than temporary employees, and who are engaged in the performance of a function transferred to the Department of Rehabilitation or who are engaged in the administration of a law, the administration of which is transferred to the Department of Rehabilitation, by this chapter shall be transferred to the Department of Rehabilitation and their status, positions, and rights shall not be affected by their transfer and they shall continue to be retained as employees of the Department of Rehabilitation

pursuant to the State Civil Service Act, except as to positions the duties of which are vested in a position exempt from civil service.

SEC. 2. Section 6812 of the Education Code is amended to read:

6812. Physically handicapped minors may be instructed in special schools or special classes, in hospitals, sanatoriums, or preventoriums, in the home through the employment of home instructors, by co-operative arrangement with the Department of Rehabilitation, or by any other means approved by the State Department of Education.

Minors with speech disorders or defects may be admitted at school for individual instruction at the age of three years for the purpose of remedying such speech disorders or defects.

Minors who are deaf or hard of hearing, as determined by the State Board of Education, and between the ages of three and six years may be admitted at school for individual instruction or be instructed in the home through the employment of a home instructor, provided there are fewer than five such educable minors in the community making the establishment of a special day class impracticable, or the establishment of a special day class for such minors is impracticable because there are fewer than five such minors in the community within reasonable travel distance of a school suitable for the establishment of such a special day class, and provided, further, that such instruction is afforded by a teacher or home instructor possessing full qualifications for the credential to teach deaf pupils as prescribed by the regulations of the State Board of Education.

SEC. 3. Section 6818 of the Education Code is amended to read:

6818. Individual counseling and guidance in social and vocational matters shall be provided as part of the instructional program for physically handicapped pupils. Upon approval by the State Department of Education the governing board of any school district may separately, or in co-operation with the governing board or boards of one or more other school districts, or in co-operation with the Department of Rehabilitation, employ a special co-ordinator, who shall make a study of employment and occupational opportunities and shall assist in the co-ordination of the education of the physically handicapped minors with the commercial and industrial pursuits of the community, so as to prepare the minors for employment.

SEC. 4. Section 8903 of the Education Code is amended to read:

8903. The county superintendent of schools may, with the approval of the county board of education, provide for the education of physically handicapped minors who otherwise would be denied proper educational advantages. The education may be provided:

(a) In emergency elementary schools;

(b) By the employment of emergency teachers to provide special instruction in the regular schools of the districts of the county;

(c) By the maintenance of special classes of secondary grade;

(d) By the employment of home instructors to give individual instruction in the home or at the bedside in institutions and by the employment of instructors to provide remedial instruction for physically handicapped minors in regular, special day, and special training schools or classes which he may be authorized to conduct, and by the employment of instructors to provide individual instruction for minors with speech disorders or defects who are at least three years of age for the purpose of remedying such speech disorders or defects;

(e) By co-operation with the Department of Rehabilitation in the provision of individual instruction and co-ordination services; or

(f) By contract with the county superintendent of schools of another county or with the governing board of any school district.

SEC. 5. Section 18601 of the Education Code is amended to read:

18601. Whenever by the provisions of any act of Congress the act is to be administered in the State by the Superintendent of Public Instruction, Director of Education, Department of Education, State Board of Education, or any one or more of such officers, or agencies, the officers and agencies designated in the act of the Congress are authorized to administer the act in the State. Such officers and agencies are vested with all necessary power and authority to co-operate with the government of the United States, or any agency or agencies thereof in the administration of the act of Congress and rules and regulations lawfully adopted thereunder.

SEC. 6. Section 3210 of the Welfare and Institutions Code is amended to read:

3210. There is established a Co-ordinating Council on State Programs for the Blind, the membership of such council to consist of the Director of Education, the Director of Rehabilitation, the Director of Social Welfare, and the Director of Public Health. The council shall consider and recommend policies for co-ordination of the various state programs for the adult blind, and for the co-ordination of the functions and programs of the various state departments insofar as such functions and programs affect the adult blind.

SEC. 7. Section 3213 of the Welfare and Institutions Code is amended to read:

3213. The council may establish such interdepartmental committees as may be necessary to co-ordinate the programs of the four departments and advise the council on matters of general or specific interest. Persons appointed to these interdepartmental committees shall be employees of the respective

Departments of Education, Rehabilitation, Public Health, and Social Welfare.

SEC. 8. Section 7900 of the Welfare and Institutions Code is amended to read:

7900. There is in the state government a Co-ordinating Council on Programs for Handicapped Children. The council shall be composed of the Director of Education, the Director of Mental Hygiene, the Director of Public Health, the Director of Rehabilitation, and the Director of Social Welfare. The council shall annually elect a chairman from among its membership. The chairmanship shall rotate annually so that each member is chairman for one year in each five years, and so that the order of rotation established in the first five years shall be repeated thereafter for each succeeding five-year period.

SEC. 9. Section 7905 of the Welfare and Institutions Code is amended to read:

7905. The State Departments of Education, Mental Hygiene, Public Health, Rehabilitation, and Social Welfare shall co-operate with and furnish such information, records and documents, as the council may request, shall make available such facilities as the council needs, and perform such staff services and functions as the council may direct in order to carry out the provisions of this division.

SEC. 10. Section 11555.5 is added to the Government Code, to read:

11555.5. An annual salary of nineteen thousand one hundred and one dollars ($19,101) shall be paid to each of the following:

(a) Director of Rehabilitation.

SEC. 11. Section 18597 is added to the Government Code, to read:

18597. The "state civil service" shall include all teachers who have been employed for a period of six months at the Orientation Center for the Blind who are now excluded under subdivision 9 of Section 4(a) of Article XXIV of the Constitution.

SEC. 12. Section 12803 of the Government Code is amended to read:

12803. The Health and Welfare Agency consists of the Citizens' Advisory Committee on Aging, the Office of Atomic Energy Development and Radiation Protection and the following departments: Social Welfare; Mental Hygiene; Rehabilitation; and Public Health.

SEC. 13. No state moneys shall be appropriated or otherwise made available for support of the Department of Rehabilitation, created by this act, for the 1963-1964 fiscal year other than money appropriated by Items 83, 84, 85, 86 and 93 of the Budget Act of 1963 and that portion of the money appropriated by Item 77 of the Budget Act of 1963 which is budgeted

for functions and services transferred to the said Department of Rehabilitation. In no event shall moneys be appropriated or otherwise be made available to the Department of Rehabilitation for the 1963-1964 fiscal year from the Emergency Fund in the State Treasury.

SEC. 14. This act shall become operative on October 1, 1963.

CHAPTER 1748

An act to add Sections 13101.1, 13101.2, 13101.3, 13101.4, and 13101.5 to, and amend Sections 13102, 13103, 13108, and 13173 of, the Education Code, relating to the licensing of school personnel.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 13101.1 is added to the Education Code, to read:

13101.1. There is in the state government a Teachers Professional Standards Commission consisting of 13 members appointed by the State Board of Education.

One member shall be the State Superintendent of Public Instruction, who shall be chairman of the commission.

Seven shall be persons employed in positions requiring certification qualifications in the public elementary or secondary schools, at least five of whom shall be classroom teachers of classes from kindergarten through grade 14 and one a public school administrator.

Five shall be members of faculties of the public and private colleges and universities accredited for teacher education by the State Board of Education, at least three of whom shall be engaged in classroom teaching.

Not more than one member of the commission shall be appointed from any one school district or accredited institution.

Any person appointed to the commission by the State Board of Education may be a person who has retired from a position from which appointments may be made, as designated in the preceding paragraphs.

SEC. 2. Section 13101.2 is added to said code, to read:

13101.2. Members of the Teachers Professional Standards Commission shall be appointed for staggered terms of four years as determined by the State Board of Education.

The commission shall elect its own vice chairman.

SEC. 3. Section 13101.3 is added to said code, to read:

13101.3. The Teachers Professional Standards Commission shall serve in an advisory capacity to the State Board of Edu-

cation and shall, in the manner and to the extent directed by the board, render to the board recommendations on standards and policies for development and maintenance of the system of licensing certificated personnel for service in the public schools.

SEC. 4. Section 13101.4 is added to said code, to read:

13101.4. Members of the Teachers Professional Standards Commission shall serve without compensation but shall be allowed actual and necessary expenses in attending meetings of the commission, its committees or subcommittees.

The compensation of the members of the commission who are public employees shall not be reduced by the agency or body by which they are regularly employed for any absence from service occasioned by attendance upon the business of the commission, its committees or subcommittees. No member shall attend more than 12 meetings or subcommittee meetings in any one year.

SEC. 5. Section 13101.5 is added to said code, to read:

13101.5. All meetings of the commission shall be open and public and all persons shall be permitted to attend any meetings of the commission.

SEC. 6. Section 13102 of said code is amended to read:

13102. There shall be within the Department of Education a Committee of Credentials, consisting of the Superintendent of Public Instruction and four persons appointed by the Superintendent of Public Instruction.

SEC. 7. Section 13103 of said code is amended to read:

13103. The State Board of Education may assign to the Committee of Credentials within the Department of Education such administrative duties as it may see fit relating to the granting, issuance, suspension and revocation of credentials and life diplomas.

SEC. 8. Section 13108 of said code is amended to read:

13108. Any applicant for a credential or life diploma who is dissatisfied with any action taken by the Committee of Credentials may appeal to the State Board of Education which shall examine the application and either issue the document or deny the application.

SEC. 9. Section 13173 of said code is amended to read:

13173. Any applicant for the renewal of a certification document who is dissatisfied with any action taken by the Committee of Credentials may appeal to the State Board of Education which shall examine the application and either issue the document or deny the application.

CHAPTER 1749

An act to amend Sections 13411 and 13956 of, to add Sections 13443 and 13874 to, to repeal Chapter 10 (commencing with Section 14361) of Part 8 of Division 2 of, and to add Chapter 10 (commencing with Section 14371) to Part 8 of Division 2 of, the Revenue and Taxation Code, relating to inheritance taxes.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 13411 of the Revenue and Taxation Code is amended to read:

13411. (a) In the case of a transfer made subject to a contingency or condition upon the occurrence of which the right, interest, or estate of the transferee may, in whole or in part, be created, defeated, extended, or abridged, the tax is computed as though the contingency or condition has occurred in such manner as to produce the highest rate of tax possible.

(b) Upon the occurrence of the contingency or condition after an order fixing inheritance tax has been entered in which the tax was computed at the highest rate possible pursuant to this section, the court which made the order shall, upon petition after notice to the Controller, modify said order to fix the tax due in accordance with the occurrence of the contingency or condition. The petition shall be filed within six months after the occurrence of the contingency or condition.

SEC. 2. Section 13443 is added to said code, to read:

13443. (a) If the amount of the maximum state death tax credit allowable pursuant to the federal estate tax law is later found to exceed the total amount of tax fixed by an order fixing inheritance tax theretofore made, the court which made said order shall, upon petition of the Controller after notice to the persons chargeable with any increased tax, modify it to fix the true amount of additional tax due under this article. The Controller's petition for modification may be filed at any time within six months after he has received knowledge that the federal estate tax has been finally determined.

(b) If the amount of the maximum state death tax credit allowable pursuant to the federal estate tax law is later found to be less than the total amount of tax fixed by an order fixing inheritance tax theretofore made which included an additional tax computed under this article, the court which made said order shall, upon petition by or on behalf of the persons liable for the tax fixed in said order, after notice to the Controller, modify it to fix the true amount of tax due under this article. The petition shall be filed at any time within six months after the federal estate tax has been finally determined.

SEC. 3. Section 13874 is added to said code, to read:

13874. The court which has made an order fixing inheritance tax in which the exemption provided by this article was not allowed may, upon petition after notice to the Controller, modify said order to make allowance for said exemption. The petition shall be filed within one year after the entry of said order or the decree of final distribution in the estate, whichever is later.

SEC. 4. Section 13956 of said code is amended to read:

13956. (a) In determining the value of any estate or interest to the beneficial enjoyment or possession of which there is a person presently entitled, no allowance is made on account of any contingent incumbrance on the estate or interest, nor on account of any contingency upon the happening of which the estate or interest, or some part of it, might be abridged, defeated, or diminished.

(b) Upon the taking effect of the incumbrance or the happening of the contingency after an order fixing inheritance tax has been entered in which no allowance was made pursuant to this section, the court which made said order shall, upon petition after notice to the Controller, modify said order to fix the amount of tax due based upon the diminution in value resulting therefrom. The petition shall be filed within six months after the taking effect of the incumbrance or the happening of the condition.

SEC. 5. Chapter 10 (commencing with Section 14361) of Part 8 of Division 2 of said code is repealed.

SEC. 6. Chapter 10 (commencing with Section 14371) is added to Part 8 of Division 2 of said code, to read:

CHAPTER 10. REFUNDS

14371. Any person who has made a payment of tax to the county treasurer in excess of the amount specified in the order or orders fixing tax as finally amended or modified, and as said amount is adjusted pursuant to discount and interest provisions of this part, is entitled to a refund in the amount erroneously paid.

14372 An application for the refund shall be made to the State Controller, or shall be filed with the superior court having jurisdiction, within one year after the date of the entry of the order fixing tax or of the decree of final distribution of the estate, whichever is later.

Where application for refund is filed with the superior court, notice of the hearing together with a copy of the application shall be given to the Controller.

14373. On proof satisfactory to him that the applicant is entitled to a refund, the State Controller shall draw his warrant upon the State Treasurer in favor of the person who paid the tax in the amount erroneously paid; and the State Treasurer shall refund that amount. If an application to the Controller is denied in whole or in part, the applicant may file an

application for a determination of the amount of the refund with the superior court having jurisdiction within one year after the date of the entry of the order fixing tax or the decree of final distribution of the estate, whichever is later. On proof satisfactory to it that the applicant is entitled to a refund, the court shall by order direct the State to refund to the person who paid the tax the amount erroneously paid.

Notice of the filing of such an application to the court shall be given to the Controller.

14374. No person is entitled to interest upon any refund allowed by this chapter.

14375. A judgment for a refund allowed by this chapter bears interest after the judgment becomes final and the refund is refused upon demand after such final judgment, but then only from the date of refusal.

CHAPTER 1750

An act to amend Section 11580.2 of the Insurance Code, relating to uninsured motorist provisions.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 11580.2 of the Insurance Code is amended to read:

11580.2. (a) No policy of bodily injury liability insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle, shall be issued or delivered in this State to the owner or operator of a motor vehicle, or shall be issued or delivered by any insurer licensed in this State upon any motor vehicle then principally used or principally garaged in this State, unless the policy contains, or has added to it by endorsement, a provision with coverage limits at least equal to the financial responsibility requirements specified in Section 16059 of the Vehicle Code insuring the insured, his heirs or his legal representative for all sums within such limits which he or they, as the case may be, shall be legally entitled to recover as damages for bodily injury or wrongful death from the owner or operator of an uninsured motor vehicle. The insurer and any named insured may by agreement in writing delete the provision covering damage caused by an uninsured motor vehicle. Such deletion by any named insured shall be binding upon every insured to whom such policy or endorsement provisions apply. A policy shall be excluded from the application of this section if the only coverage with respect to the use of any motor vehicle is limited to the contingent liability arising out of the use of nonowned motor vehicles.

(b) As used in (a) above, "bodily injury" includes sickness or disease, including death, resulting therefrom; the term "named insured" means only the individual or organization named in the declarations of the policy of motor vehicle bodily injury liability insurance referred to in (a) above; as used in (a) above the term "insured" means the named insured and the spouse of the named insured and relatives of either while residents of the same household while occupants of a motor vehicle or otherwise, heirs and any other person while in or upon or entering into or alighting from an insured motor vehicle and any person with respect to damages he is entitled to recover for care or loss of services because of bodily injury to which the policy provisions or endorsement apply; the term "insured motor vehicle" means the motor vehicle described in the underlying insurance policy of which the uninsured motorist endorsement or coverage is a part, a temporary substitute or a newly acquired automobile for which liability coverage is provided in the policy if the motor vehicle is used by the named insured or with his permission or consent, express or implied, and any other automobile not owned by the named insured or any resident of the same household while being operated by the named insured or his spouse if a resident of the same household, but the term "insured motor vehicle" shall not include any automobile while used as a public or livery conveyance. The term "uninsured motor vehicle" means a motor vehicle with respect to the ownership, maintenance or use of which there is no bodily injury liability insurance or bond applicable at the time of the accident, or there is such applicable insurance or bond but the company writing the same denies coverage thereunder, or a motor vehicle used without the permission of the owner thereof if there is no bodily injury liability insurance or bond applicable at the time of the accident with respect to the owner or operator thereof, or the owner or operator thereof be unknown, provided that, with respect to an "uninsured motor vehicle" whose owner or operator is unknown:

(1) The bodily injury has arisen out of physical contact of such automobile with the insured or with an automobile which the insured is occupying,

(2) The insured or someone on his behalf shall have reported the accident within 24 hours to the police department of the city where the accident occurred or, if the accident occurred in unincorporated territory then either to the sheriff of the county where the accident occurred or the local headquarters of the California Highway Patrol, and have filed with the insurer within 30 days thereafter a statement under oath that the insured or his legal representative has or the insured's heirs have a cause of action arising out of such accident for damages against a person or persons whose identity is unascertainable and set forth facts in support thereof. The term "uninsured motor vehicle" shall not include an automobile owned by the named insured or any resident of the same house-

hold or self-insured within the meaning of the safety responsibility law of the state in which the motor vehicle is registered or which is owned by the United States of America, Canada, a state or political subdivision of any such government or an agency of any of the foregoing, or a land motor vehicle or trailer operated on rails or crawlertreads or while located for use as a residence or premises and not as a vehicle, or a farm-type tractor or equipment designed for use principally off public roads, except while actually upon public roads.

(c) The insurance coverage provided for in this section does not apply:

(1) To property damage sustained by the insured.

(2) To bodily injury of the insured while in or upon or while entering into or alighting from an automobile other than the described automobile if the owner thereof has insurance similar to that provided in this section.

(3) To bodily injury of the insured with respect to which the insured or his representative shall, without the written consent of the insurer, make any settlement with or prosecute to judgment any action against any person who may be legally liable therefor.

(4) In any instance where it would inure directly or indirectly to the benefit of any workmen's compensation carrier or to any person qualified as a self-insurer under any workmen's compensation law.

(5) To establish an exemption as provided in subdivisions (a), (b), and (c) of Section 16057 of the Vehicle Code.

(d) Subject to paragraph (c)(2), the policy or endorsement may provide that if the insured has insurance available to him under more than one uninsured motorist coverage provision, any damages shall not be deemed to exceed the higher of the applicable limits of the respective coverages, and such damages shall be prorated between the applicable coverages as the limits of each coverage bears to the total of such limits.

(e) The policy or an endorsement added thereto shall provide that the determination as to whether the insured shall be legally entitled to recover damages, and if so entitled, the amount thereof, shall be made by agreement between the insured and the insurer or, in the event of disagreement, by arbitration. The provisions of Article 3 (commencing with Section 2016) of Chapter 3 of Title 3 of Part 4 of the Code of Civil Procedure shall be applicable to such determinations, and all rights, remedies, obligations, liabilities and procedures set forth in said Article 3 shall be available to both the insured and the insurer at any time after the accident, both before and after the commencement of arbitration, if any, with the following limitations:

(1) Wherever in said Article 3, reference is made to the court in which the action is pending, or provision is made for application to the court or obtaining leave of court or approval by the court, the court which shall have jurisdiction for the purposes of this section shall be the Superior Court of the

State of California, in and for any county which is a proper county for the filing of a suit for bodily injury arising out of the accident, against the uninsured motorist, or any county specified in the policy or an endorsement added thereto as a proper county for arbitration or action thereon.

(2) Any such proper court to which application is first made by either the insured or the insurer under the provisions of said Article 3 for any discovery or other relief or remedy, shall thereafter be the only court to which either of the parties shall make any applications under said Article 3 with respect to the same accident, subject, however, to the right of such court to grant a change of venue after a hearing upon notice, upon any of the grounds upon which change of venue might be granted in an action filed in the superior court.

(3) A deposition pursuant to the provisions of Section 2016 of the Code of Civil Procedure may be taken without leave of court, except that leave of court, granted with or without notice and for good cause shown, must be obtained if the notice of the taking of the deposition is served by either party within 20 days after the accident.

(4) The provisions of subparagraph (a)(4) of Section 2019 of the Code of Civil Procedure shall not be applicable to discovery under this section.

(5) For the purposes of discovery under this section, the insured and the insurer shall each be deemed to be "a party to the record of any civil action or proceedings," where that phrase is used in subparagraph (b)(2) of Section 2019 of the Code of Civil Procedure.

(6) Interrogatories under the provisions of Section 2030 of the Code of Civil Procedure and requests for admission under Section 2033 may be served by either the insured or the insurer upon the other at any time more than 20 days after the accident without leave of court.

(7) Nothing in this section shall be construed to limit the rights of any party to discovery in any action pending or which may hereafter be pending in any court.

(f) The insurer paying a claim under an uninsured motorist endorsement or coverage shall be entitled to be subrogated to the rights of the insured to whom such claim was paid against any person causing such injury or death to the extent that payment was made. Such action may be brought within three years from the date that payment was made hereunder.

(g) An insured entitled to recovery under the uninsured motorist endorsement or coverage shall be reimbursed within the conditions stated herein without being required to sign any release or waiver or rights to which he may be entitled under any other insurance coverage applicable; nor shall payment under this section to such insured be delayed or made contingent upon the decisions as to liability or distribution of loss costs under other bodily injury liability insurance or any bond applicable to the accident. Any loss payable under the terms of

the uninsured motorist endorsement or coverage to or for any person may be reduced:

(1) By the amount paid and the present value of all amounts payable to him under any workmen's compensation law exclusive of nonoccupational disability benefits.

(2) By the amounts paid or due to be paid under any valid and collectible automobile medical payment insurance available to the insured.

(3) By the amount the insured is entitled to recover from any other person insured under the underlying liability insurance policy of which the uninsured motorist endorsement or coverage is a part.

(h) No cause of action shall accrue to the insured under any policy or endorsement provision issued pursuant to this section unless within one year from the date of the accident:

(1) Suit for bodily injury has been filed against the uninsured motorist, in a court of competent jurisdiction, or

(2) Agreement as to the amount due under the policy has been concluded, or

(3) The insured has formally instituted arbitration proceedings.

CHAPTER 1751

An act to amend Sections 937, 1122, 1128, 1129, 1146, and 1976 of, to add Sections 2369.5, 2396, 3111, 3350, 25411.1, 25411.2, 25411.3, 25411.4, and 25433.5 to, and to repeal Sections 977.03, 977.04, 1276, 1537, 2451, 2841, 2898, and 2901.5 of, the Education Code, and to repeal Sections 1403.1, 1403.2, 1403.3, and 1403.4 of the Education Code (as added by Chapter 3 of the Statutes of 1963), to repeal Section 3113.6 of the Education Code (as added by Senate Bill No. 426 of the 1963 General Session of the Legislature), and to repeal Section 3359.1 of the Education Code (as added by Assembly Bill No. 2459 of the 1963 General Session of the Legislature), relating to school districts.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 937 of the Education Code as added by Senate Bill No. 718 is amended to read:

937. No person shall be eligible to hold a position as city superintendent, district superintendent, deputy superintendent, associate superintendent, or assistant superintendent of schools unless he is the holder of both a valid school administration credential and a valid teacher's credential, but any person employed as a deputy, associate, or assistant superintendent in a purely clerical capacity shall not be required to hold any credential.

SEC. 2. Section 1122 of said code as added by Senate Bill No. 718 is amended to read:

1122. A proposal to establish, rearrange, or abolish trustee areas in a school district, other than a unified district formed pursuant to Chapter 10 (commencing with Section 3101) of Division 5, or a school district governed by a board of education provided for in the charter of a city or city and county, may be initiated by the county committee on school district organization of the county in which is located all or the greater part of the land of the school district concerned, on its own motion, by a petition to the county committee signed by two members of the governing board of the school district concerned if a three-member board, four members if a five-member board, five members if a seven-member board and three-fourths ($\frac{3}{4}$) of the members of any other governing board of the school district concerned, or by a petition to the county committee signed by at least two percent (2%) of the qualified electors residing in such school district.

When any such proposal is made the county committee shall call and conduct a hearing in the district on the matter, and such committee shall be augmented, pursuant to Section 3205, for the purpose of the hearing. At the conclusion of the hearing, the committee shall approve or disapprove the proposal. If the committee approves the proposal it shall forthwith divide the district into trustee areas. The committee may provide for more than one trustee from each trustee area. In so doing, the county committee shall provide for representation in accordance with population and geographic factors of the entire area of the district.

SEC. 2.1. Section 1128 of said code as added by Chapter 629 of the 1963 Regular Session (Senate Bill No. 718) is amended to read:

1128. Except as provided in Sections 1126 and 1127, when trustee areas are established in a district, provision shall be included for the election of members of the governing board by the registered voters of the entire school district or for the election of the member or members residing in each trustee area by the registered voters of that particular area.

SEC. 3. Section 1129 of said code as added by Senate Bill No. 718 is amended to read:

1129. The forms for declaration of candidacy, nomination of candidate by sponsors, and notice to declare candidacy for governing board election prescribed in this article are as provided in this section.

(a) The declaration of candidacy shall be in substantially the following form:

"I, _____, do hereby declare myself as a candidate for election to the governing board of _____ district, of the County of _____; I am a registered voter; if elected I will qualify and serve to the best of my ability; and I request my

name be placed on the official ballots of the district, for the election to be held on the _____ day of _____, 19___.

_____

Residence address: _____"

In an election held under Section 1120 to elect additional governing board members all candidates for member of the governing board shall also indicate on their declaration of candidacy whether they are candidates for the existing office or for the new offices.

(b) The declaration of sponsors proposing a candidate for election to the governing board shall be in substantially the following form:

DECLARATION OF CANDIDACY BY SPONSORS

"I, the undersigned, am a registered voter of the _____ School District. I hereby propose and sponsor _____, who resides at _____ (giving street address and name of city or town of residence, if any), _____ School District, County of _____, State of California, and who is a registered voter in the district, as a candidate for election to the governing board of the _____ School District, to be voted for at the election to be held on the _____ day of _____, 19___, and I hereby assert as follows:

My knowledge of _____ is sufficient to warrant my urging his election to the governing board, and in my opinion he is mentally, morally, and physically fit for the office and should be elected to fill it.

My residence and occupation are correctly set forth after my signature hereto.

Name	Residence	Occupation
_____	_____	_____
_____	_____	_____
_____	_____	_____

I hereby accept the nomination as above proposed. If elected I will qualify and serve to the best of my ability.

_____

Signature of proposed candidate"

In an election held under Section 1120 to elect additional governing board members, the declaration shall contain a statement whether the proposed candidate is a candidate for the existing office or for the new offices.

(c) Notices to declare candidacy for governing board elections shall be in substantially the following form:

"NOTICE TO DECLARE CANDIDACY FOR GOVERNING BOARD MEMBER ELECTION

"NOTICE IS HEREBY GIVEN TO ALL QUALIFIED PERSONS that an election will be held in the _____ School District, County of _____, State of California, on the _____ day of _____, 19___, for the purpose of electing

_____ members to the governing board of the school district

"Forms for declaring candidacy and for the nomination of candidates for the election are available from the office of the County Superintendent of Schools at _____ (giving address at which forms may be obtained), California.

"Declarations of candidacy and nominations by sponsors must be filed with the County Superintendent of Schools at the above address not later than the _____ day of _____ 19___."

SEC 4. Section 1146 of said code as added by Senate Bill No 718 is amended to read:

1146 Any registered voter of the district, except the governing board member whose recall is sought, may become a candidate for election at a recall election in the manner provided in Article 2 of this chapter. The nomination by sponsors or the declaration of candidacy, shall, in addition to the requirements of Article 2, state that the proposed candidate is a candidate in the recall election to succeed the incumbent (naming him) if he is recalled.

SEC. 5. Section 1976 of said code as added by Senate Bill No. 718 is amended to read:

1976. Whenever the boundaries of an elementary school district and a high school district become coterminous, the districts shall be merged into a new unified district.

If the high school district maintains a junior college, the high school district and the elementary district shall be merged into a new unified district and, for the purpose of maintaining grades 13 and 14. a new junior college district with boundaries coterminous with the unified district.

SEC. 6 Section 2369.5 is added to Division 5 of said code as added by Senate Bill No. 718, to read:

2369.5. Notwithstanding any provisions of Section 2369 or other sections to the contrary, the governing board of each district affected by the proposed transfer of territory may file written opposition to the transfer with county superintendent of schools prior to the hearing by the board of supervisors. If written opposition to the transfer is so filed, the board shall, unless it denies the petition, require an election to be held on the question. The election shall be held only in the territory proposed to be transferred, except that it shall be held in the entire school district from which the territory will be taken if either: (1) at least 25 percent of the assessed valuation of such district is located in such territory and the territory contains no school building, or (2) the territory contains the only school building or buildings of the district.

This section does not apply to a transfer of territory from a unified district formed under Chapter 10 (commencing with Section 3101) of this division to a contiguous unified district.

SEC. 7. Section 2396 is added to Division 5 of said code as added by Senate Bill No. 718, to read:

2396. If the petition is a petition to transfer part of an elementary district to a high school district and is signed by a majority of the electors of the territory to be included in a high school district, no agreement to the transfer as prescribed in Section 2394 is required.

SEC. 8. Section 3111 is added to Division 5 of said code as added by Senate Bill No. 718, to read:

3111. At any public meeting held pursuant to law concerning a proposed recommendation for the reorganization of a school district or a change in school district boundaries at which members of the county committee or the county superintendent of schools, or a representative of such committee or superintendent, participate and present their views on the recommendation, the agency conducting such meeting shall give reasonable notice of the time and place thereof to the governing board of any school district actually or prospectively affected by such recommendation, and the members of any such board, or their representative, shall be given a reasonable opportunity to express their views on the recommendation at such meeting.

SEC. 9. Section 3350 is added to Division 5 of said code as added by Senate Bill No. 718, to read:

3350. Notwithstanding any provision of this code to the contrary, whenever two unified school districts were formed during the 1962-63 school year from territory comprising a portion of a joint union high school district and the joint union high school district had allocated a specified amount in its building fund for school construction in the territory which subsequently was included in one of the newly formed unified school districts, the governing board of the joint union high school district may, upon request of such newly formed unified school district, transfer such allocated amount into the building fund of such newly formed unified school district prior to July 1, 1963.

SEC. 10. Section 25411.1 is added to Division 18.5 of said code, to read:

25411.1. Notwithstanding any provision of law to the contrary, if upon the establishment of trustee areas in a junior college district it appears that one or more trustee areas in the district will not be represented in the membership of the governing board during the next succeeding school year, the county superintendent of schools having jurisdiction shall within 30 days after the election establishing trustee areas or within 30 days after the effective date of this section, whichever is the later, call and set the date of an election for the purpose of electing to the membership of the governing board the allotted number of representatives for each respective trustee area in the district. The election shall be called, held and conducted as are elections for members of governing boards of elementary school districts.

The terms of this section shall expire 91 days after the adjournment of the 1963 General Session.

SEC. 11. Section 25411.2 is added to Division 18.5 of said code, to read:

25411.2. In the event an election is called as provided in Section 25411.1, the county superintendent of schools having jurisdiction shall, as to each trustee area having more than its allotted number of representatives in the membership of the governing board for the next succeeding school year, determine by lot which of said representatives shall relinquish their offices either immediately upon the election and qualification of the governing board members who are elected as provided in Section 25411.1 or on the first day of July next succeeding the election establishing trustee areas in the district, whichever is the later.

SEC. 12. Section 25411.3 is added to Division 18.5 of said code, to read:

25411.3. The terms of office of the governing board members who are elected pursuant to Section 25411.1 shall be determined by lot at the first meeting of the full membership of the board. If the board is composed of five members, the terms of office of the members elected pursuant to Section 25411.1 shall be fixed so that the entire board is composed of two members whose terms expire on June 30 of the next succeeding odd-numbered year following the establishment of trustee areas in the district and three members whose terms expire on June 30 of the second succeeding odd-numbered year following the establishment of trustee areas in the district. If the board is composed of seven members, the terms of office of the board members elected pursuant to Section 25411.1 shall be fixed so that the entire board is composed of three members whose terms expire on June 30 of the next succeeding odd-numbered year following the establishment of trustee areas in the district and four members whose terms expire on June 30 of the second succeeding odd-numbered year following the establishment of trustee areas in the district.

SEC. 13. Section 25411.4 is added to Division 18.5 of said code, to read:

25411.4. Any election called pursuant to Section 25411.1 may be consolidated with an election held to elect members of the governing board of a school district. Notwithstanding the provisions of Section 942, if the elections are consolidated, the notice of election required in Section 942 need be posted for only 30 days and publication of the notice need not be completed until 10 days before the election.

SEC. 13.1. Section 977.03 of said code is repealed.

SEC. 13.5. Section 25433.5 is added to said code, to read:

25433.5. Whenever any school district boundary change, whether proposed under this code or under any other provision of law, involves the withdrawal from a school district maintaining three or more junior colleges of territory containing junior college land, buildings, or facilities owned by that district, such proposal shall not be effected without the prior express approval of the governing board of that district.

SEC. 14. Section 977.04 of said code is repealed.

SEC. 15. Section 1276 of said code is repealed.

SEC. 16. Section 1403.1 of said code (as added by Chapter 3 of the Statutes of 1963) is repealed.

SEC. 17. Section 1403.2 of said code (as added by Chapter 3 of the Statutes of 1963) is repealed.

SEC. 18. Section 1403.3 of said code (as added by Chapter 3 of the Statutes of 1963) is repealed.

SEC. 19. Section 1403.4 of said code (as added by Chapter 3 of the Statutes of 1963) is repealed.

SEC. 20. Section 1537 of said code is repealed.

SEC. 21. Section 2451 of said code (as added by Chapter 31 of the Statutes of 1963) is repealed.

SEC. 22. Section 2841 of said code is repealed.

SEC. 23. Section 2898 of said code is repealed.

SEC. 24. Section 2901.5 of said code is repealed.

SEC. 25. Section 3113.6 of said code (as added by Senate Bill 426 of the 1963 General Session) is repealed.

SEC. 26. Section 3359.1 of said code (as added by Assembly Bill No. 2459 of the 1963 General Session) is repealed.

SEC. 27. In the event any provision of Division 18.5 of the Education Code as added or amended at the 1963 General Session conflicts with provisions of Divisions 4 and 5 of the Education Code, as added or amended at the 1963 General Session, it is the intent of the Legislature that the provisions of Division 18.5 shall prevail.

SEC. 28. This act shall become operative at the same time as the act enacted by Senate Bill No. 718 of the 1963 General Session.

CHAPTER 1752

An act to amend Sections 20023.1 and 31461.3 of the Government Code, relating to state and county employees' retirement.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 20023.1 of the Government Code is amended to read:

20023.1. The average monthly salary during any period of service as a member of a county retirement system established under the County Employees' Retirement Law of 1937 shall be considered compensation earnable by a member of this system for purposes of computing final compensation for such member provided:

(1) Entry into membership in one system occurred on or after October 1, 1957, and within 90 days of discontinuance of employment as a member of the other system.

This subsection shall not deny the benefit of this section to any person retiring after October 1, 1963, who entered such

membership prior to October 1, 1957, provided he entered the employment in which he became a member within 90 days of termination of employment in which he was a member of the other system, and he became a member within seven months of entry into such employment, or, if an employee of a district as defined in Section 31468, became a member at the time the district was included in a county retirement system established under the County Employees Retirement Law of 1937.

(2) He retires concurrently under both systems and is credited with such period of service under the county system at the time of retirement.

SEC. 2. Section 31461.3 of said code is amended to read:

31461.3. The average compensation during any period of service as a member of the State Employees' Retirement System or a member of a retirement system established under this chapter in another county shall be considered compensation earnable by a member for purposes of computing final compensation for such member provided:

(1) The period intervening between active memberships in the respective systems does not exceed 90 days.

(2) He retires concurrently under both systems and is credited with such period of service under such other system at the time of retirement.

This section shall be applied retroactively under this chapter in favor of any member whose membership in the State Employees' Retirement System or in a retirement system established under this chapter in any county terminated prior to October 1, 1957, provided that he was eligible to and elected deferred retirement therein within 180 days after such termination, the period intervening between active memberships in the respective systems did not exceed 90 days, and he retires concurrently under both systems and is credited with such period of service under such other system at the time of retirement. Except that the limitation of the 90-day period between active membership in the two retirement systems shall not apply as to employees entering state service prior to July 18, 1961; provided they entered state service within 90 days of termination of employment in which they were members of the other system.

CHAPTER 1753

An act to add Section 18426 to the Health and Safety Code, relating to mobilehomes and mobilehome parks.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 18426 is added to the Health and Safety Code, to read:

18426. The Division of Housing shall adopt rules and regulations, which it determines are reasonably consistent with generally recognized fire protection standards, governing conditions relating to the prevention of fire or for the protection of life and property against fire in mobilehomes and mobilehome parks.

Any city, county, or city and county may adopt and enforce within its jurisdiction rules and regulations relating to the prevention of fire or the protection of life and property in mobilehome parks referred to in the first paragraph of this section that impose restrictions in mobilehome parks greater than those imposed by the Division of Housing pursuant to this section.

Upon written notice to the Division of Housing, the fire department of any city, county, city and county, or fire protection district shall have the power to enforce within its jurisdiction all rules and regulations adopted pursuant to this section.

CHAPTER 1754

An act to add Section 3508 to, and to amend Sections 3509 and 3510 of, the Fish and Game Code, relating to dog training.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 3508 is added to the Fish and Game Code, to read:

3508. It is unlawful to break, train, hold field trials with, or practice dogs on any wild game bird or domesticated game bird during the closed season on such bird except as authorized by Section 3509 or 3510.

SEC. 2. Section 3509 of said code is amended to read:

3509. If the birds are not killed, captured, or injured, a person may break, train, hold field trials with, or practice dogs on game birds, wild or domesticated, between July 1st and March 31st anywhere in the State between the hours of sunrise and sunset.

SEC. 3. Section 3510 of said code is amended to read:

3510. Legally acquired domestically reared pheasants, coturnix quail and bobwhite quail, and Indian chukars released pursuant to Section 3517, may be used for and taken during the training of hunting dogs and field trials if the person taking the birds has a valid hunting license and a dog training or organizational field trial permit issued by the department pursuant to regulations of the commission.

Whenever such birds are used for field trials held by organizations operating under the auspices of the American Kennel Club, the American Field Dog Stud Book, or other

organization which in the opinion of the commission is a bona fide hunting dog organization, the birds may be taken if the organization conducting the field trial has a permit for such taking issued by the department and if each individual that shoots the birds has a valid hunting license.

The fee for dog training permits is one dollar ($1) per year for each individual permit and five dollars ($5) per year for each organizational permit. Applications for such permits shall be made to the department. The organizational permit shall allow each member of the organization, or the persons designated by the organization to do the shooting at a field trial, to take birds under the provisions of this section.

Persons conducting dog training individually at places and times other than official club functions shall have an individual permit.

The department may require that any birds so used be marked to distinguish them from other game birds and the carcass of pheasant or chukar taken shall be tagged with a seal as provided for in Sections 3206 and 3207.

The department may designate in such permit, the time, place, and dates where such training of dogs or field trials may be held.

The release and taking of exotic nonresident game birds subject to Sections 3515 and 3516 may be pursuant to this section if authorized by the commission. Dog training and organizational field trial permits shall be issued on an annual basis commencing on January 1, 1962.

Permits issued under the provisions of this section shall be restricted to dog clubs, trainers, and dog owners. The commission may revoke permits upon determination of any violation of this code.

CHAPTER 1755

An act to amend Section 3281 of the Fish and Game Code, relating to licensed pheasant clubs.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 3281 of the Fish and Game Code is amended to read:

3281. The license shall authorize the licensee to shoot, or permit to be shot, legally propagated pheasants upon the premises for which the license is issued.

The licensee may fix a daily bag limit of not to exceed six pheasants on a Zone A club. There is no bag limit on a Zone B club, but the licensee of a Zone B club may impose a daily bag limit.

No person hunting on the premises of a Zone A licensed pheasant club on any one day shall kill more than six pheasants on that day, regardless of the number or types of clubs on whose premises he hunts.

CHAPTER 1756

An act to add Section 5003.1 to the Public Utilities Code, relating to transportation fees.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 5003.1 is added to the Public Utilities Code, to read:

5003.1. Every railroad corporation, express corporation, freight forwarder, and every person or corporation operating vessels, as these terms are defined in Part 1 (commencing with Section 201) of Division 1, and every motor transportation broker, as the term is defined in the Motor Transportation Brokers' Act, and every person or corporation owning or operating motor vehicles in the transportation of property for hire upon the public highways under the jurisdiction of the commission shall, between the first and fifteenth days of January, April, July, and October of each year, file with the commission a statement showing the gross operating revenue derived by such person or corporation from the transportation of property for the preceding three calendar months, and shall at the time of filing such report pay to the commission a fee of four dollars ($4) for each quarter. Every express corporation, freight forwarder, motor transportation broker, and every person or corporation owning or operating motor vehicles in the transportation of property for hire upon the public highways under the jurisdiction of the commission shall, at the time of filing such report, pay to the commission a fee equal to one-third of 1 percent of the amount of such gross operating revenue; provided, however, that for any particular fiscal year the commission, with the approval of the Department of Finance, may fix said fee at less than one-third of 1 percent of said amount.

SEC. 2. This act shall become operative on July 1, 1964.

CHAPTER 1757

An act to add Section 125 to the Welfare and Institutions Code, relating to the Welfare Advance Fund.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 125 is added to the Welfare and Institutions Code, to read:

125. A revolving fund in the State Treasury is hereby created, to be known as the Welfare Advance Fund. All moneys in the fund are appropriated for the purpose of making payments or advances to counties, of the state and federal shares of assistance or medical care programs or the cost of administration of such programs, and for the payment of refunds.

Payments or advances of funds to counties, which are properly chargeable to appropriations made from other funds in the State Treasury, may be made by Controller's warrant drawn against the Welfare Advance Fund. For every warrant so issued, the several purposes and amounts for which it was drawn shall be identified for the payee.

The amounts to be transferred to the Welfare Advance Fund at any time shall be determined by the Department of Social Welfare, and, upon order of the Controller, shall be transferred from the funds and appropriations otherwise properly chargeable therewith, to the Welfare Advance Fund.

Refunds of amounts disbursed from the Welfare Advance Fund shall, on order of the Controller, be deposited in the Welfare Advance Fund and, on order of the Controller, shall be transferred therefrom to the funds and appropriations from which such amounts were originally derived. Claims for amounts erroneously paid into the Welfare Advance Fund shall be submitted by the Department of Social Welfare to the State Controller who, if he approves such claims, shall draw his warrant in payment thereof against the Welfare Advance Fund.

All amounts increasing the cash balance in the Welfare Advance Fund, which were derived from the cancellation of warrants issued therefrom, shall, on order of the Controller, be transferred to and in augmentation of the appropriations from which such amounts were originally derived.

CHAPTER 1758

An act to add Sections 5006.3 and 5093 to the Public Resources Code, and to add Chapter 12.5 (commencing with Section 7000) to Division 7 of Title 1 of the Government Code, and to add Chapter 6 (commencing with Section 66400) to Title 7 of the Government Code, relating to the acquisition, maintenance, improvement, and use of property in the area of the Westside Freeway and the California Aqueduct, and making an appropriation therefor.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 5006.3 is added to the Public Resources Code, to read:

5006.3. The department shall acquire sites for wayside parks adjacent to the Westside Freeway, State Highway Route 238. The following general vicinities shall be given first consideration:

(a) Kern River.

(b) South of Kettleman City.

(c) Mercy Springs Road.

(d) Orestimba Creek.

(e) San Joaquin River near Mossdale.

SEC. 2. Section 5093 is added to said code, to read:

5093. As the initiation of a change in the administration of the roadside rest program, as provided for in this article, the Department of Public Works shall finance, construct, and maintain six pairs of roadside rests, hereinafter called safety rests, along the Westside Freeway, Interstate Route 5, at the following locations which have been approved by the Bureau of Public Roads of the United States Department of Commerce for the construction of safety rests:

(a) Buttonwillow.

(b) West Camp.

(c) Cantua Creek.

(d) Panoche.

(e) San Luis.

(f) Arkansas Creek.

Each of the safety rest areas shall consist of an on-and-off access road, a parking area, restroom facilities, picnic tables, adequate refuse containers, shade structures or shade trees, and may also include other related noncommercial facilities for the traveling public.

SEC. 3. Chapter 12.5 (commencing with Section 7000) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 12 5. SCENIC CONSERVATION

7000. It is the intent of the Legislature in enacting this chapter to provide a means whereby the Department of Water Resources, Parks and Recreation, Fish and Game, and Finance, of the State of California, may acquire by purchase, gift, grant, bequest, devise, lease, condemnation or otherwise, the fee or any lesser interest or right in real property in order to protect, preserve, maintain, improve, restore, limit the future use of, or otherwise conserve for public use and enjoyment any of the lands and areas, identified below, alongside the Westside Freeway, Interstate Route 5, and the California Aqueduct, which have significant scenic values:

(a) Between the California Aqueduct and the Westside Freeway from Highway 41 north to Milham Avenue.

(b) Between the California Aqueduct and the Westside Freeway from Ness Avenue north to Pioneer Road.

(c) Between the California Aqueduct, the Westside Freeway and the Delta-Mendota Canal from Cottonwood Road north to the freeway-aqueduct crossing at Orestimba Creek,

and between the aqueduct and freeway north of that point to the Alameda county line.

The Department of Public Works may acquire scenic easements along said Westside Freeway, provided that funds for such easements are obtained pursuant to the provisions of Section 319 of Title 23 of the United States Code relating to the purchase of interests in lands adjacent to highway rights-of-way, provided further that the federal government reimburses the State for the costs of such scenic easements, and also provided that the use of money for this purpose will not reduce the amount of funds which would otherwise be available to the State for highway purposes.

7001. The Legislature hereby declares that the acquisition of interests or rights in real property for the preservation and conservation of the scenic lands and areas provided for in Section 7000 constitutes a public purpose for which public funds may be expended or advanced, and that any of the state departments specified in this chapter may acquire, by purchase, gift, grant, bequest, devise, lease, condemnation or otherwise, the fee or any lesser interest, development right, easement, covenant or other contractual right necessary to achieve the purposes of this chapter. Any of said departments may also acquire the fee to any of the property for the purpose of conveying or leasing said property back to its original owner or another person under such covenants or other contractual arrangements as will conserve the scenic character and value of the property in accordance with the purposes of this chapter.

SEC. 4. Chapter 6 (commencing with Section 66400) is added to Title 7 of said code, to read:

CHAPTER 6. HIGHWAY INTERCHANGE DISTRICTS

66400. The Legislature finds and declares that since substantial public moneys will be expended on the development of the Westside Freeway, Interstate Route 5, including the development of recreational and scenic observation sites, in relatively undeveloped areas, and since new commercial and other development tends to locate at freeway interchanges in such areas, and such development may be detrimental to both traffic capacity and safety and to the preservation of the scenic characteristics along the freeway route, it is therefore necessary in the interests of the public health, safety, and welfare, and to safeguard community economic development along the route of said freeway, to establish controls over the kinds, intensity and design of land use and development which is permitted to occur at those interchanges along said freeway route from its intersection with the San Joaquin River to the junction of said route with United States Highway 99 in the vicinity of Wheeler Ridge.

66401. To preserve the effective traffic capacity and safety of the Westside Freeway, to maintain and enhance the present

character of the landscape abutting said freeway, and to insure compatible land use and development at and near interchanges along said route, the kind, intensity and design of land use and development occurring at the freeway interchanges on the portion of the Westside Freeway designated in Section 66400 shall be regulated within highway interchange districts, which districts shall be established by each local jurisdiction traversed by the Westside Freeway in which is located any of the interchanges identified herein.

66402. The boundaries of each such district shall be designated by the local jurisdiction within which each such interchange is located and shall include such territory as the local jurisdiction deems to be affected by each interchange, but in no case shall the area consist of less than a circle of one-mile radius from the point of intersection of the centerline of the Westside Freeway with the centerline of any highway, street or road intersecting at an interchange.

66403. Each local jurisdiction shall prepare for each such highway interchange district a general land use plan and appropriate zoning ordinances by January 1, 1964. It shall be recognized that the State has a continuing interest in adequate enforcement of such plans and ordinances due to construction by the State of the Westside Freeway.

SEC. 5. The sum of one hundred thousand dollars ($100,000) is appropriated from the General Fund to the Department of Parks and Recreation for the acquisition of sites for wayside parks as provided for in Section 5006.3 of the Public Resources Code.

SEC. 6. This act shall be known and may be cited as the Westside Freeway Park and Development Act.

CHAPTER 1759

An act to add Section 846 to the Civil Code, relating to obligations of an owner of an estate in real property.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 846 is added to the Civil Code, to read:

846. An owner of any estate in real property owes no duty of care to keep the premises safe for entry or use by others for taking of fish and game, camping, water sports, hiking or sightseeing, or to give any warning of hazardous conditions, uses of, structures, or activities on such premises to persons entering for such purposes, except as provided in this section.

An owner of any estate in real property who gives permission to another to take fish and game, camp, hike or sightsee upon the premises does not thereby (a) extend any assurance

that the premises are safe for such purpose, or (b) constitute the person to whom permission has been granted the legal status of an invitee or licensee to whom a duty of care is owed, or (c) assume responsibility for or incur liability for any injury to person or property caused by any act of such person to whom permission has been granted except as provided in this section.

This section does not limit the liability which otherwise exists (a) for willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity; or (b) for injury suffered in any case where permission to take fish and game, camp, hike or sightsee was granted for a consideration other than the consideration, if any, paid to said landowner by the State; or (c) to any persons who are expressly invited rather than merely permitted to come upon the premises by the landowner.

Nothing in this section creates a duty of care or ground of liability for injury to person or property.

CHAPTER 1760

An act to amend Section 53891 of the Government Code, relating to financial affairs of local agencies.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 53891 of the Government Code is amended to read:

53891. The officer of each local agency who has charge of the financial records shall furnish to the Controller a report of all the financial transactions of the local agency during the next preceding fiscal year. The report shall be furnished within 90 days after the close of each fiscal year and shall be in the form required by the Controller.

The Controller shall prescribe uniform accounting and reporting procedures which shall be applicable to all local agencies except cities, counties, and school districts, and except for local agencies which substantially follow a system of accounting prescribed by the Public Utilities Commission of the State of California or the Federal Power Commission. The procedures shall be adopted under the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1, Division 3, Title 2 of this code and shall be published in the California Administrative Code. The Controller shall prescribe such procedures only after consultation with and approval of a local governmental advisory committee established pursuant to Section 12463.1 of this code. Approval of such procedures shall be by majority vote of the

members present at a meeting of the committee called by the chairman thereof.

SEC. 2. The Legislature declares that the amendment of Section 53891 of the Government Code effected by this act is to implement the recommendations contained in Volume 6, Number 20, of the Final Report of the Assembly Interim Committee on Municipal and County Government, dated December 18, 1962.

CHAPTER 1761

An act to amend Sections 500, 506, 568, 656, 663, 725, 727, 729, and 781 of, and to add Section 517 to, the Welfare and Institutions Code, relating to juvenile courts.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 500 of the Welfare and Institutions Code is amended to read:

500. This chapter shall be known and may be cited as the "Arnold-Kennick Juvenile Court Law."

SEC. 1.5. Section 506 of said code is amended to read:

506. No person taken into custody solely upon the ground that he is a person described in Section 600 or adjudged to be such and made a dependent child of the juvenile court pursuant to this chapter solely upon that ground shall, in any detention under this chapter, be brought into direct contact or personal association with any person taken into custody on the ground that he is a person described by Section 601 or Section 602, or who has been made a ward of the juvenile court on either such ground.

Separate, segregated facilities for such persons alleged to be within the description of Section 600, or persons adjudged to be such and made dependent children of the court pursuant to this chapter solely upon that ground shall be provided by the board of supervisors. Such separate, segregated facilities may be provided in the juvenile hall or elsewhere.

SEC. 1.7. Section 517 is added to said code, to read:

517. In any case in which, pursuant to this chapter, the court appoints counsel to represent any person who desires but is unable to employ counsel, counsel shall receive a reasonable sum for compensation and for necessary expenses, the amount of which shall be determined by the court, to be paid out of the general fund of the county.

SEC. 2. Section 568 of said code is amended to read:

568. At any time prior to the final disposition of a hearing pursuant to Section 563, the judge, referee, or traffic hearing officer may, on motion of the minor, his parent, or guardian, or on its own motion, transfer the case to the county of the

minor's residence for further proceedings pursuant to Sections 564, 565, 566, and 567.

SEC. 3. Section 656 of said code is amended to read:

656. A petition to commence proceedings in the juvenile court to declare a minor a ward or a dependent child of the court shall be verified and must contain:

(a) The name of the court to which the same is addressed.

(b) The title of the proceeding.

(c) The code section or sections and subdivision or subdivisions under which the proceedings are instituted.

(d) The name, age, and address, if any, of the minor upon whose behalf the petition is brought.

(e) The name or names and residence address, if known to petitioner, of all parents and guardians of such minor. If there is no parent or guardian residing within the State, or if his place of residence is not known to petitioner, the petition must also contain the name and residence address, if known, of any adult relative residing within the county, or, if there be none, the adult relative residing nearest to the location of the court.

(f) A concise statement of facts, separately stated, to support the conclusion that the minor upon whose behalf the petition is being brought is a person within the definition of each of the sections and subdivisions under which the proceedings are being instituted.

(g) The fact that the minor upon whose behalf the petition is brought is detained in custody or is not detained in custody, and if he is detained in custody, the date and the precise time the minor was taken into custody.

SEC. 4. Section 663 of said code is amended to read:

663. Whenever a petition has been filed in the juvenile court alleging that a minor comes within the provisions of Section 600, 601 or 602 of this code and praying for a hearing thereon, or whenever any subsequent petition has been filed praying for a hearing in the matter of said minor and it appears to the court that the conduct and behavior of the said minor may endanger the health, person, welfare, or property of himself or others, or that the circumstances of his home environment may endanger the health, person, welfare or property of said minor, a warrant of arrest may be issued immediately for the minor.

SEC. 5. Section 725 of said code is amended to read:

725. After receiving and considering the evidence on the proper disposition of the case, the court may enter judgment as follows:

(a) If the court has found that the minor is a person described by Sections 601 or 602, it may, without adjudging such minor a ward of the court, place, the minor on probation, under the supervision of the probation officer, for a period not to exceed six months.

(b) If the court has found that the minor is a person described by Sections 601 or 602, it may order and adjudge the minor to be a ward of the court.

(c) If the court has found that the minor is a person described by Section 600, it may order and adjudge the minor to be a dependent child of the court.

SEC. 6. Section 727 of said code is amended to read:

727. When a minor is adjudged a dependent child of the court, on the ground that he is a person described by Section 600, the court may make any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of such minor, including medical treatment, subject to further order of the court.

The court may order the care, custody, control and conduct of such minor to be under the supervision of the probation officer or may commit such minor to the care, custody and control of:

(a) Some reputable person of good moral character who consents to such commitment.

(b) Some association, society, or corporation embracing within its objects the purpose of caring for such minors, with the consent of such association, society, or corporation.

(c) The probation officer, to be boarded out or placed in some suitable family home or suitable private institution, subject to the requirements of Chapter 1 (commencing with Section 1620) of Part 3 of Division 2; provided, however, that pending action by the State Department of Social Welfare, the placement of a minor in a home certified as meeting minimum standards for boarding homes by the probation officer shall be legal for all purposes.

(d) Any other public agency organized to provide care for needy or neglected children.

SEC. 7. Section 729 of said code is amended to read:

729. Every order adjudging a minor a dependent child of the juvenile court pursuant to Section 600 shall be reviewed at least annually and every such order continuing such status and all orders made in the proceeding shall terminate one year after the order adjudging the minor to be a dependent child or continuing such status, unless prior to such time the court shall have conducted a hearing and ordered a continuation of such status for an additional year.

A proceeding for continuance of such status shall be commenced by the filing of a supplemental petition by the probation officer in the same matter. Copies of the petition and notice of the hearing shall be served upon the same persons as in an original proceeding and shall be served either as required in an original proceeding or by certified mail addressed to the last known address of the persons served.

SEC. 8. Section 781 of said code is amended to read:

781. In any case in which a petition has been filed with a juvenile court to commence proceedings to adjudge such person a dependent child or ward of the court, such person, or the county probation officer, may, five years or more after the jurisdiction of the juvenile court has terminated as to such person, petition the court for sealing of the records, including records

of arrest, relating to such person's case, in the custody of the juvenile court and probation officer and such other agencies, including law enforcement agencies, and public officials, as petitioner alleges, in his petition, to have custody of such records. The court shall notify the district attorney of the county and the county probation officer, if he is not the petitioner of the petition, and such district attorney or probation officer or any of their deputies or any other person having relevant evidence may testify at the hearing on the petition. If, after hearing, the court finds that since such termination of jurisdiction he has not been convicted of a felony or of any misdemeanor involving moral turpitude and that rehabilitation has been attained to the satisfaction of the court, it shall order sealed all records, papers, and exhibits in such person's case in the custody of the juvenile court, including the juvenile court record, minute book entries, and entries on dockets, and other records relating to the case in the custody of such other agencies and officials as are named in the order. Thereafter the proceedings in such case shall be deemed never to have occurred, and such former ward may properly reply accordingly to any inquiry about the events, records of which are ordered sealed. The court shall send a copy of the order to each agency and official named therein, and each such agency and official shall seal records in its custody as directed by the order, shall advise the court of its compliance, and thereupon shall seal the copy of the court's order for sealing of records that it or he received. The person who is the subject of records sealed pursuant to this section may petition the superior court to permit inspection of the records by persons named in the petition, and the superior court may so order. Otherwise such records shall not be open to inspection

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CHAPTER 1762

An act to amend Sections 570, 1325, 1313.1, and 1356 of the Code of Civil Procedure, to add Section 5011 to the Corporations Code, to amend Section 1056 5 of the Insurance Code, and to amend Sections 3121, 3150, 3162, and 9073 of, and to repeal Section 12313 of, the Financial Code, relating to unclaimed property, and making an appropriation.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 570 of the Code of Civil Procedure is amended to read:

570. A receiver having any funds in his hands belonging to a person whose whereabouts are unknown to him, shall, before receiving his discharge as such receiver, publish a notice, in

one or more newspapers published in the county, at least once a week for four consecutive weeks, setting forth the name of the owner of any unclaimed funds, the last known place of residence or post office address of such owner and the amount of such unclaimed funds. Any funds remaining in his hands unclaimed for 30 days after the date of the last publication of such notice, shall be reported to the court, and upon order of the court, all such funds must be paid into the State Treasury accompanied with a copy of the order, which must set forth the facts required in the notice herein provided. Such funds shall be deemed to have been received by the State under Chapter 7 (commencing with Section 1500) of Title 10 of Part 3 of this code and may be recovered in the manner prescribed therein.

All costs and expenses connected with such advertising shall be paid out of the funds the whereabouts of whose owners are unknown.

SEC. 2. Section 1325 of said code is amended to read:

1325. All money in the Unclaimed Property Fund is hereby continuously appropriated to the Controller, without regard to fiscal years, for expenditure for the following purposes:

(a) For refund, to the person making such deposit, of amounts, including overpayments, deposited in error in such fund;

(b) For payment of the cost of title searches and appraisals incurred by the Controller covering real or personal property held in the name of an account in such fund;

(c) For payment of the cost incurred by the Controller covering indemnity bonds required in order to have duplicate certificates of ownership issued in order to replace lost certificates, covering personal property held in the name of an account in such fund;

(d) For payment of amounts required to be paid by the State as trustee, bailee, or successor in interest to the preceding owner, pursuant to the provisions of trust deeds, mortgages, or other liens on real property held in the name of an account in such fund;

(e) For payment of costs incurred by the Controller for the repair, maintenance and upkeep of real and personal property held in the name of an account in such fund;

(f) For payment of costs of official advertising in connection with the sale of real or personal property held in the name of an account in such fund;

(g) For payment to taxing agencies of the amounts deducted by the Controller from allowed and approved claims, in accordance with the provisions of subdivision (c) of Section 4986.5 of the Revenue and Taxation Code;

(h) For transfer to the Inheritance Tax Fund, on order of the Controller, of the amount of any inheritance taxes determined to be due and payable to the State by any claimant, with respect to any real or personal property, including cash, claimed by him under the provisions of this title;

(i) For payment and delivery to claimants of money or other property held to the credit, or in the name, of an account in such fund, under the provisions of this title;

(j) For transfer to the School Land Fund, on order of the Controller, of any money or other property in the Unclaimed Property Fund which becomes permanently escheated to the State under the provisions of this title.

Any expenditure made by the Controller pursuant to the provisions of this section shall be charged against any balance credited to the particular account in the Unclaimed Property Fund, in the name of which is held the real or personal property for which the expenditure is made; and if sufficient balance is not available in such account, the expenditure may be made from any appropriation from the General Fund for the support of the Controller, or, in the case of official advertising, from any appropriation available therefor, to be reimbursed from the proceeds of any subsequent sale of the property for which such expenditure is made.

SEC. 3. Section 1313.1 of said code is amended to read:

1313.1. Whenever, under any provision of Chapters 5 (commencing with Section 1410) and 6 (commencing with Section 1440) of this title, money or other property, or the proceeds from the sale or other disposition thereof, is payable into the State Treasury, and the total amount of such money or other property, or the proceeds from the sale or other disposition thereof, which is derived from an estate of a deceased person, or which is subject to claim by any individual owner, when added to the value of all money or other property held in the Unclaimed Property Fund in the name of such estate or subject to claim by such individual owner, does not exceed ten dollars ($10) such money or other property shall, on order of the Controller, be deposited in the School Land Fund.

The amount of the service charge provided by Section 1356 shall be deducted by the Controller from any allowed and approved claim filed by the owner thereof to recover any money or other property deposited in the School Land Fund under the provisions of this section; and the amount so deducted shall be retained in the School Land Fund.

SEC. 4. Section 1356 of said code is amended to read:

1356. There shall be deducted by the State Controller from the amount of any allowed and approved claim filed by any claimant under the provisions of this chapter 1 percent of the total amount of such claim, but in no event less than ten dollars ($10) for each individual share claimed, as a service charge for the receipt, accounting for, and management of the money or other property claimed, and for the processing of the claim filed to recover the same. On order of the State Controller, the amount of such service charge shall be transferred from the Unclaimed Property Fund to the School Land Fund. The amount of any service charge transferred to the School Land Fund shall be subject to the provisions of Section 1335 with the same force and effect as if said amount had been paid

to the claimant from whose claim such service charge was deducted.

SEC. 5. Section 5011 is added to the Corporations Code, to read:

5011. For the purpose of providing for the transmittal, receipt, accounting for, claiming, management, and investment of all money or other property deposited in the State Treasury under the provisions of Section 5009 and 5010 of this code, such money or other property shall be deemed to be paid or delivered for deposit in the State Treasury under the provisions of Chapter 7 (commencing with Section 1500) of Title 10 of Part 3 of the Code of Civil Procedure, and may be recovered in the manner prescribed therein.

SEC. 6. Section 1056.5 of the Insurance Code is amended to read:

1056.5. Whenever money or other property is payable to any claimant out of the assets of any person under the provisions of Sections 1021 to 1033, but such person cannot be located or for any other reason the payment of such money or other property to such person cannot be made, although assets are available for such payment, such money or other property shall be deposited in the State Treasury by the commissioner. Such deposits shall be deemed to have been received under the provisions of Chapter 7 (commencing with Section 1500) of Title 10 of Part 3 of the Code of Civil Procedure, and shall be subject to claim or other disposition as provided in said Chapter 7 (commencing with Section 1500) of Title 10. The commissioner may pay over the money or other property held by him to the persons respectively entitled thereto at any time prior to such deposit, upon being furnished satisfactory evidence of their right to the same.

SEC. 7. Section 3121 of the Financial Code is amended to read:

3121. Dividends remaining unpaid and any sums available for payment of deposits for which no claim was filed, which remain in the hands of the superintendent six months after the order for the payment of a final dividend, shall be deposited by him in the State Treasury. Such deposits shall be deemed to have been received under the provisions of Chapter 7 (commencing with Section 1500) of Title 10 of Part 3 of the Code of Civil Procedure, and shall be subject to claim or other disposition as provided in said Chapter 7 (commencing with Section 1500) of Title 10. The superintendent may pay over the moneys so held by him to the persons respectively entitled thereto at any time prior to such deposit, upon being furnished satisfactory evidence of their right to the same.

SEC. 8. Section 3150 of said code is amended to read:

3150. Any bank which voluntarily has ceased to do a banking business shall immediately notify the superintendent thereof and shall then proceed to liquidate its affairs. Any deposit or other sum which has not been paid to the person entitled thereto within six months after the bank ceased to con-

duct a banking business shall be paid into the State Treasury. Such deposits shall be deemed to have been received under the provisions of Chapter 7 (commencing with Section 1500) of Title 10 of Part 3 of the Code of Civil Procedure, and shall be subject to claim or other disposition as provided in said Chapter 7 (commencing with Section 1500) of Title 10. If the superintendent has reason to conclude that the liquidation of such bank is not being safely or expeditiously conducted, he may take possession of the business and property of such bank in the same manner and with the same effect and subject to the same rights accorded the bank as if he had taken possession pursuant to the provisions of Article 1 of this chapter, and he may proceed to liquidate its affairs in the same manner as provided in said Article 1. When such bank has been completely liquidated, its corporate existence shall be dissolved in the manner provided by law.

SEC. 9. Section 3162 of said code is amended to read:

3162. All money or other property delivered to the State Treasurer or State Controller pursuant to this article, except Section 3163, shall be deemed to be so delivered for deposit in the State Treasury under the provisions of Chapter 7 (commencing with Section 1500) of Title 10 of Part 3 of the Code of Civil Procedure, and shall be subject to claim or other disposition as provided in said Chapter 7 (commencing with Section 1500) of Title 10.

SEC. 10. Section 9073 of said code is amended to read:

9073. In making its order approving the commissioner's final statement of the liquidation of an association, the court shall determine the amounts of the liquidating dividends to which claimants and investors are entitled but which then remain unpaid or unclaimed in the hands of the commissioner. The order of the court shall direct the commissioner to deposit such amounts with the State Treasurer. All amounts so deposited shall be deemed to be deposited in the State Treasury under the provisions of Chapter 7 (commencing with Section 1500) of Title 10 of Part 3 of the Code of Civil Procedure, and shall be subject to claim or other disposition as provided in said Chapter 7 (commencing with Section 1500) of Title 10.

SEC. 11. Section 12313 of said code is repealed.

CHAPTER 1763

An act to amend Sections 50014, 50160, 50170, 50700, 50701, 50703, 50704, 50731 5, 50758, 50803 and 50812 of, and to add Sections 50015 and 50016 to, the Water Code, relating to reclamation districts.

[Approved by Governor July 17, 1963 Filed with Secretary of State July 19, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 50014 of the Water Code is amended to read:

50014. "Eligible person" means a landowner or the legal representative of a landowner.

SEC. 2. Section 50015 is added to said code, to read:

50015. "Legal representative" means an officer or other person or persons appointed to serve as such by the board of directors of a corporation landowner.

SEC. 3. Section 50016 is added to said code, to read:

50016. "Voter" means a landowner or the legal representative of a landowner.

SEC. 4. Section 50160 of said code is amended to read:

50160. For all purposes relating to signing petitions and bylaws and voting, the last equalized tax roll for each county wherein any district land is situated is sufficient evidence of ownership and of value of lands in the district.

SEC. 5. Section 50170 of said code is amended to read:

50170. Guardians, executors, administrators and other persons holding land in a trust capacity under appointment of court may sign petitions or bylaws or vote without obtaining special authority therefor. Corporation landowners may sign petitions or bylaws or vote by action of their legal representatives.

SEC. 6. Section 50700 of said code is amended to read:

50700. An election board consists of three landowners of the district or legal representatives who shall be appointed by the board of supervisors and shall consist of one inspector and two judges of election.

SEC. 7. Section 50701 of said code is amended to read:

50701. The board, prior to each election, shall cause a copy of the last equalized tax roll of each county in which district lands are situated to be prepared and certified by the proper officer and furnished to the election board.

SEC. 8. Section 50703 of said code is amended to read:

50703. If a member of the election board fails to attend at the opening of the polls, the voters present may appoint in his place any landowner or legal representative.

SEC. 9. Section 50704 of said code is amended to read:

50704. Each landowner or legal representative in the district may vote at any election in person or by proxy, and may cast one vote for each dollar's worth of real estate owned by him or his principal in the district, as determined from the last equalized tax roll of each county in which the lands of the district are situated.

SEC. 9.5. Section 50731.5 of said code, as added by Chapter 56 of the Statutes of 1963, is amended to read:

50731.5. Nominations for the office of trustee shall be made by petition of five or more qualified electors filed with the secretary not earlier than 75 days nor later than 12 o'clock on the 54th day before the election. Notice shall be published by the secretary that such petitions may be received at least seven days prior to the final date for receiving petitions.

SEC. 10. Section 50758 of said code is amended to read:

50758. If the ownership of any property in the district is changed after the making of the last equalized tax roll for the county wherein the property is situated, the owner thereof or his legal representative may vote at a district election upon the production of evidence of ownership of such property.

SEC. 11. Section 50803 of said code is amended to read:

50803. When a special election is called to determine whether bonds of the district shall be issued, the notice shall specify the time and place of holding the election, the aggregate face value of bonds proposed to be issued and the names of three landowners or legal representatives to act as an election board.

SEC. 12. Section 50812 of said code is amended to read:

50812. If the ownership of any property in the district is changed after the making of the last equalized tax roll for the county wherein the property is situated, the owner thereof or his legal representative may vote at a special election to determine if bonds or refunding bonds shall be issued upon production of the original deed or of certified copy of the record thereof in the office of the county recorder of the county in which the property is situated.

CHAPTER 1764

An act to amend Sections 9126 and 9201 of the Public Resources Code, relating to soil conservation districts.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 9126 of the Public Resources Code is amended to read:

9126. Directors shall be elected at large and each shall be an owner of land, or a designated agent of a landowner, within the district. Any agent of a landowner shall reside within the district. There shall be elected five directors.

SEC. 2. Section 9201 of said code is amended to read:

9201. Not less than 60 days prior to the election, any five or more landowners or such designated agents of landowners of the district may file with the board of supervisors of the county in which is situated all or the greatest portion of the land in the district a petition requesting that the names of certain persons specified in the petition be placed upon the ballot as candidates for the office of director. Each person nominated shall be an owner of land, or such a designated agent of a landowner, within the district. As used in this section, a landowner or owner of land is a person who is shown as such upon the last equalized assessment roll of the county or counties within whose boundaries the district is situated.

CHAPTER 1765

An act to amend Section 14675 of the Revenue and Taxation Code, relating to inheritance taxation.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 14675 of the Revenue and Taxation Code is amended to read:

14675. No fee shall be charged the Controller for filing, recording, or certifying any petition, lis pendens, decree, or order, or for taking any oath or acknowledgment, in any proceeding under this part; nor shall any undertaking be required from the Controller or the State in any such proceeding.

CHAPTER 1766

An act to amend Section 17503 of, and to add Section 17505 to, the Education Code, relating to public schools.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 17503 of the Education Code is amended to read:

17503. For purposes of this section:

(a) "Salaries of classroom teachers" and "teacher" shall have the same meanings as prescribed by Section 17200 of this code.

(b) "Current expense of education" means the gross total expended (not reduced by estimated income or estimated federal and state apportionments) for the purposes classified in the final budget of a school district (except one which, during the preceding fiscal year, had less than 101 units of average daily attendance) submitted to and approved by the county superintendent of schools pursuant to Section 20651 of this code for administration, instruction (including salaries and other expense), auxiliary services, school plant (including operation and maintenance), and fixed charges. "Current expense of education" shall not include those purposes classified as transportation of pupils, food service, community service, capital outlay, and state school building loan repayment.

There shall be expended during each fiscal year for payment of salaries of classroom teachers:

(a) By an elementary school district, sixty percent (60%) of the district's current expense of education.

(b) By a high school district, fifty percent (50%) of the district's current expense of education.

(c) By a junior college district, fifty percent (50%) of the district's current expense of education.

(d) By a unified school district, fifty-five percent (55%) of the district's current expense of education.

If the Superintendent of Public Instruction determines that a school district has not expended the applicable percentage of current expense of education for the payment of salaries of classroom teachers during the preceding fiscal year, he shall, in apportionments made to the school district from the State School Fund after April 15 of the current fiscal year, designate an amount of such apportionment or apportionments equal to the apparent deficiency in district expenditures. Any amount so designated by the Superintendent of Public Instruction shall be deposited in the county treasury to the credit of the school district, but shall be unavailable for expenditure by the district pending the determination to be made by the Superintendent of Public Instruction on any application for exemption which may be submitted to the Superintendent of Public Instruction. In the event it appears to the governing board of a school district that the application of the preceding paragraphs of this section during a fiscal year results in serious hardship to the district, or in the payment of salaries of classroom teachers in excess of the salaries of classroom teachers paid by other districts of comparable type and functioning under comparable conditions, the board may, with the written approval of the county superintendent of schools having jurisdiction over the district apply to the Superintendent of Public Instruction in writing not later than September 15th of the succeeding fiscal year for exemption from the requirements of the preceding paragraphs of this section for the fiscal year on account of which the application is made. Upon receipt of such application, duly approved, the Superintendent of Public Instruction shall grant the district exemption for any amount that is less than one thousand dollars ($1,000), and if the amount is one thousand dollars ($1,000), or greater may grant the district exemption, to the extent deemed necessary by him, from such requirements for the fiscal year on account of which the application is made. If such exemption is granted the designated moneys shall be immediately available for expenditure by the school district governing board. If no application for exemption is made or exemption is denied, the Superintendent of Public Instruction shall order the designated amount or amount not exempted to be added to the amounts to be expended for salaries of classroom teachers during the next fiscal year.

The Superintendent of Public Instruction shall enforce the requirements prescribed by this section, and may adopt necessary rules and regulations to that end. He may require the submission to him, during the school year, by school district governing boards and county superintendents of schools, of

such reports and information as may be necessary to carry out the provisions of this section.

SEC. 2. Section 17505 is added to said code, to read:

17505. Notwithstanding any other provision of law to the contrary, Section 17503 shall not apply to any elementary school district, high school district, or unified school district, which maintains no individual class session with pupils in attendance exceeding the numbers, for the particular grade levels, following:

(a) An elementary school district—twenty-eight (28) pupils.

(b) A high school district—twenty-five (25) pupils.

(c) A unified school district—twenty-eight (28) pupils in respect to grades kindergarten through eight, inclusive; and twenty-five (25) pupils in respect to grades 9 through 12, inclusive.

The provisions of this section shall in no way affect the applicability of Section 17503 to districts with respect to maintenance of junior colleges, and individual class sessions in grades 13 and 14 maintained by any school district shall not be considered for purposes of this section.

As used in this section the phrase "individual class session" shall not include any class session held in grades kindergarten through eight, inclusive, in courses in art, instrumental and vocal music, industrial arts, and physical education. The phrase shall not include any class session held in grades 9 through 12, inclusive, in courses in commercial arts, instrumental and vocal music, industrial arts, vocational arts, and physical education. The phrase "individual class session" shall not include any class session held in grades 9 through 12, inclusive, for which two or more individual class groups which come within the descriptions specified by the first paragraph of this section and subdivision (a) or (b), or both, are assembled together in the same room for joint lectures or demonstrations.

Notwithstanding the provisions of subdivisions (b) and (c), grades seven, eight, and nine of a junior high school shall be deemed to be high school grades for purposes of this section.

The governing board of each school district shall, subject to the rules and regulations of the Superintendent of Public Instruction and in the manner and form he shall prescribe, certify to that officer on or before December 31 of each year, information concerning its individual class sessions and the numbers of pupils in attendance thereon, as of October 31 of the same year which certification shall constitute the basis for the applicability of the provisions of this section to the school district.

CHAPTER 1767

An act to amend Section 114 of the Labor Code, relating to workmen's compensation.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 114 of the Labor Code is amended to read:

114. The commission shall be composed of two panels of three members each. The members shall be assigned to the panels by the chairman and may be transferred from one panel to another by the chairman to facilitate the work of the commission. The chairman may act in the place of any member of a panel who is absent, or whose office has become vacant.

The headquarters of Panel One shall be the San Francisco office of the commission. The headquarters of Panel Two shall be the Los Angeles office of the commission.

The commission shall meet as a whole at least once each quarter.

Except as otherwise expressly provided, each of the panels shall have the power to hear and determine matters within the jurisdiction of the commission. The commission shall by rule provide for a geographical division of the State to determine what matters are to be heard and decided by each panel. Particular matters may be transferred from one panel to another, or to the commission as a whole, by an order signed by four members of the commission; provided, however, that where an application is filed incorrectly with the office of one panel it may be transferred to the other by order of a single commissioner. In any case in which the commission acts as a whole, the act of four members shall be considered the act of the commission.

Notice of the required quarterly meetings of the commission as a whole shall be published in papers of general circulation, not more than 30 days and not less than 10 days prior to each such meeting, in Sacramento, San Francisco, Fresno, Los Angeles and San Diego.

All meetings of the commission and of the commission panels shall be open and public, and all persons shall be permitted to attend any and all such meetings in their entirety, save and except such meeting or portion of a meeting of the commission or a panel as may be held, following receipt of all evidence, briefs and arguments, to judicially determine in a specific case the benefits, if any, to be awarded for injury or death sustained by an employee, or to determine the liabilities to be assessed against, or penalties to be imposed upon a particular employer.

Written notice of all meetings of the commission and of the panels shall be given to persons who request in writing directed to the chairman that they be given such notice.

CHAPTER 1768

An act to add Sections 3810, 3811, and 3812 to the Public Utilities Code, relating to highway carriers.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 3810 is added to the Public Utilities Code, to read:

3810. No highway carrier shall engage in any transportation of property for compensation by motor vehicle on any public highway in this State, for which authority from the Interstate Commerce Commission is required by the Interstate Commerce Act, without first having obtained such authority, and without first having registered such authority with the Public Utilities Commission of California. Application for registration shall be in such form and contain such information as may be prescribed by the commission. Registration shall be granted upon the filing of such application and the payment of the fee as required in this article.

SEC. 2. Section 3811 is added to said code, to read:

3811. A fee of twenty-five dollars ($25) shall be paid to the commission for the filing of each application for the registration of interstate authority pursuant to this article.

SEC. 3. Section 3812 is added to said code, to read:

3812. Every person or corporation who, or which, violates any provision of this article is guilty of a misdemeanor, and is punishable by a fine of not more than five hundred dollars ($500), or by imprisonment in the county jail for not more than three months, or both.

CHAPTER 1769

An act to add Section 9353.5 to the Education Code, relating to school textbooks.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 9353.5 is added to the Education Code, to read:

9353.5. Whenever a person in response to a call for bids issued by the State Board of Education submits a textbook for evaluation by the State Curriculum Commission, he shall also submit detailed specifications for such textbook of the type, quality, size, and other physical characteristics of the paper, binding, print, and other physical components of the textbook.

Such specifications shall be complied with by the person if the textbook is adopted and purchased in completed form by the State Board of Education. If the textbook is adopted under a lease-plate contract, the Department of Finance shall follow comparable specifications in manufacturing the textbook. Changes in specifications may be made when approved by the State Board of Education.

CHAPTER 1770

An act to amend Sections 1.1 and 14.1 of, and to add Section 2.15 and Chapter 2.5 (commencing with Section 2.50) to, the World Trade Center Authorities Act (Chapter 1508 of the Statutes of 1947), and to amend Sections 8420 and 8425 of, and to add Section 8220.6 to, and Article 2.5 (commencing with Section 8427) to, Chapter 5.7, Division 1, Title 2 of, the Government Code, relating to world trade center authorities.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1.1 of the World Trade Center Authorities Act (Chapter 1508 of the Statutes of 1947) is amended to read:

Section 1.1. It is hereby declared to be the general policy of the State of California to foster and develop domestic and international trade for the benefit of the entire State and, particularly, trade in the natural, processed, and manufactured products of the State. Such a policy requires specific representation of California in the key areas of the world to boost the export of the natural, processed, and manufactured products of this State and also requires the establishment of world trade centers in the heart of the two major metropolitan areas in the State, the City and County of San Francisco and the County of Los Angeles.

In the instance of San Francisco, it is the policy of the State to stimulate the maximum use of the harbor in San Francisco Bay, and to aid in accomplishing this purpose through the establishment of a world trade center, preferably adjacent to or near the waterfront. It is universally recognized that San Francisco's harbor is one of the great natural harbors of the world. It is an outlet for California, for the West, and for the whole United States of America. It has from the time of the admission of the State to the union, afforded particular service as a domestic trade and export center for the natural, processed and manufactured products of the San Francisco Bay area and for the entire hinterland of Northern California, and as an import center to fill the requirements of the same area.

In the instance of Los Angeles, it is the policy of the State to stimulate the maximum use of the import-export facilities

of a rapidly expanding industrial community, and of the hinterland in Southern California which it particularly serves, and of its harbor installations and those in adjacent communities. It is essential to improve the facilities for domestic and international trade in the City of Los Angeles, which has become the center of a manufacturing and transportation network, serving as a major outlet for California, for the West, and for the whole United States.

In addition, countries in North and South America and in Europe and Africa, nations across the Pacific having a population many times that of the United States desire to do business with the United States, and the United States with them; and they desire California products and California desires their products. The full beneficial use of San Francisco Harbor and the full beneficial use of the transportation network of Los Angeles to this end are not possible unless facilities for international trade are concentrated and made available to persons and organizations vitally concerned therein, so that they may be in close contact with one another on premises devoted to the fostering of the world exchange of goods, commerce, services and cultural contributions.

It is essential that special authorities be created to raise the necessary funds to acquire land and property, and to construct and complete buildings and improvements for the housing and convenience of world trade centers in San Francisco and Los Angeles respectively, and to operate and maintain the same, or to contract for the building, operation and maintenance thereof, in whole or in part, as in this act provided, and thereby to make available to the people of the State of California the international facilities of these world trade centers In view of the different areas of the State to be principally served by each of the world trade centers, the differences in products of these areas and of their interests in developing world trade centers which, while similar in general purpose, may not necessarily adopt and use the same methods and projects in their development and operation, it is the policy of the State to provide for two independent authorities to carry out the purpose of this act.

The construction of the buildings and essential improvements of each of the world trade centers will assist in the orderly process of rehabilitation, and will greatly contribute to the stabilization of employment and afford opportunities for employment to returned veterans, and be a proper addition or supplement to the state and local public works programs.

SEC. 2. Section 2.15 is added to said act, to read:

Sec. 2.15. "Co-ordinating council" means the California World Trade Authorities Co-ordinating Council.

SEC. 3. Chapter 2.5 (commencing with Section 2.50) is added to said act, to read:

CHAPTER 2.5. CO-ORDINATING COUNCIL

Sec. 2.50. There is hereby created the California World Trade Authorities Co-ordinating Council consisting of three members of the San Francisco World Trade Center Authority appointed by and serving at the pleasure of that authority; three members of the Los Angeles World Trade Center Authority appointed by and serving at the pleasure of that authority; and three members appointed by and serving at the pleasure of the Governor.

Sec. 2.51. The members of the co-ordinating council shall receive no compensation for their services, but shall be allowed their actual necessary traveling expenses incurred in the discharge of their duties.

Sec. 2.52. The co-ordinating council shall annually elect one of its members to serve as chairman. The co-ordinating council shall meet as often as necessary for the purpose of carrying out its duties.

Sec. 2.53. The co-ordinating council shall co-ordinate the activities of the world trade center authorities in this State with the objective of promoting the economic interests of this State regarding imports and exports relating to the European Common Market and any other areas of the world.

Sec. 2.54. The co-ordinating council may contract with any group or individual to promote the economic interests of this State in any area which it determines is a key area of the world.

Sec. 2.55. The co-ordinating council may accept any gift or grant of money, whether from a private individual or group or from a governmental agency, and may expend such money in carrying out any of its purposes.

SEC. 4. Section 14.1 of said act is amended to read:

Sec. 14.1. This act shall be known as the "California World Trade Authority Act."

SEC. 5. Section 8420 of the Government Code is amended to read:

8420. The chapter shall be known as the "California World Trade Authority Act."

SEC. 6. Section 8220.6 is added to said code, to read:

8220.6. "Co-ordinating council" means the California World Trade Authorities Co-ordinating Council.

SEC. 7. Section 8425 of said code is amended to read:

8425. It is hereby declared to be the general policy of the State of California to foster and develop domestic and international trade for the benefit of the entire State and, particularly, trade in the natural, processed, and manufactured products of the State. Such a policy requires specific representation of California in the key areas of the world to boost the export of the natural, processed, and manufactured products of this State and also requires the establishment of world trade centers in the heart of the two major metropolitan areas in the

State, the City and County of San Francisco and the City of Los Angeles.

SEC. 8. Article 2.5 (commencing with Section 8427) is added to Chapter 5.7, Division 1, Title 2 of said code, to read:

Article 2.5. Co-ordinating Council

8427. There is hereby created the California World Trade Authorities Co-ordinating Council consisting of three members of the San Francisco World Trade Center Authority appointed by and serving at the pleasure of that authority; three members of the Los Angeles World Trade Center Authority appointed by and serving at the pleasure of that authority; and three members appointed by and serving at the pleasure of the Governor.

8427.1. The members of the co-ordinating council shall receive no compensation for their services, but shall be allowed their actual necessary traveling expenses incurred in the discharge of their duties.

8427.2. The co-ordinating council shall annually elect one of its members to serve as chairman. The co-ordinating council shall meet as often as necessary for the purpose of carrying out its duties.

8427.3. The co-ordinating council shall co-ordinate the activities of the world trade center authorities in this State with the objective of promoting the economic interests of this State regarding imports and exports relating to the European Common Market and any other areas of the world.

8427.4. The co-ordinating council may contract with any group or individual to promote the economic interests of this State in any area which it determines is a key area of the world.

8427.5. The co-ordinating council may accept any gift or grant of money, whether from a private individual or group or from a governmental agency, and may expend such money in carrying out any of its purposes.

SEC. 9. Sections 5 to 8, inclusive, of this act become operative only if legislation is enacted by the Legislature at its 1963 Regular Session to codify the World Trade Center Authorities Act (Chapter 1508, Statutes of 1947), and in such case at the same time as said legislation takes effect. In such case Sections 1 to 4, inclusive, of this act shall not become operative and are repealed.

CHAPTER 1771

An act to amend Sections 857, 858 and 859 of the Insurance Code, relating to filing and application fees.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 857 of the Insurance Code is amended to read:

857. The commissioner shall charge and collect the following fees:

(a) For filing an original or supplemental application for a permit to issue securities, except applications for a permit to issue securities evidencing any change in rights, preferences, privileges, or restrictions on outstanding securities, fifty dollars ($50) plus the sum of the following:

(1) Twenty one-hundredths of 1 percent of the amount of any excess of the aggregate value of the securities sought to be issued over one thousand dollars ($1,000) and not exceeding fifty thousand dollars ($50,000).

(2) Ten one-hundredths of 1 percent of such amount in excess of fifty thousand dollars ($50,000) and not exceeding one hundred thousand dollars ($100,000).

(3) Five one-hundredths of 1 percent of such amount in excess of one hundred thousand dollars ($100,000) and not exceeding five hundred thousand dollars ($500,000).

(4) Two one-hundredths of 1 percent of such amount in excess of five hundred thousand dollars ($500,000) and not exceeding five million dollars ($5,000,000).

(5) One one-hundredth of 1 percent of such amount in excess of five million dollars ($5,000,000) and not exceeding ten million dollars ($10,000,000).

(6) One five-hundredth of 1 percent of such amount in excess of ten million dollars ($10,000,000).

(b) For filing an application for a permit to issue securities evidencing any change in the rights, preferences, privileges or restrictions on outstanding securities, fifty dollars ($50).

An original or supplemental application shall not be amended after the permit sought thereby or by amendment thereto has been issued or denied.

SEC. 2. Section 858 of said code is amended to read:

858. For the purpose of determining the fees fixed in Section 857 of this code:

(a) The value of the securities shall be their par or face value unless the consideration for the securities as alleged in the application or as determined by the commissioner is in excess of their par or face value, or the securities when issued will have a value, as determined by the commissioner, in excess of their par or face value, in which case the value of the secu-

rities shall be the value of the consideration so received or the value as determined by the commissioner, whichever is greater.

(b) Where the securities proposed to be issued have no nominal or par value, if issuance is otherwise lawful, the value of the securities shall be the price at which the insurer proposes to sell them, or the value as alleged in the application, or the actual value as determined by the commissioner, of the consideration (if other than money) to be received in exchange therefor, or of the securities when issued, whichever is greater.

(c) Rights, warrants or other certificates evidencing rights to purchase additional securities shall have a value equal to the difference between the selling price of the securities represented by such rights, warrants or other certificates and the market value of the securities so represented at the date of filing the application provided the market price is higher than the selling price; otherwise, the rights, warrants or other certificates shall be deemed to have no value, and the fee for filing such an application is fifty dollars ($50).

(d) Where an application is made to issue securities containing a provision entitling the holders thereof to convert or exchange them for a different class of securities, the value of the securities to be so issued shall be an amount equal to twice the amount of the consideration to be received for the securities containing the conversion or exchange provision.

(e) In the case of a share dividend or a share split, the value of the securities to be issued shall be the amount of the surplus proposed to be transferred to paid-in capital.

SEC. 3. Section 859 of said code is amended to read:

859. The commissioner shall also collect the following fees:

(a) For filing any application for an amendment to an existing permit to issue securities, or for a permit to negotiate for the sale of securities, twenty-five dollars ($25).

(b) For filing any application for a broker's certificate, one hundred dollars ($100) for the first office or location plus fifty dollars ($50) for each additional office or location.

(c) For filing any application for an agent's certificate, twenty-five dollars ($25).

(d) For an examination, audit, or investigation, the actual amount of expenses reasonably incurred in the performance of the work, plus the following:

(1) If made by an employee of the commissioner, the actual amount of the compensation paid to such employee for that time.

(2) The amount of the usual cost to the State of typing, transcribing or otherwise preparing any written report of such examination, audit or investigation that may reasonably be needed in the discharge of the commissioner's duties.

CHAPTER 1772

An act to add Article 9.6 (commencing with Section 7045) to Chapter 5 of Part 1 of Division 2, and to add Chapter 4 (commencing with Section 4010) to Part 1 of Division 2, of the Insurance Code, relating to mutual insurance companies.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Article 9.6 (commencing with Section 7045) is added to Chapter 5 of Part 1 of Division 2 of the Insurance Code, to read:

Article 9.6. Transformation

7045. The board of directors of any county mutual fire insurer that desires to commence proceedings for transformation of such insurer to a general mutual insurer shall adopt a resolution to that effect and submit to the commissioner a plan for effecting such transformation accompanied by an application for approval thereof and a fee of one hundred dollars ($100).

7046. After the commissioner has granted tentative approval of any such application, a county mutual fire insurer that shall meet the financial requirements applicable to other insurers under Article 3 (commencing with Section 699), Chapter 1, Part 2, Division 1, of this code, may by the majority vote of those of its policyholders voting at a meeting duly called for the purpose, elect to transform itself into a general mutual insurer as defined in Chapter 4 (commencing with Section 4010) of Part 1, Division 2, of this code and amend its articles of incorporation and bylaws to conform to, cover, and enjoy any or all of the provisions, powers, rights, and privileges of such a mutual insurer, notwithstanding the restrictions or limitations of any other provision of law, including, but not limited to, Section 3602 of the Corporations Code. No such transformed county mutual fire insurer may engage in the business of life, title, workmen's compensation, mortgage, or mortgage guarantee insurance.

7047. The meeting called for the purpose of transformation, shall be preceded by a written or printed notice of the meeting and its purpose addressed to each policyholder of record on the date of the notice, mailed at least 30 days before that date fixed for the meeting. The presence in person or by proxy of 5 percent of the policyholders entitled to vote shall constitute a quorum unless a higher percentage is required by the bylaws or articles of incorporation of the insurer.

7048. Such corporation shall be a continuance of the original corporation by the same name or by any other name approved by the commissioner. Such transformation, however, shall in no way annul, modify or change any of the existing

contracts and liabilities of such corporations, and any and all such contracts and liabilities shall continue in force and effect the same as though such corporation had not transformed or qualified under this article, nor shall such transformation in any way prejudice, impede or impair any pending action or proceeding or any rights previously acquired. Certified copies of all proceedings in connection with such transformation, together with a certified copy of the articles of incorporation as amended, shall be filed with the commissioner.

7049. After the policyholders have elected such a transformation a county mutual insurer shall submit to the insurance commissioner for final approval of the transformation a certified copy of all proceedings together with an application for a new certificate of authority accompanied by the necessary filing fee. The said transformation shall become effective upon the occurrence of the last of the three following events: (1) the final approval by the insurance commissioner, (2) the issuance of a new certificate of authority, and (3) the filing of certified copies of amended articles of incorporation with the Secretary of State.

SEC. 2. Chapter 4 (commencing with Section 4010) is added to Part 1 of Division 2 of said code, to read:

CHAPTER 4. GENERAL MUTUAL INSURERS

Article 1. General Provisions

4010. A "mutual" insurer is an insurance corporation without capital stock owned by its policyholders collectively, who have the right to vote in the election of its directors.

4011. The provisions of Section 36 shall apply to domestic mutual insurers as well as foreign mutual insurers.

4012. Domestic mutual insurers incorporating or qualifying to transact any or all of the classes of insurance designated in Sections 100 through 123 and 700.01, shall be subject to all provisions of this code applicable to other incorporated insurers, except where otherwise provided. Mutual insurers shall not be required to have or issue capital stock or shares. The provisions of Section 1140 shall apply to such an insurer except that the provisions of the Corporation Law referring to shareholders or members shall be applied as though such provisions referred to the policyholders or members of a mutual.

4013. Each policyholder of a domestic mutual insurer, other than the holder of a reinsurance contract, is a member of the insurer during the period of insurance with all rights and obligations of such membership, and the policy shall so specify.

4014. Any person, government or governmental agency, state or political subdivision thereof, public or private corporation, board, association, estate, trustee or fiduciary may be a policyholder member of a mutual insurer.

4015. With respect to the management, records and affairs of a domestic mutual insurer qualified to transact any or all of the classes of insurance designated in Section 700 01, a member of such mutual insurer shall have the same character of rights and relationship as a stockholder has toward a domestic stock insurer subject to the provisions of this code.

4016. Each member of a domestic mutual insurer is entitled to one vote upon each matter coming to a vote at meetings of members.

4017. A member shall have the right to vote in person or by his written proxy filed with the corporate secretary not less than five days prior to the meeting. No such proxy shall be made irrevocable, nor be valid beyond the earliest of the following dates:

(a) The date of expiration set forth in the proxy; or

(b) The date of termination of membership; or

(c) Five years from the date of execution of the proxy; or

(d) Such time as may be specified in the bylaws, not to exceed five years.

4018. No member's vote upon any proposal to divest the insurer of its business or assets, or the major part thereof, shall be registered or taken except in person or by proxy newly executed and specific as to the matter to be voted upon.

Article 2. Directors

4020. The affairs of every domestic mutual insurer shall be managed by a board of directors consisting of not less than 5 directors nor more than 15 directors.

4021. Directors shall be elected by the members of a domestic mutual insurer at the annual meeting of members. Directors may be elected for terms of not more than five years each and until their succesors are elected and have qualified, and if to be elected for terms of more than one year, the insurer's bylaws shall provide for a staggered term system under which the terms of a proportionate part of the number of the board of directors shall expire on the date of each annual meeting of members.

4022. A director of a mutual insurer shall be a policyholder thereof.

4023. As to an insurer operating as an authorized insurer only in the State of California, a majority of the members of the insurer's board of directors shall be citizens of and shall actually reside in this State.

Article 3. Management and Exclusive Agency Contracts

4030. No domestic mutual insurer shall hereafter make any contract whereby any person is granted or is to enjoy in fact the management of the insurer to the substantial exclusion of its board of directors or to have the controlling or pre-emptive right to produce substantially all insurance business for the insurer, unless the contract is filed with and approved by the

commissioner. No such contract shall be effective unless and until approved by the insurance commissioner. Such approval shall be obtained by filing application for approval with the commissioner accompanied by a one-hundred-dollar ($100) fee. Any disapproval shall be delivered to the insurer in writing, stating the grounds therefor.

4031. Any such contract shall provide that any such manager or producer of its business shall within 90 days after expiration of each calendar year furnish the insurer's board of directors a written statement of amounts received under or on account of the contract and amounts expended thereunder during such calendar year, including the emoluments received therefrom by the respective directors, officers, and other principal management personnel of the manager or producer, and with such classification of items and further detail as the insurer's board of directors may reasonably require.

4032. The commissioner shall disapprove any such contract if he finds that it:

(a) Subjects the insurer to excessive charges; or

(b) Is to extend for an unreasonable length of time; or

(c) Does not contain fair and adequate standards of performance; or

(d) Contains other inequitable provisions or provisions which impair the proper interests of policyholders of the insurer.

4033. The commissioner may, after a hearing held thereon, withdraw his approval of any such contract theretofore approved by him, if he finds that the bases of his original approval no longer exist, or that the contract has, in actual operation, shown itself to be subject to disapproval on any of the grounds referred to in Section 4032 above.

4034. The holder of any such contract described in this Article shall be subject to examination by the commissioner pursuant to Article 4 (beginning with Section 730), Chapter 1, Part 2, Division 1 of this code.

Article 4. Loans

4040. A mutual insurer may borrow money to defray the expenses of its organization, provide it with surplus funds, or for any purpose of its business, upon a written agreement that such money is required to be repaid only out of the insurer's surplus in excess of that stipulated in such agreement. The agreement may provide for interest not exceeding six percent (6%) per annum, which interest shall or shall not constitute a liability of the insurer as to its funds other than such excess or surplus, as stipulated in the agreement. No commission or promotion expense shall be paid in connection with any such loan.

4041. Money so borrowed, together with the interest thereon if so stipulated in the agreement, shall not form a part of the

insurer's legal liabilities except as to its surplus in excess of the amount thereof stipulated in the agreement, or be the basis of any setoff, but until repaid, financial statements filed or published by the insurer shall show as a footnote thereto the amount thereof then unpaid together with any interest thereon accrued but unpaid.

4042. The issuance of any document evidencing any such loan shall require the commissioner's securities permit under Article 8 of Chapter 1, Part 2, Division 1 (commencing with Section 820).

4043. Any such loan to a mutual insurer shall be repaid by the insurer when and to the extent it is no longer reasonably necessary for the purpose originally intended; provided, that no such repayment shall be made which will reduce the net surplus below an amount equivalent to the aggregate of paid-in capital and unassigned surplus required by this code for issuance of a certificate of authority to a capital stock insurer transacting the same classes of insurance. No repayment of such a loan shall be made by a mutual insurer unless approved in advance by the commissioner.

4044. This section shall not apply to loans obtained by the insurer in ordinary course of business from banks and other financial institutions, nor to loans secured by pledge or mortgage of assets.

Article 5. Dividends to Policyholders

4050. The directors of a domestic mutual insurer may from time to time apportion and pay or credit to its members dividends only out of that part of its surplus funds which represents net realized savings, net realized earnings, and net realized capital gains, all in excess of a surplus equivalent to the aggregate of paid-in capital and unassigned surplus required by this code for the issuance of a certificate of authority to a capital stock insurer transacting the same classes of insurance.

4051. A dividend otherwise proper may be payable out of such savings, earnings, and gains even though the insurer's total surplus is then less than the aggregate of contributed surplus remaining unpaid by the insurer.

4052. The payment of any such dividends on a workmen's compensation policy shall be subject to the provisions of Section 11738 and for that purpose a mutual policy shall be considered to be a participating policy.

Article 6. Nonassessable Policies

4060. A domestic mutual insurer while maintaining unimpaired surplus funds not less in amount than one and one-half times the minimum paid-in capital stock required of a domestic stock insurer formed under this code for authority to transact the same class or classes of insurance, may, upon receipt of the commissioner's certificate so authorizing, extinguish the

contingent liability to assessment of its members as to all its policies in force and may omit provisions imposing contingent liability in all policies currently issued. A fee of one hundred dollars ($100) shall accompany any application for such a certificate.

4061. The commissioner shall not authorize a domestic insurer to extinguish the contingent liability of any of its members or in any of its policies to be issued, unless it qualifies to and does extinguish such liability of all its members and in all such policies for all kinds of insurance transacted by it. No assessment shall be levied against any member or subscriber with respect to any nonassessable policy issued when the insurer had an unrevoked certificate to issue nonassessable policies.

4062. A foreign or alien mutual insurer may issue nonassessable policies to its members in this State pursuant to its charter and the laws of its domicile.

4063. The commissioner shall revoke the certificate of a domestic mutual insurer to issue policies without contingent liability if

(a) At any time the insurer's assets are less than the sum of its liabilities and the surplus required for such certificate, or

(b) The insurer, by resolution of its board of directors approved by a majority of its members, requests that the certificate be revoked.

4064. During the absence of such certificate the insurer shall not issue any policy without providing therein for the contingent liability of the policyholder, nor renew any policy which is then in force without endorsing the same to provide for such contingent liability.

Article 7. Insolvency

4070. Such an insurer is insolvent if its surplus becomes less than the amount of paid-in capital required of a capital stock company to qualify to transact the same classes of insurance.

Article 8. Applicable Insurance Laws

4080. Such an insurer shall be subject to all the provisions of this code and all the applicable rules and regulations of the commissioner. Such code provisions and such rules and regulations, when applied to such insurers, shall be construed in accordance with the fundamental nature of a mutual insurer. In the event of any direct conflicts between such code provisions and the provisions of this chapter, the latter shall prevail. Such other code provisions may, however, be used to supplement or explain the provisions of this chapter.

CHAPTER 1773

An act to amend Sections 53201 and 53205 of the Government Code, relating to local agencies.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 53201 of the Government Code is amended to read:

53201. The legislative body of a local agency, subject to such conditions as may be established by it, may provide for any health and welfare benefits for the benefit of its officers, employees and retired employees who elect to accept the benefits and who authorize the local agency to deduct the premiums, dues or other charges from their compensation, to the extent that such charges are not covered by payments from funds under the jurisdiction of the local agency as permitted by Government Code Section 53205.

SEC. 2. Section 53205 of said code is amended to read:

53205. From funds under its jurisdiction, the legislative body may authorize payment of all or such portion as it may elect of the premiums, dues, or other charges for health and welfare benefits on officers, employees and retired employees subject to its jurisdiction.

Such expenditures are charges against the funds. If the employer pays any portion of the premiums, dues or other charges for such health and welfare benefits, any dividends paid or premiums refunded or other rebates or refunds under any such health and welfare benefits up to the aggregate expenditures of the employer for such benefits are the employer's property. The excess, if any, shall be applied by the employer for the benefit of such employees or their dependents generally.

CHAPTER 1774

An act to add Section 658 to, and to amend Sections 871 and 1681 of, the Education Code, relating to the public school system.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 658 is added to the Education Code, to read:

658. Upon the adoption of a resolution by the board of supervisors of the county consenting to the transfer of the functions specified in the sections set forth below in this sec-

tion, the functions specified in such section shall be transferred from the county board of supervisors to the county board of education. The functions, including but not limited to the receipt of petition and reports and other papers, are those specified in Sections 1602, 1613, 1621, 1641, 1642, 1723, 1724, 1745, 1749, 1750, 1752, 1771, 1781, 1782, 1783, 1792, 1793, 1794, 1795, 1811, 1812, 1813, 1815, 1833, 1834, 1871, 1873, 1875, 1876, 1877, 1878, 1883, 1884, 1885, 2021, 2022, 2031, 2051, 2052, 2053, 2094, 2363, 2366, 2367, 2431, 2432, 2451, 2491, 2493, 2494, 2511, 2512, 2621, 2622, 2623, 2624, 2627, 2641, 2642, 2643, 2644, 2645, 2647, 2671, 2672, 2673, 2674, 2721, 2722, 2724, 2762, 2765, 2767, 2768, 2884, 2898, 3152, 3167, and 3489.

Upon the adoption of such resolution, any reference, with respect to that county, in such sections to the board of supervisors shall be deemed to be a reference to the county board of education of that county and any reference to the clerk of the county board of education shall be deemed to be a reference to the secretary of the county board of education of that county.

SEC. 2. Section 1681 of said code is amended to read:

1681. When any school district is situated partly in two or more counties, all returns, reports, certificates, estimates, petitions, and other papers of any kind required by the code to be filed with or presented to the board of supervisors or county board of education, as the case may be, by this code relating to schools and school districts, shall be filed with or presented to the supervisors or county board of education, as the case may be, of each county in which any portion of the district is situated. All actions required to be taken by the board of supervisors or county board of education, as the case may be, regarding such matters shall be taken by the concurrent action of the respective boards of supervisors or county boards of education, as the case may be, of each county in which any portion of the district is situated.

SEC. 3. Section 658 is added to the Education Code, to read:

658. Upon the adoption of a resolution by the board of supervisors of the county consenting to the transfer of the functions specified in the sections set forth below in this section, the functions specified in such section shall be transferred from the county board of supervisors to the county board of education. The functions, including but not limited to the receipt of petition and reports and other papers, are those specified in Sections 912, 913, 1647, 1701, 1705, 1744, 1822.1, 2307, 2367, 2368, 2369, 2703, 2704, 2705, 2746, and 3303.

Upon the adoption of such resolution, any reference, with respect to that county, in such sections to the board of supervisors shall be deemed to be a reference to the county board of education of that county and any reference to the clerk of the county board of education shall be deemed to be a reference to the secretary of the county board of education of that county.

SEC. 4. Section 871 of said code, as proposed to be added by Senate Bill No. 718 is amended to read:

871. Except as provided in Sections 1681 to 1686, inclusive, all actions required by this code to be taken by the board of supervisors or county board of education, as the case may be, of the county in which a school district is located, shall, in the case of any joint school district, be taken by the concurrent action of the boards of supervisors, or the county boards of education, as the case may be, of each county in which any part of the joint district is located.

SEC. 5. Sections 3 and 4 of this act shall become operative only if Senate Bill No. 718 of the 1963 Regular Session is enacted by the Legislature at such session, and in such case, at the same time as Senate Bill No. 718 takes effect, at which time Section 658 added to the Education Code by Section 1 of this act is repealed and Section 1681 of said code as amended by Section 2 of this act is repealed.

CHAPTER 1775

An act granting certain powers to the Stockton and East San Joaquin Water Conservation District, relating to water conservation.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares that the problems of providing replenishment of the underground water basin in the area of the Stockton and East San Joaquin Water Conservation District are peculiar to that area and for that reason it is necessary to deal specially with such area. The Legislature further finds and declares that this act is necessary to the solution of a problem arising out of the following unique circumstances:

The water supplies in the underground basin in the area of the Stockton and East San Joaquin Water Conservation District are insufficient to meet the water demands of the area and, because of the geologic conditions peculiar to this area, excessive pumping has seriously depleted the underground water storage and there is serious danger of saline intrusion and water quality deterioration. Further excessive pumping without replenishment is certain to destroy the usefulness of the underground water basin and endanger the health and welfare of said district.

SEC. 2. The provisions of the act shall apply to the replenishment of ground water within the area of the Stockton and East San Joaquin Water Conservation District. The provisions of previous acts of the Legislature pertaining to said

district not inconsistent with the provisions of this act shall remain in full force and effect.

SEC. 3. (a) The definition of a word applies to any of its variants.

(b) "District" means the Stockton and East San Joaquin Water Conservation District.

(c) "Person" means any public agency or public corporation, whether federal, state, or local, or any private corporation, firm, partnership, individual, or group of individuals.

(d) "Water year" means the period commencing on October 1st of one calendar year and ending on September 30th of the calendar year immediately following.

(e) "Ground water" means potable water beneath the surface of the ground, suitable for municipal and irrigation use whether or not flowing through known and definite channels.

(f) "Production" or "producing" means the taking of water by surface diversion or the extraction or extracting of ground water, by pumping or any other method from shafts, tunnels, wells (including, but not limited to, abandoned oil wells), excavation, or other sources of such ground water, for domestic, municipal, irrigation, industrial, or other beneficial use, except that such terms shall not mean or include the extraction or extracting of ground water incidentally produced with oil in the production of oil or gas nor the extraction or extracting of ground water incidentally produced in a bona fide mining operation or in the bona fide construction of a tunnel for railroad, highway, aqueduct, pipeline, or other useful purpose (except the production of ground water for use or sale) unless the ground water so extracted shall be used or sold by the producer for domestic, municipal, irrigation, industrial, or other beneficial purpose.

(g) "Water-producing facility" means any device or method, mechanical or otherwise, for the production of ground water from the ground water supplies within said district or for the taking of surface water.

(h) "Owner" means the person or persons owning any water-producing facility or any interest therein other than a lien to secure the payment of a debt or other obligation.

(i) "Operator" means the person or persons operating a water-producing facility; the owner thereof shall be conclusively presumed to be such operator unless satisfactory showing be made to the board of directors of the district that such water-producing facility actually is operated by some other person or persons, it being the purpose of this act to include any such person within the provisions hereof.

(j) "Producer" means any operator producing ground water or taking surface delivery of water.

(k) "Annual overdraft" means the amount, as determined by the board of directors of the district, by which the production of water from the ground water supplies within the district during the water year exceeds the natural replenishment of such ground water supplies in such year.

(*l*) "Accumulated overdraft" means the aggregate amount, as determined from time to time by the board of directors of the district, by which the quantity of ground water removed from the ground water supplies within said district during all preceding water years shall have exceeded the quantity of water replaced therein by the replenishment of such ground water supplies in such water years by any natural or artificial means, the respective determination to be based upon reports, records, and other data or evidence found by such board of directors to be adequate for the purpose of making such determination.

SEC. 4. In addition to the powers conferred upon the district by other laws the district shall have power:

(a) Within or outside of the district to construct, purchase, lease, or otherwise acquire, and to operate and maintain necessary water works and other works, machinery and facilities, canals, conduits, waters, water rights, spreading grounds, land, rights, and privileges useful or necessary to replenish the underground water basin within said district, or to augment the common water supplies of said district;

(b) For the common benefit of said district, to store water in underground water basins or reservoirs within or outside said district, to appropriate and acquire water or water rights within or outside said district, to purchase and import water into said district, and to conserve water within or outside said district; to sell water imported from outside the district for beneficial use within said district, at such rates as shall be determined by the board of directors of said district; provided that such rates shall not be less than the cost thereof, including the cost of delivery subject to the provisions of the third paragraph of Section 8 of this act.

(c) To levy and collect a ground water charge for the production of water from the ground water supplies within the district and to fix and collect charges for the use, sale, or lease of water furnished by surface delivery, and to require such measuring devices as may be necessary for the purposes of this act.

(d) To maintain reserve funds for the purchase of water for replenishment purposes or for surface deliveries.

The district shall not exercise the power of eminent domain for any purpose of this act or in carrying out any power granted by this act outside the boundaries of the district unless the board of supervisors of the county in which the property to be acquired is located, has consented to such acquisition.

SEC. 5. Replenishment assessments levied and charges fixed pursuant to this act are declared to be in furtherance of district activities in the protection of the water supplies for users within the district which are necessary for the public health, welfare and safety of the people of the State. The replenishment assessments and charges are authorized to be levied and fixed upon surface deliveries of water supplied by the district

and upon the production of ground water from all water-producing facilities, except as otherwise provided herein, whether public or private, within said district for the benefit of all who rely directly or indirectly upon the ground water supplies of such district.

The proceeds of the replenishment assessment levied, assessed and collected upon the production of water from the ground water supplies within said district and from charges fixed for surface deliveries of water shall be used exclusively for the acquisition of water for replenishment of the ground water supplies of said district and for acquisition of water for surface deliveries and for the operation and maintenance costs related thereto.

SEC. 6. The district shall from time to time order an investigation and report to be made by an engineer or engineers employed by said district for the purpose of investigating and reporting upon ground water conditions of said district. Such investigations and reports shall include, among other information which said district may desire, information for the consideration of the board in its determination of the accumulated overdraft as of the date designated by the board, estimates of the future ground water production required by years for the period specified by the board, and an estimate of the average annual overdraft with respect to natural replenishment for the period.

SEC. 7. The engineering investigation and report shall be delivered to the secretary of said district in writing. Said secretary shall publish pursuant to Section 6061 of the Government Code a notice of the receipt of such report and fixing a date for a public hearing to be held, said publication to be in a newspaper of general circulation, printed and published within said district, at least 10 days prior to the date at which the public hearing is to be held. Said notice, among other information which the district may provide therein, shall contain an invitation to all operators of water producing facilities within said district to call at the office of said district to examine said engineering investigation and report.

SEC. 8. The board of directors at a regular meeting in March of each year shall hold a public hearing to determine whether a replenishment assessment is required to be levied and whether a surface delivery charge shall be made Notice of said hearing shall be published pursuant to Section 6061 of the Government Code at least 10 days prior to the date of said meeting. Any operator of a water-producing facility within said district or any person interested in the condition of the water supplies of said district may in person or by representative appear and submit evidence concerning the water conditions of said district. The board may levy and assess a charge or replenishment assessment against all persons operating water-producing facilities and producing water during the ensuing water year and may fix charges for the use, sale, or lease of water for surface delivery or may establish a rate for such

water on a consumptive use basis. The method of computing such charges may be uniform for all water-producing facilities or may be uniform for each of several classes of water-producing facilities, said classes being determined by such criteria as are set forth hereinafter in this paragraph. At the time of fixing such charges, assessments, or rates, the board may establish a method or methods to be used in computing the amount of water produced or consumptively used from a water-producing facility which is not measured by a measuring device. Such methods may be based on any or all or a combination of some of the following criteria; size of water-producing facility discharge opening, area served by the water-producing facility, number of persons served by the water-producing facility, use of land served by the water-producing facility, crops grown on land served by the water-producing facility, or any other criteria which may be used to determine with reasonable accuracy the amount of water produced or consumptively used from a water-producing facility whether used for extracting ground water by pumping or taking surface delivery of water furnished by the district and to distribute such charges equitably as determined by the board. The board may waive a charge or assessment upon any class of water-producing facilities, which because of the small amount of water produced by such facilities, would yield to the district a sum less than the estimated cost of making and collecting such charges or assessments.

The total of the replenishment assessment levied and charges fixed in any year shall not exceed an amount of money found to be necessary to purchase sufficient water which the board finds is required to replenish the ground water basin and to furnish surface deliveries and for the operation and maintenance costs related thereto.

In computing and fixing the replenishment assessment rate and charge there shall be allowed such percent, not to exceed 15 percent, as shall be determined by the board of directors of the district for delinquencies, but in no event shall an assessment be levied under the provisions of this act which shall exceed a rate of four dollars ($4) per acre-foot for water furnished by surface delivery where such water is used for agricultural purposes, or seventy-five cents ($0.75) per acre-foot for water produced from the underground where such water is used for agricultural or agricultural product processing purposes and not to exceed three dollars ($3) per acre-foot for water used for nonagricultural purposes. Notice of such hearing shall be published in the district pursuant to Section 6061 of the Government Code, at least 10 days prior to the date set for said hearing.

Any replenishment assessment levied or charge made by this section shall be in addition to any general assessment levied by said district. The board of directors shall have authority to commingle the funds of the district produced by any general assessment and by any replenishment assessment levied

or charges made pursuant to this section and to use any of such funds for all district purposes, provided that no funds produced by any replenishment assessment levied or charges made pursuant to this section shall be used other than for the acquisition of water for replenishment of the ground water supplies of the district and for acquisition of water for surface deliveries and for operation and maintenance costs related thereto.

Clerical errors occurring or appearing in the name of any person or in the description of the water-producing facility where the production of water therefrom is otherwise properly assessed, or in the making or extension of any assessment upon the records, which do not affect the substantial rights of the assessee or assessees, shall not invalidate the assessment.

SEC. 9. The district, after the levying of the replenishment assessment and fixing charges, shall give notice thereof to the operator of each water-producing facility in the district and each person taking surface delivery as disclosed by the records of said district, which notice shall state the rate of the replenishment assessment for each acre-foot of water to be produced during the ensuing water year and the charges for surface delivery. Said notice may be sent by postal card or by other first class mail with postage prepaid by said district.

SEC. 10. Within six months after the effective date of this act, all water-producing facilities located within the boundaries of the district shall be registered with said district by the operator thereof. Any new water-producing facility constructed or re-established after such date shall be registered with said district within 30 days after the completion or re-establishment thereof.

Failure to register any water-producing facility with said district is a misdemeanor punishable by a fine of not to exceed five hundred dollars ($500) or imprisonment in the county jail for not to exceed six months or by both such fine and imprisonment.

In addition to other information which said district may determine is necessary and may require in the registration form provided, there shall also be given information as to the owner or owners of the land upon which each water-producing facility is located, a general description and location of each water-producing facility, the name and address of the person charged with the operation of each water-producing facility and the name or names and addresses of all persons owning or claiming to own an interest in the water-producing facility.

The provisions of this section shall not be applicable to any class of water-producing facilities which is excluded from the requirements of registration by any rules and regulations adopted by the board. The board may so exclude a determinable class of water-producing facilities from the requirements of registration because of the small quantity of water produced by such water-producing facilities, or because charges and

assessments are to be imposed on such a class of water-producing facilities by a method not requiring the board to have knowledge of the exact number and location of the water-producing facilities in such a class. The board may, by the adoption of appropriate rules and regulations, subsequently require registration of any class of water-producing facilities previously excluded from the requirement of registration and subject such facilities to all the requirements of this section.

SEC. 11. Each operator of a water-producing facility within said district whose use of water is measured by a measuring device, until such time as said water-producing facility has been permanently abandoned, shall file with said district, on or before the 31st day of January and on or before the 31st day of July of each year, a statement setting forth the total production in acre-feet of water for the preceding six months period (excluding the month in which the statement is due), a general description or number locating each water-producing facility and the method or basis of the computation of such water production. If no water has been produced from said water-producing facility during the preceding six months period, said statement shall be filed as provided for herein setting forth that no water has been produced during said period. Each water user whose use of water is not measured by a measuring device shall likewise file a statement setting forth the use of water, crops grown, acreages in production, and such other information as the board may deem necessary or desirable to effectuate the purposes of this act. Such statements shall be verified by a written declaration that it is made under the penalties of perjury. The replenishment assessment and charges are payable to said district on or before the last date on which said statements shall be filed and is computed by multiplying the production in acre-feet of water as disclosed in the statement, by the replenishment assessment rate or by such other method authorized by this act and adopted by the board. At such time as any said water-producing facility has been permanently abandoned, the operator thereof shall give written notice of such abandonment to said district.

Upon failure to pay the replenishment assessment or charges when due, said district shall charge interest at the rate of one (1) percent each month on the delinquent amounts.

Should any operator of a water-producing facility fail to register each water-producing facility or should any water user fail to file on or before the 31st day of January and the 31st day of July of each year the statement required, said district shall, in addition to charging interest as provided herein, assess a penalty charge against such operator or water user in an amount of ten (10) percent of the amount found by said district to be due.

No seminannual statement need be filed by any operator of a water-producing facility which facility has been excluded from the requirement of registration pursuant to Section 10 of this act. No semiannual statement need be filed by the operators

of any class of water-producing facilities which is excluded from the requirements of filing such statements by any rules and regulations adopted by the board. The board may so exclude a determinable class of water-producing facilities from the requirement of filing semiannual statements in the event that the board determines that such filing is unnecessary because the charges and assessments to be imposed on such a class of water-producing facilities are to be imposed by a method not requiring the board to have the knowledge it would receive from such semiannual statements.

In the event that the board determines, pursuant to Section 10, not to require the registration of a particular class of water-producing facilities or not to require the submission of semiannual statements by the operators of a particular class of water-producing facilities and the charges or assessments on such facilities are otherwise established such charges and assessments shall be paid at the time and in the manner set forth in appropriate rules and regulations adopted by the board.

SEC. 12. Any person who, with intent to evade any provision or requirement of this act, files with the district any false or fraudulent statement, is guilty of a misdemeanor and is punishable by a fine not to exceed five hundred dollars ($500) or imprisonment in the county jail not to exceed six (6) months, or by both such fine and imprisonment.

SEC. 13. Upon good cause shown an amended statement of water production may be filed or a correction of the records may be made at any time prior to the final date for filing the next semiannual water production statement.

SEC. 14. The district shall prepare each year a record called "The Record of Water Production" in which shall be noted the annual water production.

The district shall also prepare each year a record called "The Record of Replenishment Assessment and Charges" in which shall be entered each district assessment levy and charge, a general description and location of the property upon which each assessment or charge is made, and any identifying number or code which may be assigned to such facility.

SEC. 15. The superior court of the county in which said district lies may issue a temporary restraining order upon the filing by said district with said court a verified petition or complaint setting forth that the person named therein as defendant is the operator of a water-producing facility which has not been registered with the district, or is a water user who has failed to file a required statement, or that such defendant is delinquent in the payment of a replenishment assessment or charge. Such temporary restraining order shall be returnable to said court on or before ten (10) days after its issuance.

The court may issue and grant an injunction restraining and prohibiting the named defendant from the operation of any water-producing facility or from the use of water when it is established by a preponderance of the evidence at the hearing

that the defendant has failed to register such water-producing facility with said district or has failed to file the required statement, or that the defendant is delinquent in a replenishment assessment or charge thereon. Such court can provide that the injunction so made and issued shall be stayed for a period not to exceed ten (10) days to permit the defendant to register the water-producing facility or to pay the delinquent replenishment assessment.

Service of process is completed by posting a copy of the summons and complaint upon the water-producing facility or the parcel of land upon which it is located or upon which the water is used and by personal service upon the named defendant.

The right to proceed for injunctive relief granted herein is an additional right to those which may be provided elsewhere in this act or otherwise allowed by law. The procedure provided in Part 2, Title 7, Chapter 3 of the Code of Civil Procedure regarding injunctions shall be followed except insofar as it may herein be otherwise provided. Said district shall not be required to provide an undertaking or bond as a condition to granting injunctive relief.

The provisions of this section shall not be applicable in any case in which a particular act need not be performed by the operator of a water-producing facility pursuant to duly adopted rules and regulations of the district.

SEC. 16. If said district has probable cause to believe that the production of water from any water-producing facility is in excess of that disclosed by the sworn statements covering such water-producing facility, or if no statements are filed covering any water-producing facility, said district may cause an investigation and report to be made concerning the production of water from each such water-producing facility. Said district may fix the amount of water production from any such water-producing facility at an amount not to exceed the maximum production capacity of such water-producing facility; provided, however, where a water-measuring device is permanently attached thereto, the record of production as disclosed by such water-measuring device shall be presumed to be accurate and the burden is upon said district to establish to the contrary.

After such determination has been made by said district, a written notice thereof shall be mailed to the person operating such water-producing facility at his address as shown by the district's records. Any such determination made by said district shall be conclusive on all persons having an interest in such water-producing facility and the replenishment assessment interest and penalties thereon, payable forthwith, unless such person files with the board of directors of said district within ten (10) days after the mailing of such notice a written protest setting forth the ground or grounds for protesting the amount of production so fixed. Upon the filing of such protest, said board of directors thereafter shall hold a hearing at

which time the total amount of the water production and the replenishment assessment thereon shall be determined, which shall be conclusive if based upon substantial evidence. A notice of such hearing shall be mailed to protestant at least ten (10) days before the date fixed for the hearing. Notice of the determination by said board of directors shall be mailed to each protestant who shall have twenty (20) days from the date of mailing to pay the replenishment assessment, interest or penalties provided by the provisions of this act.

Notice as required in this section shall be given by deposit thereof in any postal facility regularly maintained by the government of the United States, in a sealed envelope with postage paid, addressed to the person on whom it is served at his name and address as disclosed by the record of said district. The service is complete at the time of deposit.

SEC. 17. Said district may bring a suit in the court having jurisdiction against any operator of a water-producing facility within said district for the collection of any delinquent replenishment assessment or charge. The court having jurisdiction of said suit may, in addition to allowing recovery of costs to said district as allowed by law, fix and allow a part of the judgment, interest and penalties as provided in Section 13. Should said district, as a provisional remedy in bringing such suit, seek an attachment against the property of any named defendant therein, said district shall not be required to provide a bond or undertaking as is otherwise provided for in the Code of Civil Procedure of the State of California in Part 2, Title 7, Chapter 4 thereof.

SEC. 18. It shall be unlawful to produce water from any water-producing facility within the boundaries of the district unless such water-producing facility has been registered with said district or is otherwise in full compliance with this act and the duly adopted rules and regulations of the district.

Violation of this provision shall be punishable by a fine not to exceed five hundred dollars ($500) or imprisonment in the county jail for not to exceed six (6) months or by both such fine and imprisonment. Each day of operation in violation hereof shall constitute a separate offense.

SEC. 19. Any person who injures, alters, removes, resets, adjusts, manipulates, obstructs or in any manner interferes or tampers with or procures or causes or directs any person to injure, alter, remove, reset, adjust, manipulate, obstruct or in any manner interfere or tamper with any water-measuring device affixed to any water-producing facility as required by this act, so as to cause said water-measuring device to improperly or inaccurately measure and record said water production, is guilty of a misdemeanor and is punishable by a fine not to exceed five hundred dollars ($500) or imprisonment in the county jail not to exceed six (6) months, or by both such fine and imprisonment.

SEC. 20. The board of directors of the district is authorized to make such rules and regulations as it deems proper for carrying out the provisions of this act.

SEC. 21. No rules and regulations shall be adopted by the board without first reviewing such at a public hearing held by the board. Notice of such a public hearing shall be published pursuant to Section 6061 of the Government Code at least 10 days prior to the date of such a hearing and the notice shall contain a brief description of any rules and regulations to be considered at the hearing.

SEC. 22. There shall be within the district a board of review. The board of review shall consist of three members to be appointed, except as otherwise provided in this act, as follows: one by the City Council of the City of Stockton, one by the Board of Supervisors of the County of San Joaquin, and one by the board of directors of the district. Each of the members of the board of review shall have such experience or training so as to qualify them to deal with the matters which it is reasonably anticipated will come before the board of review. The members of the board of review shall each serve at the pleasure of the governing board making the respective appointment. If either the city council or the board of supervisors fails to appoint its respective member of the board of review, or to fill a vacancy with respect to its member, within 30 days after being requested in writing by the board of directors to do so then the board of directors shall fill such a vacancy and a person so appointed shall serve until such time as the city council or the board of supervisors respectively makes the necessary appointment but any person so appointed by the board of directors, because of the failure of the city council or the board of supervisors to act, shall continue to serve until any matters pending before the board and in which he has participated have been finally acted upon by the board as to such matters.

The board of review shall meet from time to time as is necessary to review the actions of the board of directors pursuant to this section. The board of directors shall provide for the actual and necessary expenses of the board of review and shall in addition thereto pay to each member of the board of review twenty-five dollars ($25) per meeting actually attended. The board of directors shall establish appropriate rules of procedure for the conduct of the business of the board of review. Two members of the board of review shall constitute a quorum for all purposes. All meetings of the board of review shall be open to the public and at any meeting of the board of review the board of directors, or members thereof, may be present or may be represented by counsel or other personnel or officials of the district.

If any interested person is dissatisfied with the action of the board of directors in connection with the adoption of any rule or regulation or in connection with the establishment of any rates or charges such action may be presented to the board of

review by such interested person. Any person desiring to request review of an action by the board of directors shall file a request for review in writing either on forms provided by the district or in such other written form as will give the district adequate notice of the nature of the request, the action which it is requested be reviewed, the reasons for such request, the name, address, and telephone number of the person requesting review, and whether such person is represented by an attorney or other person and the name, address and telephone number of such representative. The request shall be filed with the secretary of the district and shall be filed not later than five days after the subject action is taken by the board of directors. Upon filing of a request for review the action of the board of directors to which the request relates shall be suspended and have no further effect until five days after either the board of review has approved the action of the board of directors or the board of directors has finally reconsidered its action after an order for reconsideration by the board of review.

Upon the filing of a request for review the secretary of the district shall set the matter for hearing by the board of review not later than 20 days after the filing of such a request, provided, however, that the president or secretary of the district shall have authority to extend the time for such hearing for a period not to exceed 30 additional days in the event that it is impractical to obtain a quorum of the board of review during the initial 20-day period. Prior to the hearing the secretary shall publish notice in the district pursuant to Section 6061 of the Government Code, at least 10 days prior to the date set for the hearing. The notice need not set out the nature of the appeal in detail, but shall contain a brief description of the nature of the appeal.

At the hearing the board of review shall hear evidence both written and oral from the person requesting the review and from all other interested persons desiring to be heard. At the conclusion of the hearing, and any continuances thereof, the board of review shall either approve the action of the board of directors or shall order a reconsideration thereof by the board of directors. Action shall be taken by the board of review on a matter brought before it not later than 45 days after the date set for the first hearing by the board of review on the matter. In the event that the board of review orders a reconsideration the board of review shall prepare a report and recommendations and submit the same to the board of directors within five days following the conclusion of the hearing or the final continuance thereof. In the event of an order for reconsideration the secretary shall transmit the report and recommendations to the board of directors and the board of directors shall meet at a regular or special meeting and shall consider the report and recommendations submitted to it and take such action thereon as it deems to be in the best interest of the district.

Upon either approval by the board of review or upon final reconsideration by the board of directors the action of the board of directors shall be final and shall take effect as of the date of the original action of the board of directors.

Nothing herein shall be deemed to deprive any person of any other rights of appeal or review he might have.

Notwithstanding any other provision in this section, in the event that the review process established by this section results in the suspension of an act of the board of directors until the completion of review, and delays the completion of any act required in the law beyond the time in which it should be done, the board shall have a reasonable time within which to act.

CHAPTER 1776

An act to add Section 3000.7 to the Harbors and Navigation Code, relating to the San Francisco Port Authority.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 3000.7 is added to the Harbors and Navigation Code, to read:

3000.7. The authority shall request the City and County of San Francisco to provide zoning ordinances for property the authority intends to lease under Section 3000.5 and said city and county is hereby authorized to prepare and adopt precise plans and zoning plans for such property pursuant to this section. The zoning ordinances of the city shall be based on the precise plans and permit the authority to use the property so as to yield maximum profits consistent with the pattern of land uses in the vicinity of the land so zoned. If the city fails to zone the property or if, in the opinion of the authority, the property is not zoned in accordance with this section, or if the authority is aggrieved by the application of any zoning ordinance or by a decision of any officer, department, board or bureau made in connection with such ordinance the authority may appeal to the Planning Advisory Committee provided for in Section 65020.1 of the Government Code. Thereafter the appeal shall be handled in the same manner as provided for in Section 53093 of the Government Code, except the Planning Advisory Committee shall consider such appeals as matters of urgency and shall give the appeals priority. Any lessee of property leased pursuant to Section 3000.5 shall comply with the building and zoning ordinances of the City and County of San Francisco including payment for fees for inspection or shall comply with the decision of the Planning Advisory Committee in lieu thereof in the event the committee makes a decision under this section.

CHAPTER 1777

An act to amend Sections 2791 and 25542.5 (as added by Chapter 100 of the Statutes of 1963) of, and to repeal Section 1833 (as added by Senate Bill No. 718 of the 1963 Regular Session) of, of the Education Code, relating to school district organization, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 2791 of the Education Code is amended to read:

2791. When a high school district or unified school district ceases to maintain a junior college by virtue of its inclusion in a new or reorganized junior college district established so as to be effective for all purposes pursuant to Section 1601 on or after July 1, 1961, any balances remaining in the general fund and special reserve fund of the high school district or unified district at the end of the last year in which the district maintained a junior college shall be divided between such district and the junior college district in the following manner:

(a) The balance remaining in the general fund shall be divided in the same ratio that the expenditures from that fund for junior college purposes for the last year in which the junior college was maintained bear to the total expenditures of the district during that year. The amount so allocable to the junior college district shall be transferred to, and deposited in, the general fund of that district.

(b) The balance remaining in the special reserve fund deposited there by the district governing board to be used for junior college purposes, shall be transferred to the junior college district and deposited in the special reserve fund of that district.

SEC. 2. Section 1833 of said code (as added by Senate Bill No. 718 of the 1963 Regular Session) is repealed.

SEC. 3. Section 25542.5 of said code (as added by Chapter 100 of the Statutes of 1963) is amended to read:

25542.5. When a high school district or unified school district ceases to maintain a junior college by virtue of its inclusion in a new or reorganized junior college district established so as to be effective for all purposes pursuant to Section 1601 on or after July 1, 1961, any balances remaining in the general fund and special reserve fund of the high school district or unified district at the end of the last year in which the district maintained a junior college shall be divided between such district and the junior college district in the following manner:

(a) The balance remaining in the general fund shall be divided in the same ratio that the expenditures from that fund for junior college purposes for the last year in which the junior

college was maintained bear to the total expenditures of the district during that year. The amount so allocable to the junior college district shall be transferred to, and deposited in, the general fund of that district.

(b) The balance remaining in the special reserve fund deposited there by the district governing board to be used for junior college purposes, shall be transferred to the junior college district and deposited in the special reserve fund of that district.

SEC. 4. Section 3 of this act shall become operative at the same time as Chapter 100 of the Statutes of 1963, at which time Section 1833 of the Education Code as amended by Section 1 of this act is repealed.

Section 2 of this act shall become operative only if Division 5 of the Education Code as proposed by Senate Bill No. 718 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as Senate Bill No. 718 takes effect; at which time Section 1833 of the Education Code as amended by Section 1 of this act is repealed.

SEC. 5. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The orderly consummation of a number of school district reorganizations presently underway involving formation of new junior college districts, are being complicated by what has been discovered to be an obstacle embodied in the present law, in the form of the high proportion of the general fund moneys of component districts maintaining junior colleges which will have to be transferred to the new junior college districts. This act would provide for a more equitable formula of allocation, and in order that its provisions may be made applicable to the several districts' reorganizations presently underway on or before the commencement of the ensuing fiscal year, it is necessary that this act take effect immediately.

CHAPTER 1778

An act to amend Section 6 of the Metropolitan Water District Act (Chapter 429, Statutes of 1927), relating to the designation and appointment of additional representatives by municipalities.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6 of the Metropolitan Water District Act (Chapter 429, Statutes of 1927) is amended to read:

Sec. 6. All powers, privileges and duties vested in or imposed upon any district incorporated hereunder shall be exercised and performed by and through a board of directors; provided, however, that the exercise of any and all executive, administrative and ministerial powers may be by said board of directors delegated and redelegated to any of the offices created hereby or by the board of directors acting hereunder.

The board of directors herein referred to shall consist of at least one representative from each municipality, the area of which shall lie within the metropolitan water district. Such representatives shall serve without compensation from the district and shall be designated and appointed by the chief executive officers of municipalities, respectively, with the consent and approval of the governing bodies of the municipalities, respectively. As a member of the board of directors, each representative shall be entitled to vote on all questions, orders, resolutions and ordinances coming before the board, and shall be entitled to cast one vote for each ten million dollars ($10,000,000), or major fractional part thereof, of assessed valuation of property taxable for district purposes in the city represented by him as shown by the assessment records of the county and evidenced by the certificate of the county auditor; provided, that each representative shall have at least one vote and no municipality shall have votes exceeding in number the total number of votes of all the other municipalities whose corporate areas are included in such district. In lieu of one representative any city may at its option designate and appoint several representatives not exceeding one additional representative for each seven hundred fifty million dollars ($750,000,000) of assessed valuation, but such representatives shall cast the vote to which such city would otherwise be entitled as a unit and as a majority of such representatives present shall determine; provided, that no incumbent representative shall be deprived of his office by reason of increase in the amount of assessed valuation required to authorize designation and appointment of additional representatives nor by reason of any decrease in assessed valuation of the municipality which he represents occurring after his assumption of office. The affirmative votes of members representing more than fifty (50) percent of the total number of votes of all the members shall be necessary and, except as otherwise herein provided, shall be sufficient to carry any order, resolution or ordinance coming before the board of directors. Any meeting may be adjourned or recessed from day to day or from time to time, by vote of the director or directors present, irrespective of the number of directors present or the number of votes represented at such meeting. For the purposes of this section, the term "major fractional part" shall be deemed to mean a fractional part larger than one-half. Members of the board of directors so constituted shall convene at the time and place fixed by the chief executive officer of the municipality initiating the proceedings hereunder, and immediately upon convening, such

board of directors shall elect from its membership a chairman, a vice chairman, and a secretary, who shall serve for a period of two years, or until their respective successors shall be elected and qualified.

The board of directors shall have power:

(1) To fix the time and place or places at which its regular meetings shall be held, and shall provide for the calling and holding of special meetings.

(2) To make and pass ordinances, resolutions and orders not repugnant to the Constitution of the United States or of the State of California, or to the provisions of this act, necessary for the government and management of the affairs of the district, for the execution of the powers vested in the district and for carrying into effect the provisions of this act. On all ordinances the roll shall be called and the ayes and noes recorded. Resolutions and orders may be adopted by viva voce, but on demand of any member the roll shall be called. No ordinance shall be adopted unless it shall have been introduced on a day previous to the time of such adoption except by unanimous vote of all the members of the board of directors present; provided, there shall be present directors from not less than three-fourths of all cities whose corporate areas are included in said metropolitan water district and representing not less than three-fourths of the total votes of said district; provided, that in lieu of such previous introduction or unanimous vote any ordinance may be mailed by registered mail, postage prepaid, to each member of the board of directors at least five (5) days prior to the day upon which such ordinance shall be presented for adoption. No ordinance adopted by the board of directors shall take effect until the expiration of thirty (30) days following the adoption thereof, except an ordinance ordering or otherwise relating to an election or to the issuance or sale of bonds or to the levying or collection of taxes or the fixing of water rates; and an ordinance necessary for the immediate preservation or protection of the property, interests or welfare of the district, which shall contain a specific statement showing its urgency, and is passed by three-fourths of the total vote of the board of directors but all ordinances of any of the classes heretofore excepted by this section shall take effect upon their adoption. All ordinances except those which shall take effect upon their adoption as provided in this section shall be subject to referendum in the manner provided by law for the legislative acts of boards of supervisors of counties.

(3) To fix the location of the principal place of business of the district and the location of all offices and departments maintained hereunder.

(4) To prescribe by ordinance a system of business administration and to create any and all necessary offices which shall include the offices of controller and of treasurer and to establish and re-establish the powers and duties and compensation of all officers and employees and to require and fix the amount

of all official bonds necessary for the protection of the funds and property of the district.

(5) To prescribe by ordinance a system of civil service.

(6) To delegate and redelegate by ordinance to officers of the district power to employ clerical, legal and engineering assistants and labor, and under such conditions and restrictions as shall be fixed by the directors, power to bind the district by contract.

(7) To prescribe a method of auditing and allowing or rejecting claims and demands; also to prescribe methods for the construction of works and for the letting of contracts for the construction of works, structures or equipment, or the performance or furnishing of labor, materials or supplies, required for the carrying out of any of the purposes of this act; provided that, in cases where work is not to be done by the district itself by force account, and the amount involved shall be ten thousand dollars ($10,000), or more, the board of directors shall provide for the letting of contracts to the lowest responsible bidder, after publication of notices inviting bids, subject to the right of said board to reject any and all proposals; provided, likewise, that the board of directors in advertising for bids and in letting contracts as above provided, may require all articles to be furnished to the district thereunder to be manufactured, produced or fabricated in the United States or its territories, and may prohibit the use in, or employment in connection with, the carrying out of such contracts by the contractor or any subcontractor, of all machinery or materials except such as shall have been manufactured, produced or fabricated in the United States or its territories, if such are available, the question of such availability to be determined by the board of directors; provided further, that contracts, in writing or otherwise, may be let without advertising for or inviting bids, when any repairs, alterations, or other work, or the purchase of materials, supplies, equipment or other property, shall be deemed by the board of directors to be of urgent necessity, and shall be authorized by a two-thirds vote thereof.

(8) To fix the rate or rates at which water shall be sold. Such rates, in the discretion of the board, may differ with reference to different sources from which water shall be obtained by the district. The board of directors, under conditions and on terms found and determined by the board to be equitable, may fix rates for the sale and delivery to constituent municipalities of water obtained by the district from one source of supply in substitution for water obtained by the district from another and different source of supply, and may charge for such substitute water at the rate fixed for the water for which it is so substituted. The board of directors, so far as practicable, shall fix such rate or rates for water as will result in revenue which will pay the operating expenses of the district, provide for repairs and maintenance, provide for payment of the purchase price or other charges for property

or services or other rights acquired by the district, and provide for the payment of the interest and principal of the bonded debt subject to the applicable provisions of this act authorizing the issuance and retirement of the bonds. Such rates, subject to the foregoing provisions of this paragraph (8), shall be uniform for like classes of service throughout the district.

CHAPTER 1779

An act to amend Section 11003 of the Education Code, relating to the public school system.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 11003 of the Education Code is amended to read:

11003. The minimum school day for pupils of kindergartens, and for mentally retarded minors in special training schools or classes prescribed in Section 6903, is 180 minutes inclusive of recesses except that if a school district maintains two such classes on the same day which are taught by the same teacher, the minimum schoolday for each of such classes shall be 130 minutes inclusive of recesses, and if a school district maintains two kindergarten classes on the same day which are not taught by the same teacher, the minimum school day for each of such classes shall be 150 minutes, inclusive of recesses.

CHAPTER 1780

An act to add Section 10851.5 to the Vehicle Code, relating to theft of binder chains.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 10851.5 is added to the Vehicle Code, to read:

10851.5. Any person who takes binder chains, required under regulations adopted pursuant to Section 31510, having a value of two hundred dollars ($200) or less which chains are not his own, without the consent of the owner thereof, and with intent either permanently or temporarily to deprive the owner thereof of his title to or possession of the binder chains whether with or without intent to steal the same, or any person who is a party or accessory to or an accomplice in the unauthorized taking or stealing is guilty of a misdemeanor, and

upon conviction thereof shall be punished by imprisonment in the county jail for not less than six months or by a fine of not less than five hundred dollars ($500) or by both such fine and imprisonment. The consent of the owner of the binder chain to its taking shall not in any case be presumed or implied because of such owner's consent on a previous occasion to the taking of the binder chain by the same or a different person.

CHAPTER 1781

An act to amend Section 4700 of, and to add Section 4700.1 to, the Penal Code, relating to court proceedings involving state prisoners.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 4700 of the Penal Code is amended to read:

4700. Whenever a trial is had of any person under any of the provisions of Sections 4530 and 4531 of this code, whenever a hearing is had on the return of a writ of habeas corpus prosecuted by or on behalf of any prisoner in the state prison, whenever a prisoner in the state prison is tried for any crime committed therein, and whenever a trial or hearing is had on the question of the insanity of any such prisoner, the county clerk of the county where such trial or hearing is had must make out a statement of all the costs incurred by the county for the investigation, and the preparation of the trial, and actual trial of such case, or of the hearing on the return of such writ, and all guarding and keeping of such prisoner, while away from the prison, the transportation of the prisoner to and from the prison (when such transportation was performed by the county), the costs of appeal, and of the execution of the sentence of such prisoner, properly certified to by a judge of the superior court of such county, which statement must be sent to the Department of Corrections for its approval; and after such approval, said department must cause the amount of such costs to be paid out of the money appropriated for the support of the state prison, to the county treasurer of the county where such trial or hearing was had.

SEC. 2. Section 4700.1 is added to said code, to read:

4700.1. For any trial or hearing referred to in Section 4700, the sheriff of the county where such trial or hearing is had and the person in charge of the prison may agree that the Department of Corrections transport prisoners in a state prison to and from such prison. Upon such agreement, the Department of Corrections, and not the sheriff, shall perform the transportation referred to in this section.

CHAPTER 1782

An act to amend Section 19619 of the Education Code, and to amend Section 3344 of Division 5 of the Education Code as proposed to be added by Senate Bill No. 718, relating to school districts.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 3344 of Division 5 of the Education Code, as proposed to be added by Senate Bill No. 718, is amended to read:

3344. Each district included in whole in a unified school district formed under this chapter the boundaries of which are not coterminous with the unified school district in which it is included shall be continued in existence for the purpose of retaining liability for the bonded indebtedness of such district, and for the repayment of state school building aid loans made pursuant to Chapters 8 and 10 (commencing with Sections 19401 and 19551, respectively) of Division 14 of this code when the augmented county committee includes in the plan for the new district a statement that the state school building aid loans shall remain solely an obligation of the original district.

SEC. 2. Section 19619 of the Education Code is amended to read:

19619. Except as otherwise provided in Section 3344, the board of supervisors of the county, the county superintendent of which has jurisdiction over any district which under this chapter will have moneys withheld by the State Controller from the apportionments to be made to it from the State School Fund during any fiscal year, shall annually at the time the board of supervisors makes the levy of taxes for county purposes, levy a tax upon the property in the district sufficient to raise for the district the amount of money to be withheld by the State Controller during the fiscal year in which the tax is levied. Such tax, when collected, shall be paid into the county treasury of the county, the county superintendent of schools of which has jurisdiction over the district for which the tax was levied, to the credit of the general fund of the district.

SEC. 3. Section 1 of this act becomes operative only if Senate Bill No. 718 of the 1963 Regular Session is enacted by the Legislature at such session.

CHAPTER 1783

An act to add Chapter 14 (commencing with Section 7450) to Division 6 of, Article 3.5 (commencing with Section 11061) to Chapter 2, Division 9 of, Article 4.5 (commencing with Section 11411) to Chapter 3 of Division 9 of, the Education Code, relating to the public school system.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 14 (commencing with Section 7451) is added to Division 6 of the Education Code, to read:

CHAPTER 14. COUNTYWIDE VOCATIONAL HIGH SCHOOLS

7450. In enacting this article, it is the intent of the Legislature to provide qualified students with the opportunity to attend a technical high school and enroll in a vocational or technical training program, regardless of the geographical location of their residence in a county. The Legislature hereby declares that a countywide vocational high school will serve the state and national interests in providing vocational and technical education to prepare students for an increasingly technological society in which generalized training and skills are insufficient to prepare high school graduates for the many employment opportunities which require special or technical training and skills. The Legislature also declares that countywide vocational high schools will enable a broader curriculum in technical subjects to be offered, and will avoid unnecessary duplication of courses and expensive training equipment, and will provide a flexibility in operation which will facilitate rapid program adjustments and meeting emergency training needs as they arise.

7451. The county superintendent of schools of each county may establish and maintain at least one countywide vocational high school in the county to provide education and training in vocational, trade, industrial, and technical courses. The governing board of any school district maintaining a high school in the county may, with the consent of the county superintendent of schools, establish and maintain a countywide vocational high school. If a school district establishes and maintains such a high school pursuant to this chapter, the county superintendent of schools may, but is not required, to establish and maintain a countywide vocational high school.

7452. Each vocational high school shall be established at a centrally located place in the county selected to serve the pupils who will attend the school. The county superintendent of schools or district maintaining the school may provide necessary transportation to the pupils attending such school.

7453. For the purposes of this chapter the county superintendent of schools or the governing board of a school district may acquire a site for each countywide vocational high school maintained by him or the district, as the case may be, and may plan, construct, purchase, or lease buildings therefor, and may purchase or lease furniture, equipment, fixtures, and other personal property therefor.

7454. The county superintendent of schools or governing board of a school district maintaining a countywide vocational high school may accept and expend grants from the federal government or from private sources for the purposes of this chapter.

7455. Any pupil eligible to attend a high school in the county is eligible to attend the countywide vocational high school. No pupil shall be admitted to a countywide vocational high school unless the county superintendent of schools or governing board of the district maintaining the school, as the case may be, determines that the pupil will benefit therefrom and approves of his admission to the countywide vocational high school.

A pupil may be admitted on a full-time or part-time basis, as determined by the county superintendent of schools or governing board of district maintaining the school, as the case may be.

7456. The county superintendent of schools, with the approval of the county board of education, and the governing board of each school district which maintains a countywide vocational high school pursuant to this chapter, shall certify to the county auditor and to the county board of supervisors, on or before July 15 of each year, the amount of money required to be raised by a tax for the education of pupils attending the countywide vocational high school maintained by the county superintendent of schools or school district, as the case may be, and for the purposes set forth in Section 7453.

The amount shall be determined by subtracting from the total cost of education of such pupils in the countywide vocational high school, including transportation, to the county superintendent of schools or school district, as the case may be, (1) the total of any balances remaining to be expended for this purpose and (2) the total amount to be apportioned by the Superintendent of Public Instruction to the county school service fund or to the school district, as the case may be, for the education of such pupils and by adding to the result the amount required for the purposes set forth in Section 7453. At the time of levying county taxes, the board of supervisors shall levy a county tax for each countywide vocational high school maintained in the county by the governing board of a school district pursuant to this chapter, and the board of supervisors may levy a county tax for each countywide vocational high school maintained in the county by the county superintendent of schools pursuant to this chapter, upon the taxable property of the county sufficient to produce

the amount required by this section. The amount received from this tax shall be deposited in the county school service fund, or, if the countywide vocational high school for which such tax was levied is maintained by a school district, in the county treasury to the credit of the general fund of that school district. The maximum rate of the countywide tax levied for the purposes of this section, except for the purposes set forth in Section 7453, shall not exceed ten cents ($0.10) on each one hundred dollars ($100) of assessed valuation within the county and the maximum rate of the countywide tax levied under this section for the purposes set forth in Section 7453 shall not exceed five cents ($0.05) on each one hundred dollars ($100) of assessed valuation in the county.

SEC. 2. Article 3.5 (commencing with Section 11061) is added to Chapter 2, Division 9 of said code, to read:

Article 3.5. Countywide Vocational High Schools

11061. The minimum day in a countywide vocational high school is 240 minutes. No pupil in such a school shall be credited with more than one day of attendance in a calendar day.

SEC. 3. Article 4.5 (commencing with Section 11411) is added to Chapter 3 of Division 9 of said code, to read:

Article 4.5. Countywide Vocational High Schools

11411. Units of average daily attendance in the countywide vocational high schools of a county for a fiscal year are the quotient arising from dividing the total number of days of pupil's attendance in such high schools during the fiscal year by 175 and the average daily attendance so computed shall be credited to the county school service fund if the school is maintained by a county superintendent of schools or if the school is maintained by a school district, to the district maintaining the school.

CHAPTER 1784

An act to amend Sections 3044 and 4530 and to repeal Section 4531 of the Penal Code, relating to escapes.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 3044 of the Penal Code is amended to read:

3044. No person who is convicted of an escape or an attempt to escape from the prison or the guards under subdivision (a) of Section 4530 may be paroled until he has served at least two calendar years from and after the date of his return to the prison after such conviction.

SEC. 2. Section 4530 of said code is amended to read:

4530. (a) Every prisoner confined in a state prison who, by force or violence, escapes or attempts to escape therefrom and every prisoner committed to a state prison who, by force or violence, escapes or attempts to escape while being conveyed to or from such prison or any other state prison, or any prison road camp, prison forestry camp, or other prison camp or prison farm or any other place while under the custody of prison officials, officers or employees; or who, by force or violence, escapes or attempts to escape from any prison road camp, prison forestry camp, or other prison camp or prison farm or other place while under the custody of prison officials, officers or employees; or who, by force or violence, escapes or attempts to escape while at work outside or away from prison under custody of prison officials, officers, or employees, is punishable by imprisonment in a state prison for a term of not less than one year. The second term of imprisonment of a person convicted under this subdivision shall commence from the time he would otherwise have been discharged from said prison. No additional probation report shall be required with respect to such offense.

(b) Every prisoner who commits an escape or attempts an escape as described in subdivision (a), without force or violence, is punishable by imprisonment in the state prison for a term of not less than six months nor more than five years. No additional probation report shall be required with respect to such offense.

SEC. 3. Section 4531 of said code is repealed.

CHAPTER 1785

An act to amend Section 1203c of the Penal Code, relating to reports of probation officer.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1203c of the Penal Code is amended to read:

1203c. Notwithstanding any other provisions of law, whenever a person is committed to an institution under the jurisdiction of the Department of Corrections, whether probation has been applied for or not, or granted and revoked, it shall be the duty of the probation officer of the county from which the person is committed to send to the Department of Corrections a report upon the circumstances surrounding the offense and the prior record and history of the defendant as may be required by the Administrator of the Youth and Adult Corrections Agency. These reports shall accompany the commitment papers. The reports shall be prepared in the form prescribed

by the administrator following consultation with the Board of Corrections, except that in a case in which defendant is ineligible for probation, a report upon the circumstances surrounding the offense and the prior record and history of defendant, prepared by the probation officer on request of the court and filed with the court before sentence, shall be deemed to meet any such requirements of form. In order to allow the probation officer opportunity to interview, for the purpose of preparation of these reports, the prisoner shall be held in the county jail for 48 hours, excluding Saturdays, Sundays and holidays, subsequent to imposition of sentence and prior to delivery to the custody of the Director of Corrections, unless the probation officer shall have indicated need for a lesser period of time.

CHAPTER 1786

An act to add Part 2.8 (commencing with Section 12900) to Division 3 of Title 2 of the Government Code; to amend Sections 157, 457, 8871, 8874, and 19411 of the Education Code; to add Section 1190.2 to, and to amend Section 1191.1 of, the Code of Civil Procedure; to amend the heading of Chapter 11 (commencing with Section 13875) of Part 3 of Division 3 of Title 2, Sections 7.8, 4210, 11005, 11200, 11270, 11370.2, 12040, 12260, 12262, 13008, 13030, 13325, 13572, 13722, 13751, 13752, 13877, 13878, 13879, 13880, 13881, 14000, 14005, 14006, 14100, 14105, 14150, 14155, 14251, 14254.5, 14255, 14256, 15770, 15792, 15807, 15817, 15848, 16305.3, 54153, 54155, 54157, 54158, 54159, 54163, and 54164, and to repeal Sections 11092, 12261, 12263, 12264, 12265, 13006, 13009, 13408, the headings of Article 1 (commencing with Section 13720), Article 2 (commencing with Section 13730), and Article 3 (commencing with Section 13750), of Chapter 7, Part 3, Division 3, Title 2 of, and Sections 13720, 13721, 13730, 13750, 13800, 13875, 13876, and 20985 of, the Government Code; to amend Section 19151 of the Health and Safety Code; to amend Sections 1773.6 and 1773.7 of the Labor Code; to amend Section 1203.03 of the Penal Code; to repeal Sections 6219 and 6219.1 of the Public Resources Code; to amend Section 3125 of the Unemployment Insurance Code; and to amend Sections 1752.1 and 1760.5 of the Welfare and Institutions Code; to amend Sections 5128 and 5415 of, and to add Section 1300.17b to, the Agricultural Code, relating to the reorganization of the Department of Finance and for that purpose creating a Department of General Services.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Part 2.8 (commencing with Section 12900) is added to Division 3 of Title 2 of the Government Code, to read:

PART 2.8. DEPARTMENT OF GENERAL SERVICES

CHAPTER 1. GENERAL PROVISIONS

12900. The Legislature hereby declares that a centralization of business management functions and services of state government is necessary to take advantage of specialized techniques and skills, provide uniform management practices, and to insure a continuing high level of efficiency and economy. A Department of General Services is created to provide centralized services including, but not limited to, planning, acquisition, construction, maintenance and police protection of state buildings and property; purchasing; printing; architectural services; administrative hearings; and accounting services. The Department of General Services shall develop and enforce policy and procedures and shall institute or cause the institution of such investigations and proceedings as it deems proper to assure effective operation of all functions performed by the department and to conserve the rights and interests of the State.

12901. There is in the state government the Department of General Services.

12902. The Department of General Services is under the control of an executive officer known as the Director of General Services. As used in this part, "department" and "director" refer to the Department of General Services and the Director of General Services, respectively, unless the context otherwise requires.

12903. The director is appointed by and holds office at the pleasure of the Governor. The appointment of the director is subject to confirmation by the Senate. The annual salary of the director is twenty-one thousand five hundred dollars ($21,500).

12904. Before entering upon the duties of his office, the director shall execute an official bond to the State in the penal sum of one hundred thousand dollars ($100,000), conditioned upon the faithful performance of his duties.

12905. The director shall perform all duties, exercise all powers and jurisdiction, assume and discharge all responsibilities, and carry out and effect all purposes vested by law in the office.

12906. The provisions of Chapter 2 (commencing with Section 11150), Part 1, Division 3, Title 2 of the Government Code apply to the director and the director is the head of a department within the meaning of the chapter.

12907. For the purpose of administration, the director shall organize the department with the approval of the Governor, in the manner that he deems necessary properly to segregate and conduct the work of the department.

The director may arrange and classify the work of the department and with the approval of the Governor may create

such divisions and subdivisions as may be necessary, and change or abolish them from time to time.

12908. Whenever any statute requires by the use of the word or words "approve," "approval," "authorize," or "authorization," the director of the department to approve or authorize any act or transaction, such approval or authorization shall be deemed to have been given only if given in writing by the director, the deputy director, or by some other officer or employee of the department acting pursuant to written authority of the director.

12909. The director is a member of the Governor's Council.

12910. Notwithstanding the provisions of Section 11043 of the Government Code, the department may employ such persons as are necessary to provide house legal counsel for the department. These persons may advise the director, officers, employees, boards, commissions and offices of the department concerning legal affairs of the department. The official legal adviser concerning the department's interdepartmental powers, functions and relationships with other departments is the Attorney General. House legal counsel for the department when authorized by the Attorney General may represent the department and the State in litigation concerning affairs of the department.

12911. The department may prepare, publish, and issue such printed pamphlets and bulletins as the director deems necessary for the dissemination of information to the public concerning the activities of the department. Funds available for support of the department may, with the approval of the Department of Finance, be used to pay the cost of preparation, publication, and distribution

12912. For the purpose of administering Section 13290 of this code the director may appoint and prescribe the duties and fix the salaries of such number of skillful accountants or assistants as he deems necessary. Each such appointee is a civil executive officer.

Before entering upon the discharge of the duties of his office each such appointee shall execute to the State an official bond conditioned upon the faithful performance of his duties in such penal sum as the director prescribes, but not less than five thousand dollars ($5,000)

12913. The director shall appoint police officers, assistants, clerks, and employees as may be necessary to guard and maintain the state buildings and grounds Police officers and such employees as may be designated by the department have the power of peace officers in all parts of this State.

12914. The director and the civil executive officers of the department have the powers of a peace officer in all parts of the State in enforcing any lawful order of the department.

12915. The department has general powers of supervision over all matters concerning the financial and business policies of the State in regard to the duties, powers, responsibilities, and jurisdiction specifically vested in the department. When-

ever the department deems it necessary, or at the instance of the Governor, it shall institute or cause the institution of such investigations and proceedings as it deems proper to conserve the rights and interests of the State.

12916. The director may exempt from his approval or from approval of the department any transactions involving not more than ten thousand dollars ($10,000) for which such approval is required by statute whenever, in his judgment, such exemption is appropriate and in the best interests of the State. Written notice of exemptions shall be given to the Controller.

12917. The Department of Finance may establish such controls over approval of contracts by the Department of General Services as are necessary to assure that such approval is consistent with program and budget determinations of the Department of Finance.

12918. The Department of General Services may require from all agencies of the State permitted or charged by law with the handling of public money or its equivalent, financial and statistical reports, duly verified, covering the period of each fiscal year.

When necessary, the department may require special reports from any such state agency. These special reports shall be filed with the department without delay.

12919. The Department of General Services may examine all records, files, documents, accounts, and all financial affairs of every agency mentioned in Section 12918. It may enter any public office or institution in this State and examine any records, files, books, papers or documents contained therein or belonging thereto for the purpose of making such examination. Every state agency shall permit such examination and upon demand shall produce without unnecessary delay all books, contracts, and papers in its offices, and furnish information touching books, papers, contracts, and other matters pertaining to the agency.

12920 There is in the department a general services planning officer, a procurement officer, and a local assistance officer. Each officer may be appointed by the Governor, upon recommendation of the director, and shall serve at the pleasure of the director. His salary shall be fixed by the director in accordance with law. Each officer shall have such duties as may be assigned to him by and shall be responsible to the director for the performance of those duties. It is the intent of the Legislature that this section is not to result in an increase in the number of positions in the department.

Chapter 2. General Services Advisory Council

12930. There is hereby created within the Department of General Services the General Services Advisory Council. The council shall be composed of not to exceed 12 members who shall be state officers or public members appointed by the Director of General Services with the advice of agency administrators and department heads and who shall serve at the

pleasure of the director. The Director of General Services shall serve as chairman of the council. The council shall be under the direction of the director and shall be wholly advisory in character and shall not be delegated any administrative authority or responsibility.

12931. The functions of the council shall include but not be limited to:

(a) Consideration of improved methods of providing centralized services.

(b) Consideration of suggestions from the Department of General Services before new programs or procedures are placed in operation.

(c) Consideration and development of practical solutions to problems received from state agencies relating to centralized services.

(d) Development of support of statewide standards and policies created by mutual agreement of the Department of General Services and state agencies.

12932. The council shall serve as an advisory body and make recommendations to the Department of General Services. The members of the council shall serve without compensation but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties under this chapter.

12933. The Director of General Services may create special advisory committees to advise the director with regard to specific problems which may arise in providing centralized services to state agencies. The director shall appoint the members thereof and they shall serve at his pleasure. He shall also designate the chairman and vice chairman thereof. The committees shall be under the direction of the director and shall be wholly advisory in character and shall not be delegated any administrative authority or responsibility. Members of such committees shall serve without compensation, but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties under this section.

Such committees shall act only in an advisory capacity for the purpose of discussing specific problems relating to providing centralized services and making recommendations in regard thereto to the director.

Chapter 3. Inventory of Proprietary Lands

12940. The department shall prepare and maintain an adequate index or record of deeds or other evidence of title to all proprietary lands owned or acquired by the State, by purchase, gift, condemnation, or otherwise, except lands or interests therein acquired by the Department of Public Works for highway purposes. Each entry shall contain a description stating the area of the parcel in acres or square feet and the cost to the State of the parcel. Each state agency hereafter acquiring

lands shall transmit to the department the information necessary to make such entry.

12941. In order to properly maintain the above-mentioned index or record the department, beginning January 1, 1967, and each five years thereafter, shall cause to be presented for verification, as of June 30th, to each officer, agency, or organization of the state government having jurisdiction of proprietary lands, a listing, as taken from the index or record if available, showing grantor, brief description, area in acres or square feet, acquisition date, date of deed, cost to the State, appraised valuation and use. It shall be the duty of each officer, organization, or agency of the state government to return such listing to the department within 60 days of receipt, noting errors, correcting omissions, and certifying its correctness. For the purposes of this chapter the Regents of the University of California shall be considered as an organization of the state government.

Chapter 4. State Records

Article 1. General

12950. This chapter shall be known as the "California Records Act".

12951. As used in this chapter "record" or "records" means all papers, maps, exhibits, magnetic or paper tapes, photographic films and prints, punched cards, and other documents produced, received, owned or used by an agency, regardless of physical form or characteristics. Library and museum materials made or acquired and preserved solely for reference or exhibition purposes, and stocks of publications and of processed documents are not included within the definition of the term "record" or "records" as used in this chapter.

Article 2. Administration of State Records

12955. The director shall establish and administer in the executive branch of state government a records management program, which will apply efficient and economical management methods to the creation, utilization, maintenance, retention, preservation, and disposal of state records.

12956. The duties of the director shall include but not be limited to:

(a) Establishing standards, procedures, and techniques for effective management of records.

(b) Providing appropriate protection for records designated by state agencies, with the concurrence of the director, as essential to the functioning of state government in the event of a major disaster.

(c) Obtaining from agencies reports required for the administration of the program.

(d) Adopting, amending, and rescinding rules and regulations for the receipt and filing of state records.

Article 3. Duties of Agency Heads

12960. The head of each agency shall:

(a) Establish and maintain an active, continuing program for the economical and efficient management of the records of the agency.

(b) Determine, with the concurrence of the director, records essential to the functioning of state government in the event of a major disaster.

(c) Comply with the rules, regulations, standards and procedures issued by the director.

Article 4. Disposal of Records

12965. (a) No record shall be destroyed or otherwise disposed of by any agency of the State, unless it is determined by the director that the record has no further administrative, legal, or fiscal value and the Secretary of State has determined that the record is inappropriate for preservation in the State Archives.

(b) The director shall not authorize the destruction of any record subject to audit until he has determined that the audit has been performed.

12966. The public records of any state agency may be microfilmed or otherwise photographically reproduced and certified on the written authorization of the head of the agency. The microfilming or photographic reproduction must meet the standard specification of the United States Bureau of Standards.

The certification of each such reproduction or set of reproductions shall be in accordance with the standards, or have the approval, of the Attorney General. The certification shall contain a statement of the identity, description, and disposition or location of the records reproduced, the date, reason, and authorization for such reproduction, and such other information as the Attorney General requires.

Such certified photographic reproductions shall be deemed to be original public records for all purposes, including introduction in courts of law and state agencies.

Article 5. Annual Report

12970. The director shall make an annual written report to the Governor. The report shall describe the status and progress of programs established pursuant to this chapter and shall include the recommendations of the director for improvements in the management of records in the state government.

Article 6. Record Centers

12971. All persons, other than temporary employees, serving in the state civil service and employed by the Secretary of State in the Central Record Depository, shall remain in the state civil service and are hereby transferred to the Department of General Services. The status, positions, and rights of such persons shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act.

12972. All equipment and records in the Central Record Depository in the office of the Secretary of State are transferred to the Department of General Services.

12973 The director shall establish, maintain and operate record centers for the storage, processing, and servicing of records for state agencies pending their deposit with the Archives of the State of California or their disposition in any other manner authorized by law.

12974. This article shall become operative on January 1, 1967.

Chapter 5. Succession to Functions and Responsibilities

12980 The director and the department succeed to and are vested with all of the duties, powers, purposes, responsibilities, and jurisdiction vested in the Director of Finance, the Department of Finance, or any division, unit, or office of the Department of Finance under the following statutes:

(a) Agricultural Code: Sections 28, 29, 35, 35.2, 35.12, 35.4, 656, 746 3, and 2339.

(b) Business and Professions Code: Sections 161, 201, 400, 403, 404, 12106, 19497, and 25370.

(c) Code of Civil Procedure: Section 1245.4.

(d) Corporations Code · Section 25315.

(e) Education Code · Sections 364, 365, 404, 454, 1094, 8872, 9351, 9358, 9359, 9401, 9402, 9403, 9404, 16066, 18651, 18904, 18956, 19403, 19414, 19426, 19431, 19444, 19481, 19554, 19571, 19582, 19595, 19596, 19602, 19615, 19615.5, 19620, 19662, 23616, 23751, 24102, 25202, 25609, 25859, 26156, and 26501.

(f) Elections Code: Section 3567

(g) Fish and Game Code: Sections 853, 1010, 1013, 1121, 1350, 1500, 5993, and 6702.

(h) Government Code: Sections 439, 450, 1156, 1173, 1174, 1454, 1455, 1480, 1481, 6501, 6902, 8194, 8526, 9103, 9108, 9109, 9110, 9744, 9763, 9764, 9767, 9790, 9791, 9792, 10244, 10340, 11000, 11005.2, 11007 5, 11007.7, 11010, 11010.5, 11011, 11011.5, 11013, 11014, 11080, 11081, 11091, 11156, 11253, 11256, 11257, 11258, 11263, 11275, 11290, 11291, 11293, 11330, 11331, 11332, 11410, 11415, 12224, 12225, 12420, 12425, 12465, 12470, 12515, 12516, 12517, 12543, 13010, 13011, 13072, 13073, 13075, 13100, 13101, 13101.7, 13102, 13103, 13104, 13105, 13106, 13107, 13108,

13109, 13109.1, 13110, 13111, 13112, 13113, 13114, 13115, 13115.3, 13115.5, 13116, 13160, 13161, 13162, 13168, 13169, 13170, 13196, 13210, 13213, 13230, 13231, 13232, 13233, 13240, 13290, 13370, 13371, 13372, 13391, 13392, 13392.4, 13392.5, 13393, 13394, 13395, 13399, 13400, 13401, 13402, 13403, 13404, 13405, 13407, 13409 as added by Chapter 2121 of the Statutes of 1961, 13409 as added by Chapter 2187 of the Statutes of 1961, 13410, 13411, 13412, 13413, 13530, 13530.1, 13531, 13532, 13533, 13536, 13538, 13539, 13551, 13552, 13570, 13571, 13573, 13576, 13579, 13581, 13582, 13600, 13601, 13602, 13605, 13606, 13607, 13620, 13621, 13664, 13665, 13666, 13801, 13802, 13903, 13926, 13951, 13953, 15253, 15254, 15277, 15278, 15279, 15300, 15504, 15621, 15624, 15752, 15809, 15816, 15817, 15860, 15862, 15863, 15864, 15865, 16302.2, 16305.1, 16305.4, 16421, 16422, 16501, 16506, 18006, 18707, 19258, 20209, 22501, 22551, 22552, and 54205.

(i) Harbors and Navigation Code: Section 1167.

(j) Health and Safety Code: Sections 11106, 11622, 11623, 11624, 11625, 11626, 11628, 18900, 25816, 28403, and 28452.

(k) Insurance Code: Sections 11792, 11871, 12973.7, and 12977.

(*l*) Labor Code: Sections 117, 135, and 4755.

(m) Military and Veterans Code: Sections 178, 431, 437, 438, 996.18, 996.21, and 1086.2.

(n) Penal Code: Sections 2053, 2081.5, 2709, 2710, 2903, 2946, 5008, 5057, 6303, 11177.6, 11194, and 12074.

(o) Public Resources Code: Sections 511, 511.1, 511.2, 516, 4004, 4006, 4006.5, 4050, 4301, 4429, 4446, 4982, 5003, 5063, 5090, 5859, 8014, 8014.5, 8018, 8834, and 9053.4.

(p) Revenue and Taxation Code: Section 7931.

(q) Unemployment Insurance Code: Sections 312, 1531, 1601, 3075, 3126, 3127, 3128, 3129, and 3132.

(r) Vehicle Code: Sections 1654, 1807, 2112, 2405, and 5002.

(s) Water Code: Sections 139, 346, 403, 406, 2863, 8656, 8657, 8659, 8660, 8676, and 8678.

(t) Welfare and Institutions Code: Sections 165, 1752.6, 1752.8, 1752.9, 1760.6, 3302, 3305, 3341, 3371, 3372, 6503.1, 6503.2, 6503.3, 6503.4, 6564, 6659, and 7015.

12981. In addition to the duties, powers, purposes, responsibilities, and jurisdiction vested in the Director of General Services or the Department of General Services pursuant to Sections 12980 and 12982, the Director of General Services or the Department of General Services is authorized and directed to exercise, with respect only to the construction, alteration, repair, or improvement of state buildings, the functions and powers vested in the Director of Public Works, the Department of Public Works, the Division of Architecture or the State Architect, which on the operative date of this section are exercised or performed by the Division of Architecture or the State Architect of the Department of Public Works under the statutes enumerated below in this section. Except to the

extent only that the functions and powers under the statutes enumerated below in this section are vested in the Director of General Services or the Department of General Services by this section, the functions and powers under the statutes enumerated below remain with, and may continue to be exercised by, the Director of Public Works or the Department of Public Works.

(a) Education Code: Section 17663.7.

(b) Government Code: Sections 4001, 14032, 14037, 14101, 14102, 14104, 14104.5, 14120, 14121, 14122, 14123, 15815, and 54115.

12982. The Department of General Services succeeds to and is vested with all of the duties, powers, purposes, responsibilities, and jurisdiction vested in the Division of Architecture, the State Architect, or the Department of Public Works under Chapter 2 (commencing with Section 15301) of Division 11 of the Education Code, and Sections 19004, 19558, and 25206 of the Education Code.

12983. The Director of General Services succeeds to the membership of the Director of Finance on the following boards, commissions, and committees:

(a) State Communications Advisory Board.

(b) Departmental Coordinating Committee on Atomic Energy Development and Radiation Protection.

(c) Television Advisory Committee.

(d) State Building Standards Commission.

(e) State Board of Control.

(f) Surplus War Property Procurement Advisory Board.

12984. The Director of General Services succeeds to the membership of the Director of Public Works on the following boards and committees:

(a) State Construction Program Committee of 1955.

(b) State Construction Program Committee of 1958.

(c) State Allocation Board.

(d) Board of Public Building Reconstruction.

12985. All public property, real or personal, of the Department of Finance or the Department of Public Works used principally or primarily in carrying out of any function, or acquired in connection with the exercise of any function, which function is transferred to the Department of General Services, is transferred to the Department of General Services.

12986. All officers and employees of the Department of Finance or the Department of Public Works on the operative date of this section, who are serving in the state civil service, other than temporary employees, and who are engaged in the performance of a function transferred to the Department of General Services or who are engaged in the administration of a law, the administration of which is transferred to the Department of General Services, by this chapter shall be transferred to the Department of General Services and their status, positions, and rights shall not be affected by their transfer and they shall continue to be retained as employees of the Depart-

ment of General Services pursuant to the State Civil Service Act, except as to positions the duties of which are vested in a position exempt from civil service in the Department of General Services.

SEC. 2. Section 157 of the Education Code is amended to read:

157. The board shall cause the Department of General Services to do any printing required by it. All orders for printing shall first be approved by the Department of General Services.

SEC. 3. Section 8871 of the Education Code is amended to read:

8871. There is hereby created within the Department of General Services the Television Advisory Committee. The committee shall be composed of the Director of General Services or his designated representative, and four members appointed by the Governor as follows:

(a) One representative of the University of California, to be nominated by the board of regents.

(b) One representative of the Trustees of the California State Colleges, to be nominated by the trustees.

(c) One representative of the State Board of Education, to be nominated by the board.

(d) One member who shall represent the existing community educational television channels.

The committee shall elect one of its members as chairman.

SEC. 4. Section 8874 of the Education Code is amended to read:

8874. There is hereby created within the Department of General Services the position of Television Co-ordinator, who shall be appointed by the Governor. The person so appointed shall have demonstrated experience in planning, promotion and administration in the field of television or related activities. The salary of the co-ordinator shall be fixed by the Director of General Services in accordance with law. He shall serve at the pleasure of the Director of General Services.

SEC. 5. Section 19411 of the Education Code is amended to read:

19411. Where a district is required by a contract entered into between itself and a general construction contractor to obtain, at its own expense, insurance covering risks incurred during any construction for which an apportionment has been made, the cost thereof may be paid directly to said district out of the Public School Building Loan Fund.

It is the intent and purpose of this section to provide for reimbursement to such school districts for all such builders' risk insurance as may have been furnished and paid for by such districts in connection with approved apportionments from the Public School Building Loan Fund from the time of the effective date of Chapter 1389 of the Statutes of 1949.

The Legislature in adopting this section expressly recognizes that eligible school districts in making provision for

builders' risk insurance during the period of construction of new buildings has provided a saving for the taxpayers of such district, and also has reduced the amount which otherwise would have been paid out of the Public School Building Loan Fund to such district if the cost of such builders' risk insurance had been borne by the contractor with the district; for this reason the Legislature hereby finds, determines and declares that the adoption of this section having an effect retroactive to the effective date of said Chapter 1389 of the Statutes of 1949 is therefore lawful, proper and represents the saving of public funds for a lawful and public purpose.

The Controller of the State of California is hereby authorized and directed to cancel and annul any claims or demands against such school districts arising out of, or in any way connected with, claims for reimbursement from such school districts to the Public School Building Loan Fund arising out of the direct purchase of builders' risk insurance on any construction by any such school district under an approved application by the board.

SEC. 6. Section 1190.2 is added to the Code of Civil Procedure, to read:

1190.2. Notwithstanding the provisions of subdivision (b) of Section 1190.1, the notice provided for by Section 1190.1, in the case of work being done under a contract with the State, shall be filed with the director of the department which let the contract.

SEC. 7. Section 1191.1 of the Code of Civil Procedure is amended to read:

1191.1. If the contractor, subcontractor, or other person against whom any claim is filed, as provided in the preceding section or as provided in Section 1192.1 of this code, shall dispute the correctness or validity of any claim so filed, it shall be lawful for the public agency, body, or disbursing officer concerned, at its or his discretion, to permit the contractor to whom said contract was awarded to deliver to such public agency, body, or officer a bond executed by some corporation authorized to issue surety bonds in this State, in a penal sum equal to 1¼ times the amount of said claim, which bond shall guarantee the payment of any sum which said claimant may recover on said claim together with his costs of suit in said action, if he shall recover therein, and upon filing of said bond by and with the consent of such agency, body, or officer, then such agency, body, or officer shall not withhold any moneys from such contractor on account of such claim. In the case of a contract with the State entered into by or through the Department of Public Works or the Department of General Services, the bond shall be filed with the director of the department which let the contract and not with the State Controller. The sureties upon said bond shall be jointly and severally liable to said claimant with the sureties upon the bond given in accordance with the provisions of Chapter 3, Division 5, Title 1 of the Government Code.

SEC. 7.5. Section 7.8 of the Government Code is amended to read:

7.8. Notwithstanding anything in this code to the contrary, the Directors of Finance, General Services, and Education may appoint any deputy or assistant director in their respective departments to act in their place and stead on the State Allocation Board, irrespective of whether said deputy or assistant director holds a position specified in Section 4(a)(5) of Article XXIV of the Constitution, and irrespective of whether there shall be more than one such person representing a director at any meeting of such board. Such person, while sitting on said board, shall have all the powers the director he represents would have had, including the right to be counted in a quorum, the right to participate in the proceedings of the board and to vote on any and all matters. The director so designating such a deputy or assistant director shall be responsible for the acts of the person acting under such designation in the same manner and to the same extent that the director is responsible for the acts of the deputy or assistant director performing his official duties as deputy or assistant director of the department.

SEC. 8. Section 4210 of said code is amended to read:

4210. In any case in which the law of this State affords a right to a person furnishing labor or materials for a public work who has not been paid therefor to file a stop notice with the public agency concerned and thereby cause the withholding of payment from the contractor for the public work, any such person having no direct contractual relationship with the contractor, other than a person who performed actual labor for wages, may file such a notice, but no payment shall be withheld from any such contractor pursuant to any such notice, unless such person has given written notice to said contractor and the public agency concerned within 90 days from the date on which such person furnished the last of the labor or materials with respect to which the notice is given, stating with substantial accuracy the amount claimed and the name of the party to whom the labor or materials were furnished. Such notice shall be served by mailing the same by registered or certified mail, postage prepaid, in an envelope addressed to the contractor at any place he maintains an office or conducts his business, or his residence, or by personal service. In case of any public works constructed by the Department of Public Works or the Department of General Services of the State, such notice shall be served by mailing in the same manner as above, addressed to the office of the disbursing officer of the department constructing the work or by personal service upon such officer.

SEC. 9. Section 11005 of said code is amended to read:

11005. Unless the Legislature specifically provides that such approval is not required, every gift to the State of personal property or every gift to the State of real property in fee or in any lesser estate or interest shall be approved by the

Director of Finance and every contract for the acquisition or hiring of real property in fee or in any lesser estate or interest, entered into by or on behalf of the State, shall be approved by the Director of General Services. Any contract entered into in violation of this section is void. This section shall apply to any state agency which by general or specific statute is expressly or impliedly authorized to enter into transactions referred to herein. This section does not apply (1) to unconditional gifts of money or (2) to the acquisition or hiring by the Department of Public Works of real property in fee or in any lesser estate or interest for highway purposes but does apply to the hiring by that department of office space in any office building or (3) to contracts entered into under the authority of Chapter 4 of Part 3 of Division 2 of the Insurance Code.

SEC. 10. Section 11092 of said code is repealed.

SEC. 11. Section 11200 of said code is amended to read:

11200. The Governor, upon recommendation of the director of the following state departments, may appoint not to exceed two chief deputies for the Directors of the Departments of Finance, Public Works, General Services, and Mental Hygiene, and not to exceed one chief deputy for the Directors of the Departments of Social Welfare, Agriculture, Insurance, Employment, Motor Vehicles, Professional and Vocational Standards, and Water Resources.

The deputies provided for in this section shall be in addition to those authorized by any other law.

SEC. 12. Section 11270 of said code is amended to read:

11270. As used in this article "administrative costs" means the amounts expended by the Legislature, Controller, Treasurer, the State Personnel Board, the Secretary of State, the Department of General Services, and the State Department of Finance, and a proration of any other cost to or expense of the State for services or facilities provided for the Legislature and the above agencies, for supervision or administration of the state government or for services to the various state agencies, other than those for which the Department of General Services may charge and collect pursuant to Article 3.

SEC. 13. Section 11370.2 of said code is amended to read:

11370.2. (a) There is in the Department of General Services the Office of Administrative Procedure which is under the direction and control of an executive officer who shall be known as the presiding officer.

(b) The presiding officer shall have the same qualifications as hearing officers, and shall be appointed by the Governor subject to the confirmation of the Senate.

SEC. 13.5. Section 12040 of said code is amended to read:

12040. There is in the state government the Governor's Council. It consists of the following:

(1) Director of Agriculture
(2) Director of Alcoholic Beverage Control
(3) Director of Corrections
(4) Director of the Disaster Office

(5) Director of Education
(6) Director of Employment
(7) Director of Finance
(8) Director of Fish and Game
(9) Director of Industrial Relations
(10) Director of Mental Hygiene
(11) Director of Motor Vehicles
(12) Director of Conservation
(13) Director of Parks and Recreation
(14) Director of Professional and Vocational Standards
(15) Director of Public Health
(16) Director of Public Works
(17) Director of Social Welfare
(18) Director of Veterans Affairs
(19) Director of Water Resources
(20) Director of the Youth Authority
(21) Adjutant General
(22) Commissioner of the California Highway Patrol
(23) Director of Investment
(24) Director of General Services
(25) State Fire Marshal

SEC. 14. Section 12260 of said code is amended to read:

12260. The Secretary of State shall establish in his office a bureau to be known as the Central Record Depository, for the receipt and custody of all records required or permitted by law to be filed or deposited in the office of the Secretary of State, and may employ such personnel as may be necessary for the proper and efficient operation of the bureau. This section shall be operative until January 1, 1967, at which time this section is repealed.

SEC. 14.1. Section 12261 of said code is repealed.

SEC. 14.2. Section 12262 of said code is amended to read:

12262. The Secretary of State may, with the approval of the Department of Finance, do any or all of the following:

(a) Acquire such filing equipment, lighting equipment, and other equipment as may be necessary for the proper functioning of the bureau.

(b) Provide suitable space for the occupancy of the bureau, and cause such alterations and repairs to be made in his offices and the space under his jurisdiction as may be necessary or convenient for that purpose.

This section shall be operative until January 1, 1967, at which time this section is repealed.

SEC. 14.3. Section 12263 of said code is repealed.

SEC. 14.4. Section 12264 of said code is repealed.

SEC. 14.5. Section 12265 of said code is repealed.

SEC. 15. Section 13006 of said code is repealed.

SEC. 16. Section 13008 of said code is amended to read:

13008. For the purpose of administering Article 1, Chapter 3, commencing with Section 13291, the Director of Finance may appoint and prescribe the duties and fix the salaries of

such number of skillful accountants or assistants as he deems necessary. Each such appointee is a civil executive officer.

Before entering upon the discharge of the duties of his office each such appointee shall execute to the State an official bond conditioned upon the faithful performance of his duties in such penal sum as the director prescribes, but not less than five thousand dollars ($5,000).

SEC. 17. Section 13009 of said code is repealed.

SEC. 18. Section 13325 of said code is amended to read:

13325. Approval by the Department of General Services of contracts, leases and other transactions or expenditures of state agencies, where such approval is required by law, shall be necessary regardless of the fact that the Department of Finance may have approved a budget, under this article or any other law, providing funds for such lease, contract or other transaction or expenditure.

SEC. 19. Section 13408 of said code is repealed.

SEC. 20. Section 13572 of said code is amended to read:

13572. There is in the Department of General Services a State Printer, who shall be appointed by the Governor with the approval of the Senate for a term of four years commencing January 15 next following the general election at which a Governor is elected, and he shall hold office until appointment and qualification of his successor or until 90 days shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs; but he may be dismissed by the Governor, with or without cause, at any time. The Governor may fill any vacancy in the office of State Printer by interim appointment prior to the commencement of the first term in 1963 and may fill any vacancy in the office thereafter for the unexpired portion of the term but such appointment shall be subject to approval of the Senate at the next regular session of the Legislature. Nothing herein contained shall be construed as rendering inapplicable to the State Printer any conflict of interest statutes.

The State Printer shall not engage in a managing capacity in any private business or enterprise.

The State Printer's salary is provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of this code.

SEC. 21. The heading of Article 1 (commencing with Section 13720) of Chapter 7, Part 3, Division 3, Title 2, of said code is repealed.

SEC. 22. Section 13720 of said code is repealed.

SEC. 23. Section 13721 of said code is repealed.

SEC. 24. Section 13722 of said code is amended to read:

13722. The Department of General Services provides for the specialized consideration of all traffic problems of the State; develops specialized knowledge of rates, tariffs, and traffic problems to the end that all state shipments be accomplished in the most expeditious, economical, and efficient manner possible; insures adequate state representation before

administrative rate-setting bodies; disseminates traffic information throughout all state agencies.

SEC. 25. The heading of Article 2 (commencing with Section 13730) of Chapter 7, Part 3, Division 3, Title 2, of said code is repealed.

SEC. 26. Section 13730 of said code is repealed.

SEC. 27. The heading of Article 3 (commencing with Section 13750) of Chapter 7, Part 3, Division 3, Title 2, of said code is repealed.

SEC. 28. Section 13750 of said code is repealed.

SEC. 29. Section 13751 of said code is amended to read:

13751. The director, subject to the State Civil Service Act, shall appoint such personnel as is necessary to perform the following duties:

(a) Watch the movements of all state freight.

(b) Audit all freight and other transportation bills involving state shipments in order to determine the most advantageous and economical shipping rates which can be secured and to determine what refunds may be due the State on completed shipments.

(c) Furnish upon request from any state source the proper routing and tariff description of a given shipment in order to assure the State of the lowest applicable freight charge.

(d) Establish and maintain such files as may be necessary to expedite shipments, secure special movements, trace and recover strayed and delayed shipments, and divert and reconsign shipments.

(e) Perform such other duties as may be necessary to the efficient discharge of the rate control function.

SEC. 30. Section 13752 of said code is amended to read:

13752. Upon request of any state agency, the Director of General Services may assign competent personnel to work directly with such state agency at such locations as the agency shall designate in order that such personnel shall become familiar with the particular problems of such agency and that the purposes of this chapter can be best accomplished.

SEC. 31. Section 13800 of said code is repealed.

SEC. 32. The heading of Chapter 11 (commencing with Section 13875) of Part 3, Division 3, Title 2 of said code is amended to read:

CHAPTER 11. ORGANIZATION AND MANAGEMENT

SEC. 33. Section 13875 of said code is repealed.

SEC. 34. Section 13876 of said code is repealed.

SEC. 35. Section 13877 of said code is amended to read:

13877. It shall be the function of the department to provide consultation and co-ordination to the departments and agencies of the state government with respect to organization planning and the development and application of controls over manpower and costs, as directed or requested to conduct studies in such fields, and in the field of application of classi-

fications to jobs and positions; and to conduct research and exchange of information in the field of management.

SEC. 36. Section 13878 of said code is amended to read:

13878. In the field of organization planning the department shall:

(a) Counsel with, assist, and provide co-ordination to the heads of state departments:

(1) In the development and application of principles of sound management.

(2) In the development and implementation of plans of organization.

(3) In the preparation of organization charts to reflect current approved organization structures.

(b) Initiate recommendations for special studies to improve the pattern of organization of the state government in all its parts.

SEC. 37. Section 13879 of said code is amended to read:

13879. In the field of manpower and costs control, the department shall:

(a) Counsel with and provide co-ordination to the heads of departments in the development and application of effective controls over manpower and administrative and operating costs.

(b) Develop and foster the adoption of improved methods, procedures, and performance standards to achieve more efficient accomplishment of necessary work and more effective utilization of manpower.

(c) Counsel with and provide co-ordination to the heads of departments in the design of job and position content to ensure that they are consistent with productivity and relative importance to the state government.

(d) Maintain authoritative current records of actual employment of approved manpower allowables or manning tables for each state agency and in such form that they may be compared and reconciled with manpower allowables.

(e) At appropriate intervals, report on the effectiveness of manpower and cost control measures by each state agency.

(f) As directed or requested, conducts studies of the manpower of departments and agencies of the state government, or of any of their components, as a basis for recommending improved manpower utilization, methods, procedures, and performance standards, the elimination of unnecessary or duplicative work and wasteful practices, and the adjustment of the work force to the established workload.

SEC. 38. Section 13880 of said code is amended to read:

13880. In the field of organization research, the department shall:

(a) Counsel with and provide co-ordination to the heads of departments on the internal exchange of information and experience regarding management, organization, manpower, and cost control problems and their solution.

(b) Initiate or, as requested, conduct studies and exchanges of information with other governmental agencies, with industry, and with professional and educational institutions regarding management subjects, publishing or circulating the results, as appropriate, for the benefit of all or selected segments of the state government.

SEC. 38.5. Section 13881 of said code is amended to read:

13881. The department may:

(a) Conduct such relationships with agencies of the governments of municipalities, counties, other states, and the United States as are appropriate in the discharge of its functions.

(b) Conduct exchanges of management information and experience with appropriate governmental agencies.

(c) Co-ordinate its efforts with and seek the counsel of the various agencies within the state government concerned with budget analysis to obtain their views on methods of reducing budgets and costs.

(d) Conduct such relationships with business, industry, and educational institutions as are appropriate in the discharge of its functions.

(e) Conduct correspondence and exchanges of information with, and maintain memberships in appropriate professional and business organizations to keep abreast of the latest and best management thought and practice.

(f) Maintain direct contact with and seek the counsel and support of special boards, commissions, or committees from business and industry created to foster the economical use of labor, materials, and money in government.

SEC. 39. Section 14000 of said code is amended to read:

14000. There is in the Highway Transportation Agency a Department of Public Works.

SEC. 40. Section 14005 of said code is amended to read:

14005. For the purpose of administration, the director shall organize the department with the approval of the Governor in the manner that he deems necessary properly to segregate and conduct the work of the department. The work of the department shall be divided into at least four divisions known as the Division of Highways, the Division of Aeronautics, the Division of Contracts and Rights-of-Way, and the Division of Bay Toll Crossings.

SEC. 41. Section 14006 of said code is amended to read:

14006. There is in the Department of General Services a State Architect. He shall be appointed by the Governor with the approval of the Senate for a term of four years commencing with January 15 next following the general election at which a Governor is elected, and he shall hold office until appointment and qualification of his successor or until 150 days shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs; but he may be dismissed by the Governor, with or without cause, at any time. The Governor may fill the office of State Architect by interim appointment prior to the commencement of the first term in

1963 and may fill any vacancy in the office thereafter for the unexpired portion of the term but such appointment shall be subject to approval of the Senate at the next regular session of the Legislature.

No person shall be eligible for the office of State Architect who has not, for a period of five years next preceding his appointment, held a certificate to practice architecture in California issued by the California State Board of Architectural Examiners. No person shall be eligible for the office of State Architect who is not a member of the American Institute of Architects at the time of his first appointment.

The State Architect shall not engage in the private practice of architecture or in a managing capacity in any private business or enterprise.

SEC. 45. Section 14100 of said code is amended to read:

14100. The Department of General Services shall succeed to the powers, duties and functions with respect to architectural services previously vested in the Division of Architecture or the State Architect of the Department of Public Works.

The State Architect has general charge, under the Department of General Services, of the erection of all state buildings and shall have an inspector at each building during the whole time of its construction.

SEC. 46. Section 14105 of said code is amended to read:

14105. The provisions of this article, insofar as they vest in the State Architect general charge of the erection of all state buildings and require him to have an inspector at each building during the whole time of its construction, shall not apply to the construction of any public works which is under the jurisdiction of the Department of Water Resources or the Department of Public Works.

SEC. 47. Section 14150 of said code is amended to read:

14150. When requested in writing by the Bureau of Public Roads, the Maritime Commission, the Army, the Air Force, or the Navy, the department and each division thereof may perform any engineering, architectural, construction, maintenance, or mechanical work for or on behalf of the United States if such work is to be completely financed by federal funds, except for general administrative expense. The department may enter into agreements with the authorized officials of the United States for the performance of any such work.

Any agreement providing for such work to be done by the Department of General Services or the Department of Water Resources shall be subject to the approval of the Department of Finance.

SEC. 48. Section 14155 of said code is amended to read:

14155. "Department," as used in this article, means the Department of Public Works as to work within its jurisdiction, the Department of Water Resources as to work within its jurisdiction, and the Department of General Services with respect to the construction, alteration, repair, and improvement of state buildings.

SEC. 49. Section 14251 of said code is amended to read:

14251. Contracts for the purchase of supplies or materials, which are purchased pursuant to Chapter 4 (commencing with Section 13370), Part 3, Division 3, Title 2 of this code, are not subject to this chapter, even though the seller is required to perform some incidental work or service in connection with the delivery of the material or supplies.

SEC. 50. Section 14254.5 of said code is amended to read:

14254.5. "Department," as used in this chapter, means (a) the Department of Water Resources as to any project under the jurisdiction of that department, (b) the Department of General Services as to any project under the jurisdiction of that department and (c) the Department of Public Works as to all other projects.

"Director," as used in this chapter, means the director of each department as defined herein respectively.

SEC. 51. Section 14255 of said code is amended to read:

14255. Whenever provision is made by law for any project which is not under the jurisdiction of the Department of Water Resources or the Department of General Services, the project shall be under the sole charge and direct control of the Department of Public Works.

SEC. 52. Section 14256 of said code is amended to read:

14256. Where the nature of the work in the opinion of the department is such that its services in connection therewith are not required, it may authorize the carrying out of the project directly by the state agency concerned therewith if the estimated cost does not exceed fifty thousand dollars ($50,000).

If the estimated total cost of any construction project or work carried out under this section exceeds five thousand dollars ($5,000), the district or agency shall solicit bids in writing and shall award the work to the lowest responsible bidder or reject all bids; provided, however, that the director may authorize the district or agency to carry out work in excess of five thousand dollars ($5,000) under the provisions of this section by day labor if he deems that the award of a contract, the acceptance of bids, or the acceptance of further bids is not in the best interests of the State; however, in no event shall the amount of work performed by day labor under this section exceed the sum of thirty-five thousand dollars ($35,000) in the case of agricultural district fair projects, or twenty thousand dollars ($20,000) in other cases.

SEC. 53. Section 15770 of said code is amended to read:

15770. There is in the state government the State Public Works Board. The board consists of the Director of Finance, the Director of Public Works, and the Director of General Services. Two Members of the Senate, appointed by the Senate Committee on Rules, and two Members of the Assembly, appointed by the Speaker, shall meet with and participate in the work of the board to the extent that such participation is not incompatible with their positions as Members of the Legislature. The appointed Members of the Legislature constitute a

legislative interim committee on the subject of this part with all the powers and duties imposed upon such committees by the Joint Rules of the Legislature.

SEC. 54. Section 15792 of said code is amended to read:

15792. The Director of Finance shall administer this part and provide such assistance to the board as it requires. When the board has determined that any construction, improvements, and the purchase of equipment is to be undertaken, or that plans and specifications for such construction, improvements, and equipment shall be prepared, the Director of Finance by executive order shall allot to the University of California the amount required to perform the work approved for the University of California, or to the Department of General Services or other state agency the amounts required to perform the work approved by the board for other state agencies. The University of California or the state agency to which money has been allotted shall perform such work or cause it to be performed in the manner provided by law.

SEC. 55. Section 15807 of said code is amended to read:

15807. The acquisition by the board of any property is subject to the approval of the Department of Finance. The board shall contract with the Department of General Services for the maintenance, repair, and equipment of all public buildings constructed, acquired, or operated by the board, when the Department of General Services elects to furnish maintenance and repair, such maintenance and repair to include the items of maintenance, repair, and equipment customarily supplied or afforded to other state buildings by the Department of General Services.

SEC. 56. Section 15817 of said code is amended to read:

15817. Any state agency, with the approval of the Department of General Services, may lease, as lessee, any public building constructed by the board for a term not exceeding 20 years from the date of occupancy at such rentals as are determined by the board; and at any time after sufficient progress has been made on the public building to render it usable, the state agency may lease as lessee, with the approval of the Department of General Services, any portion of the public building completed or usable for a term not exceeding 20 years from the date of occupancy at such rentals as are determined by the board. Rentals under a lease shall commence upon the date of occupancy, irrespective of whether the public building, or the portion thereof leased, has been finally accepted by the Department of General Services.

SEC. 57. Section 15848 of said code is amended to read:

15848. Such amount as may be necessary to pay monthly the amount required to pay the rent of any agency occupying space in an office building authorized to be constructed under the provisions of the State Building Construction Act of 1955 is hereby appropriated each fiscal year payable from the fund in the State Treasury from which said agency derives its appropriation for support and shall become available only if

the Department of Finance certifies to the State Controller that the amount required monthly to pay such rent has not been included in the Budget Act for such fiscal year for the support of the agency for that portion of such office building which has been provided for its use. The appropriation herein made shall become inoperative as to any office building which is transferred to the jurisdiction of the Department of General Services pursuant to Section 15816 of this code.

SEC. 58. Section 20985 of said code is repealed.

SEC. 59. Section 54153 of said code is amended to read:

54153. The Department of Finance, Department of Water Resources, Department of Public Works, and the Department of General Services shall administer this article as provided herein. The Department of Water Resources shall have jurisdiction over levees, flood control works, channels, irrigation works, and other similar projects, the Department of General Services shall have jurisdiction over state building construction, alteration, repair, and improvement, and the Department of Public Works shall have jurisdiction over all other projects. In the event of dual jurisdiction over any particular project, the two departments shall agree as to which shall assume jurisdiction and responsibility therefor.

SEC. 60. Section 54155 of said code is amended to read:

54155. Whenever funds are available for the purposes of this article, the Department of Finance shall make allocations therefrom in such amounts as it determines to be necessary to the Department of Water Resources, the Department of Public Works, and the Department of General Services for expenditure for making the investigations, estimates, and reports required by this article. Such allocations may also be made to provide for preliminary investigations, estimates, and reports, or to reimburse the departments for expenditures made in anticipation of actual applications by local agencies. Allocations may also be made for the purpose of making such investigations, estimates, and reports as may be necessary to enable local agencies to obtain federal aid for flood relief purposes, regardless of whether or not such aid is available for projects that are eligible for state allocations pursuant to this article. The Department of Finance may allocate to any state agency, including the Department of Finance, from such funds, or other funds available therefor, such amounts as are necessary to administer the provisions of this article.

SEC. 61. Section 54157 of said code is amended to read:

54157. (1) Except as provided in Section 54155, no money shall be allocated by the Department of Finance unless and until:

(a) A local agency has applied to the Department of Finance for an allocation of funds, and the Department of Water Resources, the Department of General Services or the Department of Public Works has first investigated and reported upon the proposed work, has found it to be a matter of general public and state interest and concern, has estimated the cost

of the work and filed its report thereon with the Department of Finance, and the Department of Finance has approved the expenditure and purpose. The estimate of cost of the work may include expenditures made by the local agency for such work prior to the making of such estimate.

(b) The local agency has executed an agreement in such form as the Department of Water Resources, the Department of General Services, or the Department of Public Works, as the case may be, prescribes. Such agreement shall be subject to the approval of the Department of Finance. Such agreement shall provide for the performance of the work by the local agency or by the Department of Water Resources, the Department of General Services, or the Department of Public Works, the methods of handling the funds allocated hereunder and the matching funds provided by the local agency. It shall also contain such other provisions as are deemed necessary to assure completion of the work included in the project and the proper expenditure of funds as provided herein.

(c) Moneys as prescribed by the Department of Finance are made available by or on behalf of the agency in control of the damaged or destroyed facility or facilities.

(2) Allocations of funds under this article shall be made as follows:

(a) As to street, highway, and bridge projects, the Department of Finance shall determine the respective amounts which the State and the local agency shall contribute, using the following criteria as a guide:

(i) The State shall make no allocation as to that portion of the damage equal to 10 percent or less of the total amount apportioned by the State to the local agency from the Highway Users Tax Fund during the previous fiscal year.

(ii) As to damage exceeding 10 percent but not exceeding 50 percent of such amount apportioned, the State shall allocate 60 percent of the cost.

(iii) As to damage exceeding 50 percent but not exceeding 150 percent of such amount apportioned, the State shall allocate 80 percent of the cost.

(iv) As to damage over 150 percent of such amount apportioned, the State shall allocate 95 percent of the cost.

(b) As to other types of projects, the Department of Finance shall determine the respective amounts which the State and the local agency shall contribute, using the following criteria as a guide:

(i) The State shall make no allocation as to that portion of the damage equal to 10 percent or less of the revenue, exclusive of funds received from any federal or state agency, of the local agency during the previous fiscal year as determined by the Department of Finance.

(ii) As to damage exceeding 10 percent but not exceeding 50 percent of such revenue, the State shall allocate 60 percent of the cost.

(iii) As to damage exceeding 50 percent but not exceeding 150 percent of such revenue, the State shall allocate 80 percent of the cost.

(iv) As to damage over 150 percent of such revenue, the State shall allocate 95 percent of the cost.

(c) Expenditures incurred by a local agency prior to the effective date of the allocation for work otherwise eligible may be considered in determining the rate of contribution between the State and the local agency under the above criteria.

SEC. 62. Section 54158 of said code is amended to read:

54158. When the United States or any agency thereof is to provide funds for any portion of the cost of a project, the amount so provided shall be deducted from the cost of the project in determining the amount to be allocated by the State and the amount to be contributed by the local agency under Section 54157. It shall not be required that the funds to be provided from federal sources shall be paid into the State Treasury, but the Department of Water Resources, the Department of General Services, or the Department of Public Works may proceed with the work when the department concerned has received assurance, adequate in the opinion of the Department of Finance, that the federal matching funds will be made available for expenditure for the work, or for reimbursement to the State for performance thereof.

SEC. 63. Section 54159 of said code is amended to read:

54159. Whenever the local agency and the Department of Water Resources, the Department of General Services, or the Department of Public Works determine that the general public and state interest will be better served by replacing a damaged or destroyed facility with a facility that will more adequately serve the present and future public needs than would be accomplished merely by repairing or restoring the damaged or destroyed facility, the Department of Finance may authorize such replacement, but the cost of the betterment of the facility, to the extent that it exceeds the cost of repairing or restoring the damaged or destroyed facility, shall be borne and contributed by the local agency, and such excess cost shall be excluded in determining the amount to be allocated by the State.

SEC. 64. Section 54163 of said code is amended to read:

54163. Any work performed by the Department of Water Resources, the Department of General Services, or the Department of Public Works pursuant to an agreement with a local agency shall be subject to the State Contract Act. Work performed by a local agency shall be subject to the law governing the performance of such work by the local agency. Neither the State nor any officer or employee thereof shall have any responsibility in connection with any work performed by a local agency.

SEC. 65. Section 54164 of said code is amended to read:

54164. When certified by the Department of Water Resources, the Department of General Services, or the Department of Public Works, claims of local agencies for state

reimbursement shall be presented to the State Controller for payment out of funds made available therefor. The State Controller shall make such audit as he deems necessary, before or after disbursement, for the purpose of determining that such reimbursement is for expenditures made for the purposes and under the conditions authorized under this article.

SEC. 67. Section 19151 of the Health and Safety Code is amended to read:

19151. In computing the resistance of any building to horizontal forces, the stresses resulting from the combined vertical and horizontal forces shall not exceed 1⅓ times the allowable working stresses.

"Allowable working stresses" means stresses specified by:

(a) An ordinance of the locality in which the building is situated.

(b) The Department of General Services for the locality in which the building is situated, if the locality has no ordinance on the subject.

SEC. 68. Section 1773.6 of the Labor Code is amended to read:

1773.6. Where the body awarding the contract or authorizing the public work is the State Department of Public Works, the Department of General Services, or the State Department of Water Resources or any division thereof, it shall file, quarterly, its determination of general prevailing rates of per diem wages for those localities in which public work is to be performed, in the office of the Director of Industrial Relations, commencing not later than January 10, 1954. Such determination shall be final except as hereinafter provided. If during any quarterly period the Director of Industrial Relations shall determine that there has been a change in any prevailing rate of per diem wages in any locality he shall immediately notify the awarding body of such change and his determination shall be final. Such determination by the Director of Industrial Relations shall not be effective as to any contract for which the notice to bidders has been published.

SEC. 69. Section 1773.7 of the Labor Code is amended to read:

1773.7. The provisions of Sections 1773.4 and 1773 5 shall not apply to the State Department of Public Works, the Department of General Services, or the State Department of Water Resources or any division thereof.

SEC. 70. Section 6219 of the Public Resources Code is repealed.

SEC. 71. Section 1203.03 of the Penal Code is amended to read:

1203.03. (a) In any case in which a defendant is convicted of an offense punishable by imprisonment in the state prison, the court, if it concludes that a just disposition of the case requires such diagnosis and treatment services as can be provided at a diagnostic facility of the Department of Corrections, may order that defendant be placed temporarily in such fa-

cility for a period not to exceed 90 days, with the further provision in such order that the Director of the Department of Corrections report to the court his diagnosis and recommendations concerning the defendant within the 90-day period.

(b) The Director of the Department of Corrections shall, within the 90 days, cause defendant to be observed and examined and shall forward to the court his diagnosis and recommendation concerning the disposition of defendant's case.

(c) The Department of Corrections shall accept such person if it has adequate staff and facilities to provide such services and if there is in effect a contract made, pursuant to subdivision (f) of this section, with the county of the referring court. No such person shall be transported to any facility under the jurisdiction of the Department of Corrections until the director has notified the referring court of the place to which said person is to be transported and the time at which he can be received.

(d) The sheriff of the county in which an order is made placing a defendant in a diagnostic facility pursuant to this section, or any other peace officer designated by the court, shall execute the order placing such defendant in the center or returning him therefrom to the court. The expense of such sheriff or other peace officer incurred in executing such order is a charge upon the county in which the court is situated.

(e) It is the intention of the Legislature that the diagnostic facilities made available to the counties by this section shall only be used for the purposes designated and not in lieu of sentences to local facilities.

(f) The Director of Corrections may enter into contracts, with the approval of the Director of Finance, with any county of this State, upon request of the board of supervisors thereof, wherein the Department of Corrections agrees to provide diagnostic and treatment services and temporary detention during the period of study, to the county for selected cases of persons eligible for commitment to the Department of Corrections. The county shall reimburse the State for the cost of such services, such cost to be determined by the Director of General Services. Each county auditor shall include in his state settlement report rendered to the Controller in the months of January and June, the amounts due under any contract authorized by this section and the county treasurer, at the time of settlement with the State in such months, shall pay to the State Treasurer upon order of the Controller the amounts found to be due.

(g) In any case in which a defendant has been placed in a diagnostic facility pursuant to this section and, in the course of his confinement, he is determined to be suffering from a remediable condition relevant to his criminal conduct, the department may, with the permission of defendant, administer treatment for such condition. If such treatment will require a longer period of confinement than the period for which defendant was placed in the diagnostic facility, the Director of Corrections may file with the court which placed defendant in

the facility a petition for extension of the period of confinement, to which shall be attached a writing signed by defendant giving his consent to the extension. If the court finds the petition and consent in order, it may order the extension, and transmit a copy of the order to the Director of Corrections.

SEC. 72. Section 6219.1 of the Public Resources Code is repealed.

SEC. 73. Section 3125 of the Unemployment Insurance Code is amended to read:

3125. The director may from time to time, with approval of the Department of Finance, invest the money in the Disability Fund for the construction and equipment of a building or buildings and appurtenant facilities for the use of the Department of Employment as a central office in Sacramento. He may also invest such funds for the acquisition of real property, pursuant to the Property Acquisition Law, to be used as a parking area for the central office and for the development and construction of the parking area, together with appurtenant facilities and equipment not to exceed six hundred thousand dollars ($600.000). Such parking area shall be amortized through rental payments as fixed by the Department of General Services. Such rental payments before and after amortization shall approximate prevailing rates for parking in the immediate area. Costs and expenses necessarily incurred in connection with such investments, including but not limited to the costs of preliminary plans, services, and negotiations, shall be a proper charge against that portion of the Disability Fund available by law for the payment of benefits and shall constitute a part of the investment. The aggregate amount which may be invested under this section shall not exceed nine million five hundred thousand dollars ($9,500,000) except that when necessary because of increased building costs the aggregate amount may be increased with approval of the Director of Employment and the State Public Works Board by an additional amount not to exceed nine hundred fifty thousand dollars ($950,000).

Of the amount herein authorized to be invested upon request of the Director of Employment, there shall be transferred by the Controller five hundred thousand dollars ($500,000) to the Department of Employment Contingent Fund in repayment of the amount authorized to be expended from that fund for preliminary plans and specifications under Chapter 34 of the Statutes of 1950 (Third Extraordinary Session).

SEC. 74. Section 1752.1 of the Welfare and Institutions Code is amended to read:

1752.1. The director may enter into contracts with the approval of the Director of Finance with any county of this State, upon request of the board of supervisors thereof, wherein the Youth Authority agrees to furnish diagnosis and treatment services and temporary detention during a period of study to the county for selected cases of persons eligible for commitment to the Youth Authority in connection with the

operation of the juvenile court. The county shall reimburse the State for the cost of such services, such cost to be determined by the Director of General Services. Each county auditor shall include in his state settlement report rendered to the Controller in the months of January and June the amounts due under any contract authorized by this section, and the county treasurer, at the time of settlement with the State in such months, shall pay to the State Treasurer upon order of the Controller, the amounts found to be due.

SEC. 75. Section 1760.5 of the Welfare and Institutions Code is amended to read:

1760.5. The director may require persons committed to the authority to perform work necessary and proper to be done by the Division of Forestry, the Division of Beaches and Parks, and the Division of Fish and Game in the Department of Natural Resources, by the Division of State Lands, by the United States Department of Agriculture, and by the federal officials and departments in charge of national forests and parks within this State. For the purposes of this section, the director, with the approval of the Department of General Services, may enter into contracts with federal and state officials and departments. All moneys received by the director pursuant to any such contract shall be paid into the State Treasury to the credit and in augmentation of the current appropriation for the support of the authority.

SEC. 76. Section 1300.17b is added to the Agricultural Code, to read:

1300.17b. Notwithstanding the first sentence of subdivision (f) Section 1300.17, the power to approve banks or other depositories for the deposit of moneys collected by the Director of Agriculture pursuant to this chapter is vested in the Director of General Services rather than the Director of Finance.

SEC. 77. Section 5128 of said code is amended to read:

5128. All moneys collected by the director pursuant to this chapter shall be deposited in a bank or banks, or other depository, approved by the Director of General Services, allocated to the purposes of this chapter only, and disbursed by the director only for the necessary expenses incurred by the council and the director in carrying out the purposes and provisions of this chapter. Moneys so collected shall be deposited and disbursed in conformity with appropriate auditing rules and regulations prescribed by the director. The expenditure of such moneys shall be exempt from the provisions of Sections 16003 and 16304 of the Government Code. All such expenditures by the council and the director shall be audited at least once every two years by the Department of Finance and a copy of such audit shall be delivered within 30 days after completion thereof to the Governor, the Director of Agriculture, and the State Controller.

The director, after consultation with the council, shall prepare an annual budget setting forth in reasonable detail the proposed expenditures which he deems necessary for the per-

formance by him and by the department of the duties imposed upon them by this chapter, and he shall prepare and submit to the council an annual statement, in reasonable detail, of his expenditures hereunder.

SEC. 78. Section 5415 of said code is amended to read:

5415. All moneys collected by the director pursuant to this chapter shall be deposited in a bank or banks, or other depository, approved by the Director of General Services, allocated to the purposes of this chapter only, and disbursed by the director in accordance with the budget or budgets recommended by the board and approved by the director as set forth in subdivision (e) of Section 5407. The expenditure of the moneys so collected shall be subject to appropriate auditing rules and regulations prescribed by the director, and shall be exempt from provisions of Sections 16003 and 16304 of the Government Code. All such expenditures by the board and the director shall be audited at least once every two years by the Department of Finance and a copy of such audit shall be delivered within 30 days after completion thereof to the Governor, the Director of Agriculture, and the State Controller.

SEC. 79. Section 457 of the Education Code is amended to read:

457. The State Educational Agency for Surplus Property may, without at the time furnishing vouchers or itemized statements, draw from the Surplus Educational Property Revolving Fund for use as a departmental revolving fund:

(a) A sum not to exceed thirty thousand dollars ($30,000), or

(b) With the approval of Department of General Services a sum in excess of thirty thousand dollars ($30,000).

Any moneys so withdrawn may only be used, in accordance with law and Board of Control rules, for payment of compensation earned, traveling expense, traveling expense advances or where immediate payment is otherwise necessary. All disbursements from such revolving fund must be substantiated by vouchers filed with and audited by the Controller. From time to time, disbursements, supported by vouchers, may be reported to the Controller in connection with claims for reimbursement of the departmental revolving fund. At any time upon the demand of the Department of Finance or the Controller, such revolving fund must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the Controller.

SEC. 80. Section 13030 of the Government Code is amended to read:

13030. Every person is guilty of a misdemeanor who:

(a) Fails or neglects to make, verify and file with the Department of Finance any report required by this part.

(b) Fails or neglects to follow the directions of the Department of General Services in keeping the accounts of his office.

(c) Refuses to permit the examination of or access to the records, files, books, accounts, papers, documents or cash drawers or cash of his office by a representative of the Department of Finance or in any way interferes with such examination.

Conviction of any such misdemeanor is punishable by a fine of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) or by imprisonment in the county jail for not less than 30 days, or both.

SEC. 81. Section 16305.3 of said code is amended to read:

16305.3. All state money shall be deposited in trust in the custody of the Treasurer, except when otherwise authorized by the Director of General Services, or unless deposited directly in the State Treasury. All state money deposited in trust in the custody of the Treasurer shall be held in a trust account or accounts and may be withdrawn only upon the order of the depositing agency or its disbursing officer. The provisions of Sections 16305.3 to 16305.7, inclusive, shall not be construed to repeal or amend any provision of law now requiring officers or employees to make daily, weekly or monthly settlements with the Treasurer. All such money held by the State Treasurer in trust shall be subject to audit by the Department of Finance and shall also be subject to cash count, as provided in Sections 13297, 13298, and 13299 of this code.

SEC. 82. This act shall become operative on October 1, 1963.

CHAPTER 1787

An act to amend Section 1203.03 of the Penal Code, relating to placement of defendant in diagnostic facility of Department of Corrections.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1203.03 of the Penal Code is amended to read:

1203.03. (a) In any case in which a defendant is convicted of an offense punishable by imprisonment in the state prison, the court, if it concludes that a just disposition of the case requires such diagnosis and treatment services as can be provided at a diagnostic facility of the Department of Corrections, may order that defendant be placed temporarily in such facility for a period not to exceed 90 days, with the further provision in such order that the Director of the Department of Corrections report to the court his diagnosis and recommendations concerning the defendant within the 90-day period.

(b) The Director of the Department of Corrections shall, within the 90 days, cause defendant to be observed and examined and shall forward to the court his diagnosis and recommendation concerning the disposition of defendant's case.

(c) The Department of Corrections shall accept such person if it has adequate staff and facilities to provide such services and if there is in effect a contract made, pursuant to subdivision (f) of this section, with the county of the referring court. No such person shall be transported to any facility under the jurisdiction of the Department of Corrections until the director has notified the referring court of the place to which said person is to be transported and the time at which he can be received.

(d) The sheriff of the county in which an order is made placing a defendant in a diagnostic facility pursuant to this section, or any other peace officer designated by the court, shall execute the order placing such defendant in the center or returning him therefrom to the court. The expense of such sheriff or other peace officer incurred in executing such order is a charge upon the county in which the court is situated.

(e) It is the intention of the Legislature that the diagnostic facilities made available to the counties by this section shall only be used for the purposes designated and not in lieu of sentences to local facilities.

(f) The Director of Corrections may enter into contracts, with the approval of the Director of Finance, with any county of this State, upon request of the board of supervisors thereof, wherein the Department of Corrections agrees to provide diagnostic and treatment services and temporary detention during the period of study, to the county for selected cases of persons eligible for commitment to the Department of Corrections. The county shall reimburse the State for the cost of such services, such cost to be determined by the Director of Finance or in lieu of the Director of Finance by the Director of General Services if such office is created at the 1963 Regular Session of the Legislature. Each county auditor shall include in his state settlement report rendered to the Controller in the months of January and June, the amounts due under any contract authorized by this section and the county treasurer, at the time of settlement with the State in such months, shall pay to the State Treasurer upon order of the Controller the amounts found to be due.

(g) In any case in which a defendant has been placed in a diagnostic facility pursuant to this section and, in the course of his confinement, he is determined to be suffering from a remediable condition relevant to his criminal conduct, the department may, with the permission of defendant, administer treatment for such condition. If such treatment will require a longer period of confinement than the period for which defendant was placed in the diagnostic facility, the Director of Corrections may file with the court which placed defendant in the facility a petition for extension of the period of confinement, to

which shall be attached a writing signed by defendant giving his consent to the extension. If the court finds the petition and consent in order, it may order the extension, and transmit a copy of the order to the Director of Corrections.

(h) Any other provisions of this section notwithstanding, until September 15, 1965 it shall not be a prerequisite to commitment of a defendant or acceptance of the defendant by the Department of Corrections, pursuant to this section, that there be in effect a contract as described in subdivision (f), and there shall be no charge to the county for services under this section for a defendant accepted during such period.

CHAPTER 1788

An act to add Chapter 1.5 (commencing with Section 220) to, and to add Article 2.5 (commencing with Section 260) to Chapter 2 of, Division 1 of the Streets and Highways Code, relating to the state scenic highway system.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature hereby finds and declares that:

(a) A program by the State for the development of a state scenic highway system is a vital part of the all encompassing effort which the State must make to protect and enhance California's beauty, amenity, and quality of life.

(b) The development of a master plan for scenic highways by the State, together with the co-operative efforts of local governmental agencies, will not only add to the pleasure of the residents of this State, but will also play an important role in encouraging the growth of the recreation and tourist industries upon which the economy of may areas of this State depend.

(c) The tremendous population increase and growth of California will necessitate the development of existing state highways in scenic areas and the construction of new state highways through scenic areas which should be constructed or developed giving the utmost attention to scenic values.

(d) The plan for scenic highways prepared by the Citizens' Advisory Committee on Scenic Highways, pursuant to Senate Concurrent Resolution No. 4 of the 1962 First Extraordinary Session of the Legislature, provides the basis for a master plan which will serve as a guide for the development of a state scenic highway system.

(e) In order that the program for the development of a state scenic highway system may be effectuated it is necessary that an Advisory Committee on a Master Plan for Scenic Highways should be created, minimum standards for official scenic

highways be established, and the highways which are to be developed as official state scenic highways be designated by the Legislature.

(f) The designation by the Legislature of any particular highway as a part of the state scenic highway system does not mean that the highway is now necessarily a scenic highway, but only that the Legislature has determined that such highway can be developed by the State, with the co-operation of local governmental agencies as an official state scenic highway.

SEC. 2. Chapter 1.5 (commencing with Section 220) is added to the Streets and Highways Code, to read:

CHAPTER 1.5. ADVISORY COMMITTEE ON A MASTER PLAN FOR SCENIC HIGHWAYS

220. The Advisory Committee on a Master Plan for Scenic Highways, hereafter referred to in this chapter as the advisory committee, is hereby created. The advisory committee shall consist of seven members appointed by the Governor from among officials of cities and counties, persons having special competence in the field of landscape architecture as it relates to scenic conservation and others interested in highways, land planning, and park problems.

Of the seven members first appointed by the Governor, two shall serve until July 1, 1964, two until July 1, 1965, two until July 1, 1966, and one until July 1, 1967. Thereafter appointments shall be for a four-year term. Each member shall hold office until the appointment and qualification of his successor. Vacancies occurring prior to the expiration of a term shall be filled by appointment for the unexpired term.

221. The advisory committee may consult with representatives of the State Office of Planning, the Department of Public Works, the Department of Parks and Recreation, and the Department of Water Resources who are appointed by the officer in charge of such office or department. These representatives shall supply to the advisory committee such technical and other assistance as the advisory committee requests.

222. The advisory committee shall meet upon call of the Director of Public Works. The members of the advisory committee shall serve without compensation, but shall be reimbursed for all necessary expenses incurred in the performance of their duties.

223. The advisory committee shall develop a master plan for scenic highways, shall advise and counsel the department with regard to the establishment and application by the department of standards for official scenic highways, and shall advise and counsel the department regarding the designation by the department of highways in the state scenic highway system as official state scenic highways when such highways meet the standards prescribed by the department for official scenic highways, including the concept of the "Complete Highway," as described in Section 261. The committee shall also advise and

counsel the department regarding the authorization by the department to a county to designate a county highway as an official county scenic highway.

SEC. 3. Article 2.5 (commencing with Section 260) is added to Chapter 2 of Division 1 of said code, to read:

Article 2.5. The Master Plan for State Scenic Highways

260. It is the intent of the Legislature in designating certain portions of the state highway system as state scenic highways to establish the State's responsibility for the protection and enhancement of California's natural scenic beauty by identifying those portions of the state highway system which, together with the adjacent scenic corridors, require special scenic conservation treatment. It is further delared to be the intent of the Legislature in designating such scenic highways to assign responsibility for the development of such scenic highways and for the establishment and application of specific planning and design standards and procedures appropriate thereto and to indicate, in broad statement terms, the location and extent of routes and areas requiring continuing and careful co-ordination of planning, design, construction, and regulation of land use and development, by state and local agencies as appropriate, to protect the social and economic values provided by the State's scenic resources.

261. The department shall, with the advice of the Advisory Committee on a Master Plan for Scenic Highways, establish and apply pertinent planning and design standards for development of official scenic highways.

In establishing and applying such standards for, and undertaking the development of, official scenic highways, the department shall take into consideration the concept of the "complete highway," which is a highway which incorporates not only safety, utility, and economy but also beauty. The department shall also take into consideration in establishing such standards that, in a "complete highway," pleasing appearance is a consideration in the planning and design process. In the development of official scenic highways, the department shall give special attention both to the impact of the highway on the landscape and on the highway's visual appearance. The standards for official scenic highways shall also require that local governmental agencies have taken such action as may be necessary to protect the scenic appearance of the scenic corridor, the band of land generally adjacent to the highway right-of-way, including, but not limited to, (1) regulation of land use and intensity (density) of development; (2) detailed land and site planning; (3) control of outdoor advertising; (4) careful attention to and control of earthmoving and landscaping; and (5) the design and appearance of structures and equipment.

262. Whenever the department develops any state highway in the state scenic highway system established by this article in accordance with the intent stated therein and the standards

for official scenic highways established by the department, including the concept of the "complete highway," as described in Section 261, the department shall designate the highway as an official state scenic highway and shall so indicate the highway in any publications of the department or in any maps which are issued by the department to the public.

The department shall cause appropriate signs to be placed and maintained along the portions of the state scenic highway system which the department has designated as official state scenic highways that indicate that the highways are official state scenic highways.

If at any time the department, with the advice of the Advisory Committee on, Master Plan for Scenic Highways, determines that any highway which has been designated as an official state scenic highway no longer meets the minimum standards for official scenic highways, it may revoke the designation of the highway as an official state scenic highway and remove the signs which so indicate the highway.

263. The state scenic highway system is hereby established and shall be composed of the following highways:

Routes 22, 35, 38, 39, 44, 55, 65, 72, 81, 84, 111, 112, 128, 151, 157, 188, 195, 199, 207, 209, 210, 218, 224, 243, and 252 in their entirety.

Route 1 from:

(a) A point in Marin County opposite San Francisco to Route 56 near Marin City.

(b) Route 8 near Ignacio to Route 252 near Novato.

(c) Route 15 near Calpella to Route 15 near Willits.

(d) Route 56 near Leggett to the Oregon state line.

Route 2 from:

(a) The international boundary line near Tijuana to Route 199 near the south end of San Diego Bay.

(b) San Diego opposite Coronado to Route 64 near San Juan Capistrano.

(c) Route 60 near El Rio to Route 33 near Paso Robles.

(d) Route 22 near Prunedale to Route 22 near The Rocks.

(e) Route 224 in San Francisco to the junction of Route 56 (Funston Approach) and the approach to the Golden Gate Bridge.

Route 3 from:

(a) Route 20 near Redding to the Shasta Reservoir.

(b) Route 83 near Mount Shasta to Route 72 near Weed.

(c) Route 82 near Yreka to the Oregon state line near Hilt.

Route 4 from Route 157 near Tunnel Station to Route 79 near Castaic Junction.

Route 5 from:

(a) Route 56 near Santa Cruz to Route 42 near Los Gatos.

(b) Route 68 near Oakland to Route 257 near Oakland.

Route 6 from Route 8 near Napa to Route 49 near Napa.

Route 8 from:

(a) Route 1 near Novato to Route 51 near Sonoma.

(b) Route 74 to Route 6 near Napa.

Route 9 from Route 157 near San Fernando to Route 61 near La Canada.

Route 10 from:

(a) Route 2 near San Lucas to Route 238 near Oilfields.

(b) Route 4 near Goshen to the Sequoia National Park line.

Route 11 from:

(a) Route 75 near Antioch to Sacramento.

(b) Route 65 near Placerville to the Nevada state line near Lake Tahoe.

Route 12 from Point Loma to Route 202 near Coyote Wells

Route 13 from Route 40 near Chinese Camp to Route 23 near Bridgeport.

Route 15 from:

(a) Route 56 near Fort Bragg to Route 1 near Willits.

(b) Route 1 near Calpella to Route 50 near Rumsey.

(c) Route 17 near Nevada City to Route 37 near Emigrant Gap.

Route 17 from Route 65 near Auburn to Route 15 near Nevada City.

Route 18 from Route 65 near Mariposa to Yosemite National Park near El Portal.

Route 20 from:

(a) Route 1 near Arcata to Route 84 near Willow Creek.

(b) Route 82 near Weaverville to Lassen Volcanic National Park.

Route 21 from Route 87 near Wick's Corner to Route 83 near Blairsden.

Route 23 from Route 58 near Mojave to Route 11 near Meyers.

Route 24 from Route 65 near Angels Camp to Route 23 near Mt Bullion.

Route 25 from Route 15 near Nevada City to Route 83 near Sattley.

Route 26 from Route 190 near Redlands to Route 187 east of White Water.

Route 28 from Route 83 near Burney to Route 210 near Canby.

Route 29 from Route 83 near Morgan Springs to Route 83 near Deer Creek Pass.

Route 31 from:

(a) Route 59 near Cajon Pass to Route 59 near Cajon Pass.

(b) Route 58 near Barstow to Route 127 near Baker.

Route 32 from Route 22 near San Felipe to Route 238 near Centinella.

Route 33 from Route 2 near Paso Robles to Route 125 near Cholame.

Route 34 from Route 65 near Jackson to Route 23 near Picketts.

Route 37 from Route 15 near Emigrant Gap to Route 38 near Truckee.

Route 40 from:

(a) Route 13 near Chinese Camp to Route 65 near Moccasin Creek.

(b) East boundary of Yosemite National Park to Route 23 near Mono Lake.

Route 41 from:

(a) Route 249 near Minkler to General Grant Grove section of Kings Canyon National Park.

(b) General Grant Grove section of Kings Canyon National Park to Kings River Canyon.

Route 42 from:

(a) Route 5 near Los Gatos to Route 114 near Saratoga.

(b) Route 55 to Route 44 near Big Basin.

Route 43 from:

(a) Route 175 near Santa Ana Canyon to Route 77 near Corona.

(b) Route 188 near Crestline to Route 187 near Lucerne Valley.

(c) Route 43 west of Big Bear Lake to Route 43 near Baldwin Lake.

Route 46 from Route 84 near Weitchpec to Route 3 near Klamath River Bridge

Route 49 from Route 6 near Napa to Route 15 near Lower Lake.

Route 50 from Route 15 near Rumsey to Capay

Route 51 from Route 1 near Santa Rosa to Route 8 near Sonoma.

Route 56 from:

(a) Route 2 near San Luis Obispo to Route 55 near Daly City.

(b) Route 55 in San Francisco to Route 2 in San Francisco.

(c) Route 1 near Marin City to Route 1 near Leggett.

Route 57 from Route 2 near Santa Maria to Route 138 near Cuyama Valley.

Route 58 from Route 23 near Mojave to Route 31 near Barstow.

Route 59 from:

(a) Route 61 near Wrightwood to Route 31 near Cajon Pass

(b) Route 31 near Cajon Pass to Route 43 near Lake Arrowhead.

Route 60 from:

(a) Route 2 south of San Juan Capistrano to Route 168 near Long Beach.

(b) Route 163 near Santa Monica to Route 2 near El Rio.

Route 61 from Route 9 near La Canada to Route 59 near Wrightwood.

Route 62 from Route 9 near Azusa to Route 61.

Route 64 from:

(a) Route 2 near San Juan Capistrano to Route 77 near Elsinore.

(b) Route 77 near Elsinore to Route 78 near Perris.

(c) Route 78 near Romoland to Route 187 near Palm Desert.

(d) Route 187 near Mecca to Route 64 near Shavers Summit.

Route 68 from Route 224 in San Francisco to Route 5 near Oakland.

Route 69 from Route 252 near Nicasio to Route 56 near Point Reyes Station.

Route 71 from Route 81 near Fort Dick northerly to the Oregon State Line.

Route 74 from Route 208 near Vallejo to Route 8 near Napa.

Route 75 from Route 110 near Brentwood to Route 11 near Antioch.

Route 77 from:

(a) Route 195 near the San Luis Rey River to Route 43 near Corona.

(b) Route 43 near Corona to Route 192 north of Corona.

Route 78 from:

(a) Route 12 near Descanso to Route 277 near Aguanga.

(b) Route 64 near Romoland to Route 64 near Perris.

Route 79 from Route 151 near Santa Paula to Route 4 near Castaic Junction.

Route 80 from Route 2 near Santa Barbara to Route 2 near Zaca.

Route 82 from Route 20 near Weaverville to Route 3 near Yreka.

(a) Route 38 near Truckee to Route 21 near Blairsden

(b) Route 21 near Indian Falls to Route 29 near Deer Creek Pass.

(c) Route 29 near Morgan Springs to Lassen Volcanic National Park.

(d) Lassen Volcanic National Park to Route 3 near Mt. Shasta.

Route 89 from Route 243 near Kelseyville to Route 15 near Upper Lake.

Route 105 from Route 56 near Half Moon Bay to Route 55 near Crystal Springs Lake

Route 110 from Route 238 near Vernalis to Route 75 near Brentwood.

Route 116 from Route 5 near Santa Cruz to Route 44 near Boulder Creek.

Route 119 from Route 10 near Priest Valley to Route 22 near Hollister.

Route 120 from Pinnacles National Monument to Route 119 in Bear Valley.

Route 125 from.

(a) Route 56 near Morro Bay to Route 2 near Atascadero.

(b) Route 33 near Cholame to Route 138.

(c) Route 65 near Oakhurst to Yosemite National Park.

Route 127 from Route 129 near Porterville to Route 31 near Baker.

Route 138 from Route 2 near Ventura to Route 57 in Cuyama Valley.

Route 187 from:

(a) Bombay Beach in Salton Sea State Park to Route 64 near Mecca.

(b) Route 64 near Palm Desert to Route 26 near White Water.

(c) Route 26 near White Water to Route 43 near Lucerne Valley.

Route 190 from:

(a) Route 207 near Highland to Route 26 near Redlands.

(b) Route 26 near Redlands to Route 43 near Big Bear Lake.

Route 198 from:

(a) Route 200 near Spring Valley to Route 12 near La Mesa.

(b) Route 78 near Julian to Route 26 near Kane Springs

Route 200 from Route 198 near Spring Valley to Route 12 west of Jacumba.

Route 208 from Route 8 near Sears Point to Route 74 near Vallejo.

SEC. 4. Article 2.5 (commencing with Section 260) is added to Chapter 2 of Division 1 of the Streets and Highways Code, to read:

Article 2.5. The Master Plan for State Scenic Highways

260. It is the intent of the Legislature in designating certain portions of the state highway system as state scenic highways to establish the State's responsibility for the protection and enhancement of California's natural scenic beauty by identifying those portions of the state highway system which, together with the adjacent scenic corridors, require special scenic conservation treatment. It is further declared to be the intent of the Legislature in designating such scenic highways to assign responsibility for the development of such scenic highways and for the establishment and application of specific planning and design standards and procedures appropriate thereto and to indicate, in broad statement terms, the location and extent of routes and areas requiring continuing and careful co-ordination of planning, design, construction, and regulation of land use and development, by state and local agencies as appropriate, to protect the social and economic values provided by the State's scenic resources.

261. The department shall, with the advice of the Advisory Committee on a Master Plan for Scenic Highways, establish and apply pertinent planning and design standards for development of official scenic highways.

In establishing and applying such standards for, and undertaking the development of, official scenic highways, the department shall take into consideration the concept of the "complete highway," which is a highway which incorporates not

only safety, utility, and economy but also beauty. The department shall also take into consideration in establishing such standards that, in a "complete highway," pleasing appearance is a consideration in the planning and design process. In the development of official scenic highways, the department shall give special attention both to the impact of the highway on the landscape and to the highway's visual appearance. The standards for official scenic highways shall also require that local governmental agencies have taken such action as may be necessary to protect the scenic appearance of the scenic corridor, the band of land generally adjacent to the highway right-of-way, including, but not limited to (1) regulation of land use and intensity (density) of development; (2) detailed land and site planning; (3) control of outdoor advertising; (4) careful attention to and control of earthmoving and landscaping; and (5) the design and appearance of structures and equipment.

262. Whenever the department develops any state highway in the state scenic highway system established by this article in accordance with the intent stated herein and the standards for official scenic highways established by the department, including the concept of the "complete highway," as described in Section 261, the department shall designate the highway as an official state scenic highway and shall so indicate the highway in any publications of the department or in any maps which are issued by the department to the public.

The department shall cause appropriate signs to be placed and maintained along the portions of the state scenic highway system which the department has designated as official state scenic highways that indicate that the highways are official state scenic highways.

If at any time the department, with the advice of the Advisory Committee on a Master Plan for Scenic Highways, determines that any highway which has been designated as an official state scenic highway no longer meets the minimum standards for official scenic highways, it may revoke the designation of the highway as an official state scenic highway and remove the signs which so indicate the highway.

263. The state scenic highway system is hereby established and shall be composed of the following highways:

Routes 25, 28, 35, 38, 53, 62, 74, 76, 89, 96, 97, 106, 127, 150, 151, 154, 156, 158, 161, 173, 197, 199, 203, 208, 209, 221, 236, 239, 247, 480, in their entirety.

Route 1 from:

(a) Route 5 south of San Juan Capistrano to Route 19 near Long Beach.

(b) Route 187 near Santa Monica to Route 101 near El Rio.

(c) Route 101 near San Luis Obispo to Route 35 near Daly City.

(d) Route 101 near Marin City to Route 208 near Rockport.

Route 2 from Route 210 near La Canada to Route 138 near Wrightwood.

Route 3 from:

(a) Route 36 near Peanut to Route 299 near Douglas City.

(b) Route 299 near Weaverville to Route 5 near Yreka.

Route 4 from:

(a) Route 239 near Brentwood to Route 84 near Antioch.

(b) Route 49 near Angels Camp to Route 89 near Mount Bullion.

Route 5 from:

(a) The international boundary near Tijuana to Route 75 near the south end of San Diego Bay.

(b) San Diego opposite Coronado to Route 74 near San Juan Capistrano.

(c) Route 210 near Tunnel Station to Route 126 near Castaic.

(d) Route 152 west of Los Banos to Route 580 near Vernalis.

(e) Route 44 near Redding to the Shasta Reservoir.

(f) Route 89 near Mt. Shasta to Route 97 near Weed.

(g) Route 3 near Yreka to the Oregon State Line near Hilt.

Route 8 from Route 5 in San Diego to Route 98 near Coyote Wells.

Route 9 from:

(a) Route 17 near Santa Cruz to Route 236 near Boulder Creek.

(b) Route 236 near Waterman Gap to Route 35.

(c) Saratoga to Route 17 near Los Gatos.

Route 10 from Route 38 near Redlands to Route 62 near White Water.

Route 12 from Route 101 near Santa Rosa to Route 121 near Sonoma.

Route 14 from Route 58 near Mojave to Route 395 near Little Lake.

Route 15 from:

(a) Route 138 near Cajon Pass to Route 138 near Cajon Pass.

(b) Route 58 near Barstow to Route 127 near Baker.

Route 16 from Route 20 to Capay.

Route 17 from:

(a) Route 1 near Santa Cruz to Route 9 near Los Gatos.

(b) Route 37 near Nicasio to Route 1 near Point Reyes Station.

Route 18 from Route 138 near Mt. Anderson to Route 247 near Lucerne Valley.

Route 20 from:

(a) Route 1 near Fort Bragg to Route 101 near Willits.

(b) Route 101 near Calpella to Route 16.

(c) Route 49 near Grass Valley to Route 80 near Emigrant Gap.

Route 29 from:

(a) Route 37 near Vallejo to Route 121 near Napa.

(b) Route 221 near Napa to Route 20 near Upper Lake.

Route 30 from Route 106 near Highland to Route 18 near Running Springs.

Route 33 from:

(a) Route 101 near Ventura to Route 150.

(b) Route 150 to Route 166 in Cuyama Valley.

(c) Route 198 near Coalinga to Route 198 near Oilfields.

Route 36 from:

(a) Route 101 near Alton to Route 3 near Peanut.

(b) Route 89 near Morgan Springs to Route 89 near Deer Creek Pass.

Route 37 from:

(a) Route 17 near Nicasio to Route 101 near Novato.

(b) Route 101 near Ignacio to Route 29 near Vallejo.

Route 39 from Route 210 near Azusa to Route 2.

Route 41 from:

(a) Route 1 near Morro Bay to Route 101 near Atascadero.

(b) Route 46 near Cholame to Route 33.

(c) Route 49 near Oakhurst to Yosemite National Park.

Route 44 from:

(a) Route 5 near Redding to Lassen Volcanic National Park.

(b) Lassen Volcanic National Park to Route 89 near Old Station.

Route 46 from Route 101 near Paso Robles to Route 41 near Cholame.

Route 49 from:

(a) Route 41 near Oakhurst to Route 120 near Moccasin Creek.

(b) Route 120 to Route 20 near Grass Valley.

(c) Route 20 near Nevada City to Route 89 near Sattley.

Route 50 from Route 49 near Placerville to the Nevada State line near Lake Tahoe.

Route 58 from Route 14 near Mojave to Route 15 near Barstow.

Route 70 from Route 149 near Wicks Corner to Route 89 near Blairsden

Route 71 from:

(a) Route 395 to Route 91 near Corona.

(b) Route 91 near Corona to Route 83 north of Corona.

Route 75 from Route 5 near the south end of San Diego Bay to the San Diego-Coronado Ferry in Coronado.

Route 78 from Route 79 near Santa Ysabel to Route 86 near Kane Springs.

Route 79 from:

(a) Route 8 near Descanso to Route 78 near Julian.

(b) Route 78 near Santa Ysabel to Route 71 near Aguanga.

Route 80 from

(a) Route 480 in San Francisco to Route 61 in Oakland

(b) Route 20 near Emigrant Gap to the Nevada State line near Verdi, Nevada.

Route 84 from Route 4 near Antioch to Route 160 near Rio Vista.

Route 88 from Route 49 near Jackson to Route 89 near Picketts.

Route 91 from Route 55 near Santa Ana Canyon to Route 71 near Corona.

Route 92 from Route 1 near Half Moon Bay to Route 280 near Crystal Springs Lake.

Route 94 from Route 125 near Spring Valley to Route 8 west of Jacumba.

Route 101 from:

(a) Route 1 near El Rio to Route 46 near Paso Robles.

(b) Route 156 near Prunedale to Route 156 near The Rocks.

(c) A point in Marin County opposite San Francisco to Route 1 near Marin City.

(d) Route 37 near Ignacio to Route 37 near Novato.

(e) Route 20 near Calpella to Route 20 near Willits.

(f) Route 208 near Leggett to Route 199 near Crescent City.

(g) Route 197 near Fort Dick to the Oregon state line.

Route 108 from Route 49 near Sonora to Route 395.

Route 111 from:

(a) Bombay Beach in Salton Sea State Park to Route 195 near Mecca.

(b) Route 74 near Palm Desert to Route 10 near White Water.

Route 120 from:

(a) Route 49 near Chinese Camp to Route 49 near Moccasin Creek.

(b) The east boundary of Yosemite National Park to Route 395 near Mono Lake.

Route 121 from:

(a) Route 37 near Sears Point to Route 12 near Sonoma.

(b) Route 29 near Napa State Hospital to Route 221 near Napa.

Route 125 from Route 94 near Spring Valley to Route 8 near La Mesa.

Route 126 from Route 150 near Santa Paula to Route 5 near Castaic.

Route 138 from:

(a) Route 2 near Wrightwood to Route 15 near Cajon Pass.

(b) Route 15 near Cajon Pass to Route 18 near Mt. Anderson.

Route 139 from Route 299 near Canby to the Oregon State line near Hatfield.

Route 140 from Route 49 near Mariposa to Yosemite National Park near El Portal.

Route 146 from Pinnacles National Monument to Route 25 in Bear Valley.

Route 152 from Route 156 near San Felipe to Route 5.

Route 160 from Route 84 near Rio Vista to Sacramento.

Route 166 from Route 101 near Santa Maria to Route 33 in Cuyama Valley.

Route 178 from the east boundary of Death Valley National Monument to Route 127 near Shoshone.

Route 180 from:

(a) Route 156 near Hollister to Route 25 near Paicines.

(b) Route 65 near Minkler to General Grant Grove Section of Kings Canyon National Park.

(c) General Grant Grove Section of Kings Canyon National Park to Kings River Canyon.

Route 190 from Route 65 near Porterville to Route 127 near Death Valley Junction.

Route 195 from Route 111 near Mecca to Route 10 near Shaver's Summit.

Route 198 from:

(a) Route 101 near San Lucas to Route 33 near Coalinga.

(b) Route 33 near Oilfields to Route 5.

(c) Route 99 near Goshen to the Sequoia National Park line.

Route 210 from Route 5 near Tunnel Station to Route 2 near La Canada.

Route 280 from:

(a) Route 92 near Crystal Springs Lake to Route 35 near San Andreas Lake.

(b) Route 35 in San Francisco to Route 480 in San Francisco.

Route 299 from:

(a) Route 101 near Arcata to Route 96 near Willow Creek.

(b) Route 3 near Weaverville to Route 5 near Redding.

(c) Route 89 near Burney to Route 139 near Canby.

Route 395 from:

(a) Route 76 near the San Luis Rey River to Route 71 near Murrieta.

(b) Route 74 near Romoland to Route 74 near Perris.

(c) Route 14 near Little Lake to Route 89 near Coleville.

Route 580 from Route 5 southwest of Vernalis to Route 205 near Tracy.

SEC. 5. Section 4 of this act shall become operative at the same time as Chapter 385 of the Statutes of 1963 becomes operative, at which time Section 3 of this act is repealed.

CHAPTER 1789

An act to amend Sections 73482 and 73485 of, to amend and renumber Section 73486 of, to repeal Section 73483 of, and to add Sections 73483, 73486, 73487, 73488 and 73489 to, the Government Code, relating to municipal courts.

[Approved by Governor July 17, 1963 Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 73482 of the Government Code is amended to read:

73482. There shall be one clerk, who shall be the administrative officer and act as secretary to the judge and who shall receive a monthly salary in accordance with Section 73487.

SEC. 2. Section 73483 of said code is repealed.

SEC. 3. Section 73483 is added to said code, to read:

73483. The clerk may appoint:

(a) One deputy clerk IV.

(b) One deputy clerk III.

(c) Two deputy clerks II.

(d) Two deputy clerks I.

SEC. 4. Section 73485 of said code is amended to read:

73485. The marshal may appoint two deputy marshals III.

SEC. 5. Section 73486 is added to said code, to read:

73486. The following salary schedule shall apply to persons employed in the clerk's office and marshal's office:

Salary range number	Steps A	B	C	D	E
15	$296	$310	$325	$341	$358
15.5	303	318	333	350	367
16	310	325	341	358	376
16.5	318	333	350	367	385
17	325	341	358	376	394
17.5	333	350	367	385	404
18	341	358	376	394	413
18.5	350	367	385	404	423
19	358	376	394	413	433
19.5	367	385	404	423	444
20	376	394	413	433	454
20.5	385	404	423	444	465
21	394	413	433	454	476
21.5	404	423	444	465	488
22	413	433	454	476	499
22.5	423	444	465	488	512
23	433	454	476	499	524
23.5	444	465	488	512	537
24	454	476	499	524	550
24.5	465	488	512	537	564
25	476	499	524	550	577
25.5	488	512	537	564	592
26	499	524	550	577	606
26.5	512	537	564	592	621
27	524	550	577	606	636
27.5	537	564	592	621	652
28	550	577	606	636	668
28.5	564	592	621	652	685
29	577	606	636	668	701
29.5	592	621	652	685	719
30	606	636	668	701	736
30.5	621	652	685	719	755
31	636	668	701	736	773

Salary range number	Steps A	B	C	D	E
31.5	652	685	719	755	792
32	668	701	736	773	811
32.5	685	719	755	792	831
33	701	736	773	811	851
33.5	719	755	792	831	872
34	736	773	811	851	893

SEC. 6. Section 73487 is added to said code, to read:

73487. Persons employed in any of the positions authorized by this article shall be paid the salary assigned to the following ranges as set forth in the salary schedule contained in Section 73486:

(a) Deputy clerk I ..... Range 16
(b) Deputy clerk II ..... Range 18
(c) Deputy clerk III ..... Range 20
(d) Deputy clerk IV ..... Range 22
(e) Clerk ..... Range 30
(f) Deputy marshal III ..... Range 23

Subject to the provisions of the San Joaquin County Ordinance, each person employed in the clerk's office or marshal's office, including the clerk but not including the marshal, may receive an annual increase in salary of one step on his assigned range until the employee reaches the maximum step on the range assigned for his position. Thereafter no additional step increase shall be granted.

SEC. 7. Section 73488 is added to said code, to read:

73488. Certain classifications in the clerk's office and marshal's office are deemed to be equivalent in job and salary level to certain classifications in the service of San Joaquin County and whenever the salary of a classification in the service of San Joaquin County is adjusted by the board of supervisors, the salary of the comparable classification in the clerk's office or marshal's office, as well as the related classifications hereinafter listed, shall be adjusted an equal number of ranges on the salary schedule. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to the county classifications, but such adjustments shall be effective only until 90 days after the adjournment of the next general session of the Legislature.

If the board of supervisors makes such an adjustment after the final adjournment of the 1963 session of the Legislature but prior to the effective date of this section, then the equivalent adjustment authorized by this section shall be made to comparable classifications in the clerk's office or marshal's office on the day this section becomes effective.

(a) The class of deputy clerk I is equivalent in job and salary level to the class of clerk-typist II in the service of San Joaquin County. Whenever the class of clerk-typist II is

adjusted, the classes of deputy clerk I, deputy clerk II and deputy clerk III shall be adjusted an equal number of ranges on the salary schedule.

(b) The class of deputy clerk IV is equivalent in job and salary level to the class of superior court clerk II in the service of San Joaquin County. Whenever the class of superior court clerk II is adjusted, the classes of deputy clerk IV and clerk shall be adjusted an equal number of ranges on the salary schedule.

(c) Whenever the salary of the class of deputy sheriff I in the service of San Joaquin County is adjusted, the class of deputy marshal III shall be adjusted an equal number of ranges on the salary schedule.

SEC. 8. Section 73489 is added to said code, to read:

73489. Notwithstanding any other provision of law, the provisions of the county ordinance relating to civil service and the rules of the civil service commission adopted pursuant thereto, shall be applicable to all employees, except the marshal, in the same manner and to the same extent as applicable generally to officers and employees of San Joaquin County.

Such employees shall be entitled to the same vacation, sick leave, leave of absence, and similar benefits, and may be appointed, promoted, demoted, terminated or transferred, or their status otherwise adjusted in the same manner and with the same effect as is or may be provided by the current salary ordinance of San Joaquin County, or the civil service ordinance of the county, for other employees of the county.

SEC. 9. Section 73486 of said code is amended and renumbered to read:

73490. This article (commencing with Section 73480) shall become effective when it is determined in the manner prescribed by Section 71043 that the population of the Lodi Judicial District exceeds 40,000 and shall thereafter be known as the Lodi Municipal Court District.

CHAPTER 1790

An act to add Chapter 6 (commencing with Section 25546.01) to Division 18.5 of the Education Code, relating to junior college facility construction, and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 6 (commencing with Section 25546.01) is added to Division 18.5 of the Education Code, to read:

CHAPTER 6. JUNIOR COLLEGE FACILITY CONSTRUCTION LAW OF 1963

Article 1. Legislative Intent

25546.01. The Legislature hereby declares that it is in the interest of the State and of the people thereof for the State to provide assistance to junior college districts for the construction of junior college facilities. The junior college system is of general concern and interest to all the people of the State and the education of junior college students is a joint obligation and function of both the State and junior college districts.

In adopting this act, the Legislature considers that the greatest need is to provide junior college facilities that will be required to house the great increase of junior college students resulting from growth in population and from legislative policies expressed through implementation of the Master Plan for Higher Education.

Article 2. Definitions and Administration

25546.02. Definitions:

(a) "Junior college district" means any district maintaining a junior college that is effective for all purposes on July 1, 1963.

(b) "Department" means the Department of Education.

(c) "Project" means the purposes for which a junior college district has applied for assistance under this chapter. A project may include the acquisition and improvement of junior college sites, the planning and construction of permanent junior college facilities, and the acquisition of equipment. A project shall not include the planning or construction of dormitories, student centers other than cafeterias, stadia, or single-purpose auditoriums.

(d) "Unit of average daily attendance" means a unit of average daily attendance during the preceding fiscal year in a graded class in grade 13 or 14 exclusive of summer school of a junior college of pupils who are residents of the applicant district and who are not adults as defined in Section 6352.

(e) "The average cost of providing junior college facilities" means the cost per unit of average daily attendance housed in junior college facilities constructed during the two preceding years as determined by the department after consultation with the Division of Architecture.

25546.03. This chapter shall be administered by the Department of Education. The department shall adopt such rules and regulations as it deems necessary to carry out the purposes of this chapter.

Article 3. Applications

25546.04. Any junior college district may apply for assistance under this chapter to undertake one or more projects, on or before December 1, 1963.

25546.05. Applications for assistance under this chapter to undertake a project shall be made on forms prescribed and furnished by the department. Such forms shall include, but not be limited to, the following data and information:

(a) An outline and general description of the project to be undertaken.

(b) An estimate of the cost of the project to be undertaken and the anticipated source of funds to complete the project.

(c) The estimated units of average daily attendance in growth for a two-year period determined by Section 25546.06.

(d) The present average daily attendance of the district as determined by Section 25546.07.

(e) A two-year projection of the average daily attendance of the district as defined and determined by Section 25546.08

25546 06. The estimated units of average daily attendance in growth for a two-year period means the sum of 5 percent of the total units of average daily attendance as defined in subdivision (d) of Section 25546 02 in the district in each of the 1961-62 and 1962-63 fiscal years.

For the purposes of this section, the estimated units of average daily attendance in growth of a junior college district that was not in existence for all purposes for two years prior to July 1, 1963, shall be determined by the Department of Education by computing 10 percent of 42 percent of the sum of the enrollments of the 12th grade on October 31, 1961, and October 31, 1962, in all high school or unified district which on the date the estimate is made are contained in the junior college district. For the purposes of this section a newly formed district which includes a district which maintained a junior college shall not be deemed to be a new district.

25546.07. Present average daily attendance means the number of units of average daily attendance of nonresident students in attendance in the graded junior college classes of the district plus the average daily attendance of students in graded junior college classes who are residents of the applicant district excluding the attendance of adults as defined by Section 6352 and the attendance in summer school during the last completed year preceding the deadline date for making the application.

For the purposes of this section the present average daily attendance of a junior college district which has not maintained graded junior college classes in any of the years preceding the deadline date for making application shall be determined by the department on the basis of the October report of enrollment of such district and in accordance with rules and regulations of the department which it is herewith authorized to adopt.

25546.08. A two-year projection of average daily attendance means the difference between present average daily attendance as defined in Section 25546.07 and the number of units of average daily attendance of such students in graded classes, excluding adults as adults are defined in Section 6352 and the attendance in summer school, reported for the year

during the preceding two years in which the least number of units of average daily attendance were reported, multiplied by the ratio of average daily attendance of resident students to present average daily attendance.

For any district that has not maintained graded junior college classes during all of the three fiscal years preceding the date of making the application, a two-year projection of average daily attendance means twice the difference between present average daily attendance as defined in Section 25546.07 and the number of units of average daily attendance of such students in graded classes, excluding adults as adults are defined in Section 6352 and the attendance in summer school, reported for any of the three fiscal years preceding the date of making the application, or the quotient of 1 percent of the assessed valuation of the district and the average cost of providing junior college facilities during the two preceding years as determined by the department after consultation with the Division of Architecture, whichever is greater, multiplied by the ratio of average daily attendance of resident students to present average daily attendance. For the purposes of this section a newly formed district which includes a district which maintained a junior college shall not be deemed to be a new district.

Article 4. Entitlement and Reservation of Funds

25546.10. For each junior college district eligible to receive a tentative entitlement, the department, within 30 days after the deadline date for submitting applications, shall compute an entitlement by:

(a) Dividing the average assessed valuation per estimated unit of average daily attendance in growth for a two-year period in all junior college districts in the State eligible to receive a tentative entitlement by the assessed valuation per estimated unit of growth for a two-year period in the district as determined by Section 25546.06.

(b) Multiplying the quotient derived under subdivision (a) by the estimated units of average daily attendance in growth for a two-year period in the district as determined by Section 25546.06.

(c) Multiplying the product derived for each junior college district under subdivision (b) by one-fourth of the average cost of providing junior college facilities. If the total of these products is more than ten million dollars ($10,000,000), it shall be deemed to be only ten million dollars ($10,000,000) and adjustments made for each junior college district.

(d) Dividing the average assessed valuation per unit of the two-year projection of average daily attendance in all junior college districts in the State eligible to receive a tentative entitlement by the assessed valuation per unit of the two-year

projection of average daily attendance in the district as determined by Section 25546.08. It is further provided that all equalization factors below .5 shall be deemed to be .5 and all equalization factors above 3.0 shall be deemed to be 3.0.

(e) Multiplying the quotient derived under subdivision (d) by the two-year projection of average daily attendance in the district as determined by Section 25546.08.

(f) Computing the total of the products derived under subdivision (e) for each junior college district.

(g) Dividing the difference between twenty million dollars ($20,000,000) and the total of the products derived under subdivision (c) by the total of the products derived under subdivision (f).

(h) Multiplying the quotient derived under subdivision (g) by the product derived under subdivision (e).

(i) Computing the total for each junior college district of the products derived under subdivision (c) and subdivision (h).

This total is the maximum tentative entitlement for each junior college district and shall constitute a reservation of funds for each eligible applicant district.

25546.11. The amount of funds reserved for a district shall be continued in reservation until the district is qualified to receive an allocation of funds, but not longer than 30 months after the deadline date fixed by law for filing the applications.

Article 5. District Contributions to Projects

25546.12. Each junior college project for which a reservation of funds is made shall be financed with both state and local funds. The amount of local funds contributed to each project for which application is made by a district shall be at least the difference between the greater of the estimated units of average daily attendance in growth determined for the district under Section 25546.06 and the two-year projection of average daily attendance determined for the district under Section 25546.08 multiplied by the average cost of providing junior college facilities, and the total of the funds reserved for the district under subdivision (i) of Section 25546.10, except that the amount of local funds need not exceed three times the amount of state funds in the project. Where a district has become effective for all purposes as of July 1, 1960, and has been formed as a new district to include seventy-five percent (75%) or more of the territory of a county, and has, since becoming effective, authorized bonds equal to one percent (1%) or more of the assessed valuation of the district, and has spent or committed such bond funds for junior college facilities, then the amount of local funds need not exceed the amount of state funds in the project.

Article 6. Allocation of Funds and Certification of Payments

25546.13. Funds reserved for a project of a district shall be allocated to the district upon certification of the department to the Controller when the department has determined:

(a) All required approvals of the project have been granted.

(b) The district contribution requirements pursuant to Section 25546.12 have been met.

(c) The governing board of the district has subsequent to the effective date of this section committed the expenditures through the granting of a contract or the authorization of an agreement which requires the payment of funds.

25546.14. In administering this chapter the department shall:

(a) Prescribe and furnish application forms.

(b) Approve the application.

(c) Approve junior college sites included in any project.

(d) Approve furniture and equipment included in any project.

(e) Approve plans and specifications for each project.

(f) Certify to the Controller the allocation of funds to which a district is eligible.

25546.15. Appeal from a decision or an action of the department in administering the provisions of this chapter may be made by the governing board of the applicant district to the State Board of Education. Such appeal shall be made through the Executive Officer of the State Board of Education and shall be placed on the agenda of the State Board of Education in accordance with general agenda practices. The decision of the State Board of Education in such appeals shall be final.

25546.16. On July 1, 1966, the department shall determine the amount, if any, of the twenty million dollars ($20,000,000) appropriated for the purposes of this chapter which has not been allocated pursuant to Section 25546.11. If there is such an unallocated balance, the department shall compute the maximum tentative entitlement from such balance of each junior college district eligible to receive a tentative entitlement, in the same manner as such entitlements are computed under Section 25546.10, subsections (d) through (i) except that the amount of the unallocated balance shall be used instead of twenty million dollars ($20,000,000) in subdivision (g) of Section 25546.10. Any junior college district may apply for assistance from such unallocated balance to undertake one or more projects on or before September 1, 1966. The amount of funds reserved for a district from such unallocated balance shall be continued in reservation until the district is qualified to receive an allocation of funds, but not later than June 30, 1967.

25546.17. This article shall have no force or effect after July 1, 1967.

SEC. 2. In adopting this act, the Legislature recognizes that it does not constitute a satisfactory means of providing con-

tinuing state assistance to junior college districts for the construction of junior college facilities and that its sole purpose is to provide for the allocation of bond funds reserved for junior college construction in Proposition 1A approved by the electorate in the November 1962 general election.

To the end that a continuing program of assistance to junior college districts for the construction of junior college facilities based upon ability, effort, and need may be developed, the Legislature directs the Department of Education with the cooperation of the Department of Finance, the Legislative Analyst, the Coordinating Council on Higher Education, and one representative each selected by the California Junior College Association, the California Junior College Faculty Association, and the California School Boards Association, to study (1) the needs for junior college facilities during the next 10 years, (2) the ability of junior college districts to meet the determined need, and (3) the extent to which state assistance is necessary; to formulate plans under which state assistance shall be provided to junior college districts for junior college construction; and to transmit its recommendations, including proposed legislation, to the Legislature on or before the 10th day of the 1965 Regular Session.

SEC. 2. The sum of twenty million ten thousand dollars ($20,010,000), of which twenty million dollars ($20,000,000) shall be from the State Construction Program Fund and ten thousand dollars ($10,000) from the General Fund is hereby appropriated to the Department of Education for the purposes of carrying out the provisions of Chapter 6 (commencing with Section 25546.01) of Division 18.5 of the Education Code.

SEC. 3. This act shall become operative on July 1, 1963.

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

One of the requirements for a district to receive funds under this measure is that the governing board of the district must commit itself to the expenditure of funds for the project through the granting of a contract or the authorization of an agreement which requires the payment of funds. This action must take place after the bill becomes law in order to be effective.

Some district governing boards may wish to take this action after the beginning of the next fiscal year, July 1, 1963, but before this bill would become law in the ordinary course of procedure, September 20, 1963. It is therefore necessary that the bill become effective on July 1, 1963 in order to allow all projects begun during the next fiscal year to qualify under the bill.

CHAPTER 1791

An act to amend Section 6 of Chapter 1544 of the Statutes of 1951, relating to the Lake County Flood Control and Water Conservation District Act.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6 of Chapter 1544 of the Statutes of 1951 is amended to read:

Sec. 6. The Board of Supervisors of Lake County shall be and is hereby designated as, and empowered to act as, ex officio the Board of Directors of the Lake County Flood Control and Water Conservation District. As used elsewhere in this act the terms "board" and "board of supervisors" means the Board of Directors of the Lake County Flood Control and Water Conservation District.

Each member of the board of directors of the district shall receive as compensation for his services one hundred fifty dollars ($150) per month, and his actual and necessary expenses in the performance of official duties under this act, payable from the funds of said district in addition to his salary as county supervisor.

All ordinances, resolutions and other legislative acts for said district shall be adopted by said board of directors, and certified to, recorded and published, in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the County of Lake.

CHAPTER 1792

An act to amend Section 2600 of the Penal Code, relating to civil rights of persons convicted of crimes.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 2600 of the Penal Code is amended to read:

2600. A sentence of imprisonment in a state prison for any term less than life suspends all the civil rights of the person so sentenced, and forfeits all public offices and all private trusts, authority, or power during such imprisonment. But the Adult Authority may restore to said person during his imprisonment such civil rights as the authority may deem proper, except the right to act as a trustee, or hold public office or

exercise the privilege of an elector or give a general power of attorney.

Between the time of the imposition of a sentence of imprisonment in a state prison for any term less than life and the time the said person commences serving such sentence, the judge who imposed such sentence may restore to said person for said period of time such civil rights as the judge may deem proper, except the right to act as a trustee, or hold public office or exercise the privilege of an elector or give a general power of attorney.

CHAPTER 1793

An act to add Section 154 to the Streets and Highways Code, relating to scenic highways.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 154 is added to the Streets and Highways Code, to read:

154. The department shall encourage the construction and development by counties of portions of the county highways as official county scenic highways and may furnish to the counties any information or other assistance which will aid the counties in the construction or development of such scenic highways.

Whenever the department, with the advice of the Advisory Committee on Scenic Highways, determines that any county highway meets the minimum standards prescribed by the department for official scenic highways, including the concept of the "Complete Highway," as described in Section 261, it may authorize the county in which the highway is located to designate the highway as an official county scenic highway and the department shall so indicate the highway in publications of the department and in any maps which are prepared by the department for distribution to the public which show the highway.

If the department, with the advice of the Advisory Committee on Scenic Highways, determines that any county highway which has been designated as an official county scenic highway no longer meets the minimum standards prescribed by the department for official scenic highways, it may, after notice to the county and a hearing on the matter, if requested by the county, revoke the authority of the county to designate the highway as an official county scenic highway.

CHAPTER 1794

An act to add Section 155 to the Streets and Highways Code, relating to scenic highways.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. In various places in the United States, people have generously made money and property available to governmental agencies for the acquisition and development of places at points of special interest or scenic beauty along the highways where mortorists may stop and enjoy the point of special interest or scenic beauty, as a memorial to a particular person or group. The acquisition and development of such stopping places along the state scenic highway system would add immeasurably to the enjoyment and pleasure of persons using the highways in that system and would spur the recreation and tourist industries upon which the economy of many areas of this State depend. The Legislature, therefore, finds that legislation which would provide for gifts of money and property to the State for the acquisition and development of stopping places along the state scenic highway system as memorials to persons or groups would serve the public interests of the State and aid in the development of highways in the state scenic highway system into official state scenic highways.

SEC. 2. Section 155 is added to the Streets and Highways Code, to read:

155. The department may accept any gift of money or property from any person or group for the purpose of acquiring property for, and establishing and maintaining as a memorial to any person or group, a place adjacent to any state highway in the state scenic highway system established by Article 2.5 (commencing with Section 260) of Chapter 2, Division 1 of this code, at a point of special scenic, historical, or cultural interest, where motorists may stop to appreciate and enjoy the point of interest.

Any money which is received by the department pursuant to this section shall be deposited in the Special Interest Stopping Place Fund, which fund is hereby created in the State Treasury. Any money in the fund is continuously appropriated to the department without regard to fiscal years to carry out the purposes for which the money was received by the department.

The department shall, unless otherwise requested by the person or group from whom money or property is received for a stopping place, establish and maintain appropriate signs at the stopping places which indicate the name of the person or group in whose honor the place was established.

The right of eminent domain shall not be exercised by the department to acquire property, or any interest in property, pursuant to this section and the department may not acquire any real property for the purposes of this section unless the board of supervisors of the county in which such real property is located consents to such acquisition.

No state highway funds shall be used for the maintenance or operation of any property acquired by the department pursuant to this section.

CHAPTER 1795

An act to add Section 73.1 to Chapter 995 of the Statutes of 1949, relating to the Mendocino County Flood Control and Water Conservation District.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 73 1 is added to Chapter 995 of the Statutes of 1949, to read:

Sec. 73.1. If on the 54th day prior to a general improvement district election one person only has been nominated for each of the positions of trustee to be filled at that election, or if no person has been so nominated for any one or more of said offices, and a petition signed by 5 percent of the voters requesting that the election be held has not been presented to the board of supervisors, an election shall not be held.

In such case the board shall publish a notice to the effect that no election is to be held but that the board of supervisors will appoint those nominated for the positions of trustee; if no person has been nominated for such position, the board of supervisors will appoint any qualified person or persons.

CHAPTER 1796

An act to add Article 12 (commencing with Section 1460) to Chapter 6 of Division 4 of Part 1 of the Education Code, relating to school elections.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Article 12 (commencing with Section 1460) is added to Chapter 6 of Division 4 of Part 1 of the Education Code, to read:

Article 12. Ballot Arguments

1460. As used in this article, "school measure" means any proposition, including but not limited to, a proposal for the issuance of bonds by a school district, an increase in the maximum tax rate of a school district, or the acceptance, expenditure, and repayment of state funds by a school district to enable the district to construct buildings and other facilities, submitted to the voters of the district at any election held in the district.

1461. The governing board of the district or any member or members of the board authorized by the board, or any individual voter or bona fide association of citizens, or any combination of such voters and associations may file a written argument for or against any school measure. No argument shall exceed 300 words in length. The county superintendent of schools or other person conducting the election shall cause an argument for and an argument against the measure to be printed, and shall transmit the arguments to the voters with the card giving notice of the election.

1462. Based on the time reasonably necessary to prepare and print the arguments, the county superintendent of schools or other person conducting the election shall fix and determine a reasonable date prior to the election after which no arguments for or against any school measure may be submitted to him for printing and distribution to the voters. Notice of the date fixed shall be published pursuant to Section 6061 of the Government Code. Arguments may be changed until and including the date fixed by the county superintendent of schools or other person conducting the election.

1463. If more than one argument for or more than one argument against any school measure is submitted to the county superintendent of schools or other person conducting the election within the time prescribed, the county superintendent of schools or other person conducting the election shall select one of the arguments in favor and one of the arguments against the measure for printing and distribution to the voters. In selecting the arguments the county superintendent of schools or other person conducting the election shall give preference and priority in the order named to the arguments of the following:

(a) The governing board of the district or member or members of the board authorized by the board.

(b) Bona fide associations of citizens.

(c) Individual voters.

1463.1. This article shall remain in effect until the 91st day after final adjournment of the 1965 Regular Session of the Legislature, and thereafter shall have no force and effect.

CHAPTER 1797

An act to create a joint legislative committee to revise the penal laws and procedures, and making an appropriation therefor.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby created a Joint Legislative Committee for the Revision of the Penal Code. The committee consists of five lawyer Members of the Senate appointed by the Committee on Rules thereof and five lawyer Members of the Assembly appointed by the Speaker thereof. One Senate member designated by the Committee on Rules shall be chairman. One Assembly member designated by the Speaker shall be vice chairman. The members shall serve at the pleasure of the appointing power and vacancies shall be filled by the appointing power.

SEC. 2. The committee shall study and appraise existing provisions of the penal laws and procedures and related statutes and shall prepare, for submission to the Governor and Legislature, a revised, simplified body of substantive laws relating to crimes, as well as a revised, simplified body of procedural law relating to criminal and quasi-criminal actions and proceedings in or connected with the courts, departments and institutions of the State. More specifically, the committee shall:

(1) Appraise and, as necessary or desirable, restate and redefine substantive provisions of law relating to crimes;

(2) Eliminate existing substantive provisions of law which are no longer useful or necessary;

(3) Rearrange and regroup substantive provisions of law in an orderly and logical grouping of subject matter;

(4) Appraise, simplify, and improve present procedures; and

(5) Consider the advisability of drafting and enactment of, and, if deemed advisable, draft a code of criminal procedure to embody existing and proposed procedures governing the disposition of criminal and quasi-criminal actions.

SEC. 3. (a) For the purposes of this act the members of the committee constitute a joint legislative investigating committee on the subject of this act and as such have the powers and duties conferred and imposed upon such committees by the Joint Rules of the Senate and Assembly.

(b) The committee may, subject to any applicable rules, employ, fix the compensation of, and remove, a project director, secretary, counsel, consultants and such other personnel as it may deem necessary for the performance of its functions.

(c) The committee shall appoint an advisory board. The advisory board shall consist of the following persons:

(1) The project director for the committee;

(2) A representative to be designated by the Attorney General;

(3) Two district attorneys;

(4) Two lawyers wholly or substantially engaged in the practice of criminal law in the courts of the State of California;

(5) A professor or instructor in law who is also a member of the California State Bar; and

(6) The committee shall request the Judicial Council to designate two judges to serve on the advisory board.

Members of the advisory board or boards (other than the project director) shall receive no compensation, but all members may be reimbursed for their actual necessary expenses incurred in the performance of their duties.

(d) The Legislative Counsel or deputy designated by him shall attend meetings of the committee and shall provide advice and assistance.

(e) The committee may request the California Law Revision Commission to prepare research studies and recommendations relating to specific portions of the committee's assignment under Section 2. To the extent that funds are available to the commission, the commission shall prepare such research studies and recommendations and shall submit them to the committee. The committee may take such action with respect to the recommendations as it considers appropriate.

(f) The committee may contract for services as necessary or convenient to the performance of its duties.

SEC. 4. The committee shall from time to time make reports to the Legislature. It shall, not later than February 1, 1967, present a report to the Governor and Legislature together with its proposals for revision of the penal laws, procedures and related statutes.

SEC. 5. The sum of ninety thousand dollars ($90,000) or so much thereof as may be necessary is hereby appropriated from the General Fund to be expended for the purposes of this act. Expenditures from this appropriation are not subject to Sections 13320 and 16003 of the Government Code, but the Controller shall draw his warrant for payment from such appropriation only upon receipt of a claim filed by the chairman or vice chairman.

CHAPTER 1798

An act to amend Sections 648, 648.1 and 655 of the Agricultural Code, relating to oleomargarine.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 648 of the Agricultural Code is amended to read:

648. No keeper or proprietor of any bakery, hotel, boardinghouse, restaurant, lunch counter, or any other place where food or drink is served to the public, and no person having charge thereof or employed thereat, and no person furnishing board, for others than members of his own family, and no employee where such board is furnished as compensation or as a part of the compensation of any employee, shall place before any patron or employee, for use as food, any oleomargarine or margarine or any substitute for butter or substitute for cheese, unless there shall be displayed in a prominent place in each room therein where meals are served, a sign bearing the words: "oleomargarine served here" or "margarine served here" or "substitute for butter served here" or "substitute for cheese served here," as the case may be, in blackfaced letters of not less than four inches in height upon a white background, or unless such words are printed on a menu furnished to such patrons or employees, the words to be printed in legible type, no smaller than that used to describe other food items on the menu, and upon the same portion of the menu where other food items are described.

SEC. 2. Section 648.1 of said code is amended to read:

648.1. No colored oleomargarine or colored margarine shall be served to any patron in any restaurant or any other place where food is served to the public for consumption on the premises of sale unless such patron has specifically requested such colored oleomargarine or colored margarine, and unless such colored oleomargarine or colored margarine is served to such patron in chips or patties which are either triangular in shape or which have stamped thereon the words "olemargarine" or "margarine".

SEC. 3. Section 655 of said code is amended to read:

655. No keeper or proprietor of any bakery, hotel, boardinghouse, restaurant, lunch counter, or any other place where food or drink is served to the public, and no person having charge thereof, or employee thereat, and no employer when such board is furnished as compensation, or part of the compensation of any employee, shall place before any patron or employee for use as food, any imitation milk or imitation cream or imitation milk product, unless there shall be displayed in a prominent place in each room therein where meals are served, a sign bearing the words: "Imitation milk used and served here" or "Imitation cream used and served here" or "Imitation milk product used and served here," as the case may require, in blackfaced letters of not less than four inches in height upon a white background. Nothing in this article prohibits the use of imitation milk or imitation cream or imitation milk product for cooking purposes, or the serving of oleomargarine, margarine, or other substitute for butter which has been specifically requested by a patron and which otherwise complies with the requirements of Sections 648 and 648.1.

CHAPTER 1799

An act to amend Section 363 of the Education Code, relating to the public school system and making an appropriation.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 363 of the Education Code is amended to read:

363. The State Board of Education may, upon recommendation of the Director of Education, establish in the Department of Education a commission to assist and advise local school districts in problems relating to racial, religious or other discrimination in connection with the employment of certificated employees. The commission shall also, upon request from a district, advise and assist school districts in problems involving the ethnic distribution of pupils and school attendance areas.

SEC. 2. The sum of twenty-five thousand dollars ($25,000) is hereby appropriated from the General Fund in the State Treasury to the Department of Education for purposes of administering the provisions of Section 363 of the Education Code.

SEC. 3. This act makes an appropriation for the usual current expenses of the State within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 1800

An act to add Section 460 to, and to repeal Section 2181.06 of, the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 460 is added to the Welfare and Institutions Code, to read:

460. To encourage the spouse of an applicant to retain or seek employment in order to be self-supporting, taxpaying, and to avoid becoming a recipient of public aid, the net earnings of the spouse, up to the amount of two hundred dollars ($200) per month, after deduction for the expenses incurred in connection with such earnings, shall not be considered community property in computing how much of such earnings should be allocated to the applicant as income to him. Where the spouse is engaged in seasonal employment, the estimated

annual earnings of the spouse shall be prorated on a monthly basis.

SEC. 2. Section 2181.06 of said code, as added by Chapter 1997 of the Statutes of 1961, is repealed.

CHAPTER 1801

An act to amend Section 1716 of the Revenue and Taxation Code, relating to equalization of property assessments.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1716 of the Revenue and Taxation Code is amended to read:

1716. Whenever the board of supervisors and the assessor of any county determine that, in order to maintain the equality of the assessment of property within the county, an appraisal of all or any class of property is required, the clerk of the board of supervisors and the assessor shall certify this determination to the State Board of Equalization. Thereupon, the assessor, the chairman of the board of supervisors, and the member of the State Board of Equalization from the district which includes the county constitute an appraisal commission to conduct the appraisal.

CHAPTER 1802

An act to add Chapter 1.5 (commencing with Section 27111) to Division 20 of the Education Code, relating to grants to public libraries, and making an appropriation therefor.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 1.5 (commencing with Section 27111) is added to Division 20 of the Education Code, to read:

CHAPTER 1.5. PUBLIC LIBRARY SERVICES

Article 1. Policy

27111. The Legislature hereby declares that it is in the interest of the people and of the State to aid and encourage the development of free public libraries throughout the State by grants to public library systems for the purpose of:

(a) Assisting them in establishing, improving, and extending library services.

(b) Encouraging them to establish library systems in areas where such co-operation would facilitate improved library services.

27112. In adopting this chapter, the Legislature declares that its policy shall be:

(a) To oppose the removal of the government and administration of public libraries from local control.

(b) To encourage adequate financing of public libraries from local sources with state aid to be furnished on a limited basis only as a supplement to local support.

(c) To make no requirements, as a condition for receiving aid, concerning library equipment, nonbook services, or particular book or periodical titles.

Article 2. Definitions

27113. As used in this chapter:

(a) "Public agency" means a county, city and county, city, or any district or other agency (including but not limited to an agency created pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code) authorized by law to provide public library services.

(b) "Library" means a single public library, or two or more such libraries, operated by a public agency.

(c) "System" means a library system formed pursuant to this chapter.

(d) "Board" means the Public Library Development Board.

(e) "Plan of service" means a statement describing the specific purposes for which a system is formed, the means and the agencies by which such purposes are to be accomplished, and an estimate of the funds necessary for their accomplishment and the public agency or agencies who are to receive those funds.

Article 3. Administration

27114. The State Librarian shall administer the provisions of this chapter, and shall prescribe such rules and regulations as are necessary to carry out its provisions.

27114.1. The State Librarian may expend any funds appropriated for expenditure under this chapter.

27115. There is in the Division of Libraries of the Department of Education, the Public Library Development Board which shall consist of the State Librarian and nine members appointed by the Governor as follows:

(a) Three members of library boards or commissions, or of governing bodies of libraries.

(b) Three librarians presently employed in libraries.

(c) Three members at large, known for their interest and leadership in library development.

The State Librarian shall be a nonvoting member.

27115.1. The members of the board shall hold office for a term of four years and until their successors are appointed and qualify except as provided in Section 27115.2.

27115.2. The Governor shall make the first appointments to the board on or before October 1, 1963, for terms expiring, respectively, on the first day in October, two each in 1964, 1965, and 1966, and three in 1967.

27115.3. Members of the board shall serve without compensation except that each member shall be allowed actual expenses incurred in the discharge of his duties, including travel expenses.

27115.4. The board shall maintain its headquarters at Sacramento and shall hold meetings at such times and at such places as shall be determined by it. All meetings of the board shall be open and public.

27116. The members of the board shall select one of the members to serve as chairman, who shall hold office as chairman at the pleasure of the board

27116.1. The board shall confer with, advise, and make recommendations to the State Librarian with respect to any matters and subjects under this chapter.

27116.2. The board shall prepare and submit annual reports to the Governor, the Legislature, and the State Librarian.

27116.3. To the extent that funds are available therefor, the State Librarian shall employ, or furnish to the board from his staff, such technical and clerical assistance for the board as may be necessary for the proper discharge of its duties and may purchase or rent for the board any necessary supplies, instruments, tools, equipment, and conveniences.

Article 4. Local Control

27121. Nothing in this chapter shall be construed as authorizing the State to require libraries, as a condition for receiving grants, to:

(a) Acquire or exclude any specific book, periodical, film, picture, or other material, or any specific equipment, or to acquire or exclude any classification of books or periodicals by author, subject matter or type.

(b) Institute or eliminate any particular type of library service.

(c) Include or exclude for employment any particular number or class of personnel or to include or exclude any specific person for employment.

(d) Require minimum qualifications of library personnel.

Article 5. Library Systems

27125. A library system may consist of any of the following systems:

(a) A library system consisting of a library operated by a single public agency.

(b) A consolidated library system, in which two or more public agencies consolidate their libraries to form a single library.

(c) A co-operative library system in which two or more public agencies enter into a written agreement to implement a plan of service for the agencies so contracting.

27126. The formation of a library system shall be accomplished in the following manner:

(a) An application for grants shall be submitted to the State Librarian, together with a plan of service approved by the participating public agency or agencies.

(b) The State Librarian shall submit each plan of service to the board.

(c) The board shall submit, in writing, to the State Librarian any recommendations on a plan of service within 30 days from the date the plan is so submitted to the board. Failure of the board to submit recommendations within 30 days shall be deemed to constitute a recommendation that the plan be approved as submitted.

(d) The State Librarian shall not approve an application until funds are available for the grants sought nor until at least 30 days have elapsed from the date that the plan of service for that application has been submitted to the board.

(e) If the State Librarian approves the plan of service and the application, the public agency or agencies shall execute a contract with the State Librarian specifying the services to be rendered in order to implement the plan of service. The contracts shall be subject to the limitations provided in Article 4 and shall contain the minimum provisions specified in Section 27132.

27127. The State Librarian shall assist public agencies in the preparation and submission of applications for inclusion in an existing library system

Article 6. Grants in General

27130 There shall be a program of grants, as follows:

(a) Planning grants.

(b) Establishment grants.

(c) Annual per capita grants.

27131. To qualify for grants under this chapter, a library system, once established, must:

(a) Provide equal access to all participating libraries to all residents of the area served by the system.

(b) Provide for the annual addition of at least 4,000 new book titles.

(c) Provide for the purchase annually of at least 300 adult and juvenile periodical titles and for the adoption of a program for the maintenance of back files and indexes for reference use of periodicals.

(d) Expend funds from local sources for total operating expenses, excluding capital expenditures, for each library

within the system, equivalent to the minimum specified in this subdivision. That minimum shall be either, (1) the equivalent of 95 percent of the proceeds of a tax rate of fifteen cents ($0.15) on each one hundred dollars ($100) of the total assessed valuation of the area served, or to be served, by the library system, as shown by the equalized assessment roll, or rolls, of such area for the preceding year, or (2) two dollars and twenty-five cents ($2.25), annually, per capita in the area to be served by the library system, whichever is less.

(e) Carry out the provisions of the contracts entered into with the State Librarian designed to implement the plan of service.

27132. All grants shall be made according to the provisions of this chapter and the terms of the written contracts entered into between the respective public agencies and the State Librarian. These contracts shall, among other things:

(a) Specify the public agency or agencies to which payment is to be made, and the purposes for which the grants are to be expended.

(b) Specify the amount, time, and manner of payment.

(c) Specify that payment is to be conditioned upon receipt by the board of any progress report from the system.

(d) Specify that the grant can be expended only in augmentation, and not in lieu of, local appropriations.

(e) Specify that all requirements of Section 27131 shall be met.

(f) Specify that if no state grants are made the public agencies will not be bound to follow any of the provisions of the contract.

27133. (a) It is the intention of the Legislature that the total amount which may be appropriated, for expenditure during any fiscal year, under this chapter shall not exceed 2 percent of the total operating expenditure of all the public libraries of the State from funds received from local sources for the last completed fiscal year.

(b) An establishment grant for a system shall not exceed 25 percent of the total operating expenditures for the library or each of the libraries within that system, excluding capital expenditures, for the last completed fiscal year, except where there were no expenditures for the library for the last completed fiscal year, in which case the establishment grant for the system shall be the maximum provided for in Section 27144.

27134. If the appropriations are insufficient to provide grants to all qualified applicants, planning grants shall be given priority except that establishment and per capita grants may also be allocated when in the judgment of the State Librarian allocation of all appropriated funds to planning grants would not best serve the intent and purposes of this chapter.

Article 7. Planning Grants

27138. The State Librarian, upon application therefor, may grant funds to a public agency or agencies, pursuant to this article, necessary to accomplish the planning required to develop an acceptable plan of service.

The State Librarian may make such grants when he finds:

(a) That the public agency or agencies do not have the funds to accomplish the planning, and

(b) That the written proposal indicates that there is a reasonable assurance that the library or libraries could qualify as a system under the provisions of this chapter, and

(c) That execution of the proposals of the public agency will accomplish the purposes of this chapter.

27139. In applying for a planning grant a public agency or agencies shall submit a written proposal which includes:

(a) The manner in which the proposed planning will accomplish the purposes of this chapter.

(b) The public agency to which the grant is to be paid and which will be responsible for the proper expenditure of the fund and the accounting therefor.

(c) The personnel and methods to be employed in such planning.

27140. A planning grant shall not exceed 20 percent of the maximum that would be allowable to the public agency or agencies as an establishment grant in one year, under the proposed plan.

Article 8. Establishment and Per Capita Grants

27144. Establishment grants in the annual maximum amount of ten thousand dollars ($10,000) shall be made for the system:

(a) For the library of each public agency which joins with one or more other public agencies in forming a library system.

(b) For the library of each public agency which joins an established system.

(c) For each library which is established in a previously unserved area and which qualifies as part of a system for the purpose of receiving state aid.

An establishment grant shall be paid as to each library under subdivisions (a), (b) or (c) of this section, in respect to each of the first two years during which it is part of a library system.

27145. Annual per capita grants shall be made for each library system which meets the minimum standards specified in Article 6 as follows:

1. When the average population per square mile of the area served by the system is 30 or more a grant of eight cents ($0.08) for each person residing in the area.

2. When the average population per square mile of the area served by the system is between 10 and 30 a grant of twelve cents ($0.12) for each person residing in the area.

3. When the average population per square mile of the area served by the system is under 10 a grant of sixteen cents ($0.16) for each person residing in the area.

27146. If a public agency or two or more public agencies desiring to form a consolidated or co-operative system, applying for grants, meets the population standard contained in subdivision (a) of Section 27131 but is unable to meet all of the minimum standards of that section, the public agency or agencies may submit to the State Librarian a plan of service officially adopted by the public agency or agencies concerned for meeting all of the standards within a period of two completed fiscal years, the plan to indicate how much progress towards meeting the standards it is anticipated will be achieved each year. The State Librarian may then approve grants in the full amount to which the public agencies would be eligible were they to meet all standards, subject to the condition that a review will be made by the State Librarian of the provisional annual reports for the library systems, and that the second annual per capita grant will be contingent upon satisfactory achievement of the goals set up for the first fiscal year, according to the plan of service.

27147. If the appropriations are insufficient to provide grants to all qualified applicants for establishment and per capita grants the State Librarian shall allocate the available funds by the selection of applicants on the basis of need considering the intent and purposes of this chapter and the standards of eligibility prescribed.

SEC. 2. There is hereby appropriated out of the General Fund to the Division of Libraries, Department of Education, the sum of eight hundred fifty thousand dollars ($850,000) to be used for assistance to public libraries as provided in Chapter 1.5 (commencing with Section 27111) of Division 20 of the Education Code; provided, that not more than fifty thousand dollars ($50,000) of this appropriation may be used for support of the Division of Libraries of the Department of Education, upon order of the Department of Finance.

No state moneys shall be appropriated or otherwise made available to the Division of Libraries for assistance to public libraries as provided in this act during the 1963-64 fiscal year other than money appropriated by this act. In no event shall moneys be appropriated or otherwise be made available to the Division of Libraries for such purpose during the 1963-64 fiscal year from the Emergency Fund in the State Treasury.

CHAPTER 1803

An act to amend Sections 11566 and 11592 of the Business and Professions Code, relating to subdivision maps.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 11566 of the Business and Professions Code is amended to read:

11566. The survey and final map shall be made by a registered civil engineer or licensed surveyor who shall set sufficient durable monuments to conform with the standards described in Section 8771 of this code so that another engineer or surveyor may readily retrace the survey. He shall also set such additional monuments as may be required by local ordinance. The governing body may require that the exterior boundary of the land being subdivided shall be adequately monumented or referenced before the map is recorded. Interior monuments need not be set at the time the map is recorded, if the engineer or surveyor certifies on the map that the monuments will be set on or before a specified later date, and if the subdivider furnishes to the governing body a bond or cash deposit guaranteeing the payment of the cost of setting the monuments, all as provided by Section 11592.

SEC. 2 Section 11592 of said code is amended to read:

11592. A certificate by the engineer or surveyor responsible for the survey and final map is required. His certificate shall give the date of the survey and state that the survey was made by him or under his direction, and that the survey is true and complete as shown.

The certificate shall also state that all the monuments are of the character and occupy the positions indicated, or that they will be set in such positions and on or before a specified later date. The certificate shall also state that the monuments are, or will be, sufficient to enable the survey to be retraced.

In the event that the certificate states that all the monuments will be set on or before a specified later date, the subdivider shall furnish to the governing body a bond or cash deposit, at the option of the governing body, in an amount equal to the estimated cost of setting such monuments, not already set prior to recording of the map guaranteeing payment of the cost thereof, but not in excess of the amount of the bond or deposit.

Within five days after the final setting of all monuments has been completed by the engineer or surveyor, he shall give written notice to the subdivider, and to the city engineer or the county engineer or such other public official or employee authorized to receive such notices, that the final monuments have been set.

Upon payment to the engineer or surveyor for setting the final monuments, the subdivider shall present to the governing

body evidence of such payment and receipt thereof by the engineer or surveyor, together with a request that his bond be released or that his cash deposit be returned. At the earliest possible date thereafter, said bond shall be released or said cash deposit shall be returned to the depositor.

In lieu of the above procedure as it involves a cash deposit, the governing body may pay the engineer or surveyor for the setting of the final monuments from said cash deposit, if so requested by the depositor.

If the subdivider does not present evidence to the governing body that he has paid the engineer or surveyor for the setting of the final monuments, and if the engineer or surveyor notifies the governing body that he has not been paid by the subdivider for the setting of the final monuments, the governing body shall, within three months from the date of said notification, pay to the engineer or surveyor the amount of the bond or cash deposit.

In the event of the death, disability, or retirement from practice of the civil engineer or land surveyor charged with the responsibility for setting monuments, the governing body may direct the county surveyor or city engineer or such engineer or surveyor as it may select to set such monuments. When the monuments are so set the substitute engineer or surveyor shall delineate said monuments on an exact copy of the recorded map, indorse thereon his certificate pursuant to the provisions of this section with respect thereto and, upon approval thereof indorsed thereon by the county engineer or county surveyor, shall deliver the exact copy to the county recorder. The recorder thereupon shall record such map, and indorse the recording reference thereof upon the map originally recorded which shall operate as reference also to the map showing such additional monuments and shall constitute constructive notice thereof for all purposes as fully as though all of the information and data shown on both maps were shown upon the map originally recorded. All of the provisions of this section relating to payment shall apply for the services performed by the substituted engineer or surveyor.

CHAPTER 1804

An act to amend Sections 74341, 74342, 74343, 74343.1, 74343.2, 74344, 74345, 74350, 74350.1 of, and to repeal Sections 74346, 74349, 74743.2 and 74751 of, the Government Code, and to amend Sections 74361, 74364 and 74374 of the Government Code as proposed to be added by Assembly Bill 1435 of the 1963 Regular Session, relating to municipal courts.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 74341 of the Government Code is amended to read:

74341. There shall be 16 judges.

SEC. 1.5. Section 74342 of said code is amended to read:

74342. There shall be one clerk who shall be appointed by a majority of the judges of the court and who shall receive a monthly salary at a rate specified in Schedule 43 of the salary schedule provided in Section 74343.1. Effective July 1, 1964, the clerk shall be compensated at a rate specified in Schedule 44 of said salary schedule.

SEC. 2. Section 74343 of said code is amended to read:

74343. The clerk may appoint:

(a) Five deputy clerks who shall be chief clerks in the administrative, civil, criminal, traffic, and accounting divisions of the court, and who shall receive a monthly salary at the rate specified in Schedule 35.

(b) Five deputy clerks who shall be assistant chief clerks of division and who shall receive a monthly salary at a rate specified in Schedule 32.

(c) Twenty-nine deputy clerks IV, each of whom shall receive a monthly salary at a rate specified in Schedule 29.

(d) Twenty deputy clerks III, each of whom shall receive a monthly salary at a rate specified in Schedule 24.

(e) Twenty-two deputy clerks II, each of whom shall receive a monthly salary at a rate specified in Schedule 21.

(f) Thirty-two deputy clerks I, each of whom shall receive a monthly salary at a rate specified in Schedule 18.

Appointments to such positions shall be at step B of the schedule. In no event shall the monthly salary of deputy clerks I holding positions on the effective date of this amendment be less than step B of the salary schedule.

(g) One deputy clerk who shall be tab supervisor and who shall receive a monthly salary at a rate specified in Schedule 30.

(h) One deputy clerk who shall be senior tab operator and who shall receive a monthly salary at a rate specified in Schedule 24.

(i) One deputy clerk who shall be a tab operator and who shall receive a monthly salary at a rate specified in Schedule 23.

(j) Eight deputy clerks who shall be key punch operators and who shall receive a monthly salary at a rate specified in Schedule 19.

(k) Three deputy clerks who shall be stenographers and who shall receive a monthly salary at a rate specified in Schedule 21.

(*l*) The eight deputy clerks assigned by the clerk of the court as clerks in the presiding department, calendar department, criminal arraignment, traffic arraignment departments (two deputies), and in the accounting and civil divisions, while serving in those capacities, shall receive a monthly salary at a rate two schedules higher than that which such deputy clerks were receiving prior to such assignment. The value, in dollars, of each monthly salary herein shall be at the rates indicated

opposite the respective schedule number in the salary schedule provided in Section 74343.1.

SEC. 3. Section 74343.1 of said code is amended to read:

74343.1. Salary schedule.

Whenever reference to a numbered salary schedule is made in any section of this article, the following schedule of monthly salaries shall apply:

Range and schedule number	A	B	C	D	E
15	$269	$282	$296	$311	$327
15.5	275	289	303	319	335
16	282	296	311	327	343
16.5	289	303	319	335	351
17	296	311	327	343	360
17.5	303	319	335	351	369
18	311	327	343	360	378
18.5	319	335	351	369	387
19	327	343	360	378	397
19.5	335	351	369	387	407
20	343	360	378	397	417
20.5	351	369	387	407	427
21	360	378	397	417	438
21.5	369	387	407	427	449
22	378	397	417	438	460
22.5	387	407	427	449	471
23	397	417	438	460	483
23.5	407	427	449	471	495
24	417	438	460	483	507
24.5	427	449	471	495	519
25	438	460	483	507	532
25.5	449	471	495	519	545
26	460	483	507	532	559
26.5	471	495	519	545	573
27	483	507	532	559	587
27.5	495	519	545	573	601
28	507	532	559	587	616
28.5	519	545	573	601	631
29	532	559	587	616	647
29 5	545	573	601	631	663
30	559	587	616	647	679
30.5	573	601	631	663	696
31	587	616	647	679	713
31.5	601	631	663	696	731
32	616	647	679	713	749
32.5	631	663	696	731	767
33	647	679	713	749	786
33.5	663	696	731	767	805
34	679	713	749	786	825
34.5	696	731	767	805	845
35	713	749	786	825	866

Range and schedule number	A	B	C	D	E
35.5	731	767	805	845	887
36	749	786	825	866	909
36.5	767	805	845	887	931
37	786	825	866	909	954
37.5	805	845	887	931	978
38	825	866	909	954	1,002
38.5	845	887	931	978	1,027
39	866	909	954	1,002	1,052
39.5	887	931	978	1,027	1,078
40	909	954	1,002	1,052	1,105
40.5	931	978	1,027	1,078	1,132
41	954	1,002	1,052	1,105	1,160
41.5	978	1,027	1,078	1,132	1,189
42	1,002	1,052	1,105	1,160	1,218
42.5	1,027	1,078	1,132	1,189	1,248
43	1,052	1,105	1,160	1,218	1,279
43.5	1,078	1,132	1,189	1,248	1,311
44	1,105	1,160	1,218	1,279	1,343
44.5	1,132	1,189	1,248	1,311	1,376
45	1,160	1,218	1,279	1,343	1,410
45.5	1,189	1,248	1,311	1,376	1,445
46	1,218	1,279	1,343	1,410	1,481
46.5	1,248	1,311	1,376	1,445	1,518
47	1,279	1,343	1,410	1,481	1,555
47.5	1,311	1,376	1,445	1,518	1,594
48	1,343	1,410	1,481	1,555	1,633
48.5	1,376	1,445	1,518	1,594	1,674
49	1,410	1,481	1,555	1,633	1,715
49.5	1,445	1,518	1,594	1,674	1,758
50	1,481	1,555	1,633	1,715	1,846

(a) Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to the salary schedule set forth in this article, shall, for the first six months of service, receive monthly the rate of compensation specified in step A of the salary schedule for the position to which he is appointed. Upon the first day of the month following six months continuous service in step A, the initial rate of compensation of such person shall be increased to step B of the salary schedule for the position occupied. Upon the first day of the month following six months continuous service in step B, the initial rate of compensation of such person shall be increased to step C of the salary schedule for the position occupied. On and after the first day of the month following six months of continuous service at step C, such compensation shall be increased to step D of the salary schedule. On and after the first day of the month following 12 months of continuous service at step D, such compensation shall be increased to step E of the salary schedule.

(b) When any person in the service of the court is appointed or promoted to another position in such service compensated at a higher numbered schedule, he shall receive step A of such schedule if step A is at least one step higher than the salary received in the position relinquished; but if not, he shall receive initially that step schedule pertaining to such position which will provide a one step increase in his compensation.

(c) When any person in the service of the court is demoted to another position he shall receive compensation at the highest step of the salary schedule applicable to the position to which he is demoted which provides a salary not higher than that previously received by such person, except that if such demotion is due to disciplinary action, the appointing power may specify any step rate of such schedule which provides compensation not higher than that last previously received by such person.

(d) The hereinafter enumerated classes of positions in the court are deemed to be comparable in job level to certain classifications in the classified civil service of San Diego County and whenever the salaries of such classifications in the service of San Diego County are adjusted by the board of supervisors, the salaries of the comparable classifications in the clerk's office shall be adjusted a commensurate percentage in the salary schedule. Such adjustment shall not be more than 20 percent higher or 20 percent lower than the ranges specified in this article. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to the county classifications. In the event that the salary of any of the San Diego County classifications listed in this section are adjusted by the board of supervisors on any date in 1963 prior to the effective date of this article, commensurate adjustments shall be applied to the salaries of the comparable classifications in the clerk's office, such adjustments to take effect on the effective date of this article. Any salary adjustments made as a result of this section shall be effective only until 90 days after the adjournment of the Legislature at its next general session.

The comparable classifications are as follows:

Municipal court classification	County classification
Deputy clerk, chief clerk	Superior court clerk
Deputy clerk, assistant chief clerk	Superior court clerk
Deputy clerk I	Junior clerk
Deputy clerk II	Intermediate clerk
Deputy clerk III	Senior clerk
Deputy clerk IV	Superior court clerk
Tabulating supervisor	Tabulating supervisor
Senior tabulating operator	Senior tabulating operator
Tabulating operator	Tabulating operator
Key punch operator	Key punch operator
Deputy clerk stenographer	Intermediate stenographer
Court interpreter	Senior clerk

SEC. 4. Section 74343.2 of said code is amended to read:

74343.2. There shall be one court interpreter who shall be a deputy clerk to be appointed by a majority of the judges of the court and who shall receive a monthly salary at a rate specified in Schedule 23 of the salary schedule provided in Section 74343.1.

SEC. 5. Section 74344 of said code is amended to read:

74344. In no event shall the salary of the clerk or any deputy clerk who occupied his position on the day prior to the effective date of the 1963 amendments to this article be less than his salary on such day.

SEC. 7. Section 74346 of said code is repealed.

SEC. 8. Section 74349 of said code is repealed.

SEC. 9. Section 74350 of said code is amended to read:

74350. (a) All persons holding positions on the 91st day after any regular session of the Legislature shall continue in their respective positions without further examination or qualification and at the added compensation provided in this article, including increments for continuous prior service in such positions in the court. Any person whose title is changed as a result of this act shall receive credit for continued service to which he would be entitled under his previous position and shall receive compensation at the step covering such length of service. Thereafter, any increments earned by additional service in grade shall take effect upon the first day of the month following completion of such required service.

(b) In addition to the compensation provided in this article, the attachés of the municipal court shall receive, and they shall be entitled to the same vacations, sick leave, leaves of absence and similar privileges and benefits as are now or may hereafter be provided for the employees of the County of San Diego, including the right to participate in a retirement plan, and in any group health, accident or life insurance plan adopted by the Board of Supervisors of San Diego County. Such privileges and benefits shall be retroactively applied. The majority of all the municipal court judges may adopt rules for the conduct of and personnel privileges to be afforded the attachés of the court.

(c) All attachés may be appointed, promoted, removed, suspended or discharged for cause by the appointing authority subject in such appointment, promotion, removal, suspension or discharge to civil service provisions applicable to the classified personnel of San Diego County. Whenever a person or attaché is appointed or promoted to a position, such person or attaché must serve a probationary period of at least six months.

(d) Notwithstanding the provisions of Section 71183, a person appointed by the clerk from an eligible list certified by the Civil Service Commission of the County of San Diego to fill a temporary position established pursuant to Section 72150 and employed in such temporary position immediately prior to

the 91st day after the final adjournment of a regular session of the Legislature, may be appointed by such clerk to a like permanent position in such clerk's office without further examination, qualification or certification on a civil service eligible list; provided, that the number of such positions in the clerk's office has been increased by the last regular session of the Legislature so as to make such temporary position a permanent position.

SEC. 10. Section 74350.1 of said code is amended to read:

74350.1. In the event that there shall be an increase in the number of judges as provided in Section 74341 of this code, the clerk of the court may appoint one deputy clerk IV, one deputy clerk III, one deputy clerk II, and one deputy clerk I for each respective additional judge so appointed. Such additional deputy clerks shall receive a monthly salary at a rate specified in the appropriate schedule provided in Section 74343.1 of this code. Appointment to deputy clerk I shall be at step B of the schedule.

SEC. 11. Section 74743.2 of said code is repealed.

SEC. 12. Section 74751 of said code is repealed.

SEC. 13. Section 74361 of the Government Code as proposed to be added by Assembly Bill 1435 of the 1963 Regular Session is amended to read:

74361. There shall be one marshal for all municipal courts established in judicial districts in San Diego County who shall be appointed pursuant to this article and who shall receive the monthly compensation specified in Schedule 44, set forth in Section 74343.1. In no event shall the compensation of the marshal be less than eight (8) schedule ranges higher than that specified for the position of assistant marshal. The present Marshal of the San Diego Judicial District shall succeed to this position.

SEC. 14. Section 74364 of the Government Code as proposed to be added by Assembly Bill 1435 of the 1963 Regular Session is amended to read:

74364. The marshal may appoint:

(a) Two assistant marshals, each of whom shall receive the monthly compensation specified in Schedule 39, set forth in Section 74343.1. Those individuals who held the positions of Assistant Marshal of the San Diego Judicial District and Marshal of the Oceanside Judicial District, before the effective date of this article, shall each succeed to one of these positions.

(b) One captain, who shall receive the monthly compensation specified in Schedule 37, set forth in Section 74343.1. The individual who held the position of Marshal of the El Cajon Judicial District, before the effective date of this article, shall succeed to this position. Upon the occurrence of a vacancy, this position shall cease to exist.

(c) Two lieutenants, each of whom shall receive the monthly compensation specified in Schedule 34, set forth in Section

74343.1. Those individuals who held the position of lieutenant in the San Diego Judicial District, before the effective date of this article, shall succeed, each, to one of these positions.

(d) Ten sergeants, each of whom shall receive the monthly compensation specified in Schedule 32, set forth in Section 74343.1. Those individuals who held the position of sergeant in the San Diego Judicial District, the Oceanside Judicial District, the El Cajon Judicial District, and the South Bay Judicial District, before the effective date of this article, shall succeed, each, to one of these positions.

(e) One deputy marshal (female), who shall receive the monthly compensation specified in Schedule 28, set forth in Section 74343.1. The individual who held the position of deputy marshal-female in the San Diego Judicial District, before the effective date of this article, shall succeed to this position. Upon the occurrence of a vacancy, this position shall cease to exist.

(f) Sixty-one deputy marshals, each of whom shall receive monthly the compensation specified in Schedule 28, set forth in Section 74343.1. Those individuals who held the positions of senior deputy marshal in the San Diego Judicial District, and deputy marshals in the Oceanside Judicial District, El Cajon Judicial District, and South Bay Judicial District, before the effective date of this article, shall succeed, each, to one of these positions.

(g) Twenty-two deputy marshals-stenographers, each of whom shall receive the monthly compensation specified in Schedule 23, set forth in Section 74343.1. Those individuals who held the positions of deputy marshal-stenographer in the San Diego Judicial District, and deputy marshal-clerical in the Oceanside Judicial District, El Cajon Judicial District, and South Bay Judicial District, before the effective date of this article, shall succeed, each, to one of these positions. The first two vacancies to occur in the position of deputy marshal-stenographer shall not be filled, and the number of such positions authorized by this section shall be reduced by two. The next eleven (11) vacancies occurring in this position shall cause a corresponding reduction in the number of deputy marshal-stenographers hereby authorized; provided, however, that each such vacancy shall increase by one, a position designated as deputy marshal-clerk. The positions of deputy marshal-clerk shall each receive the compensation specified in Schedule 19, set forth in Section 74343.1.

(h) One deputy marshal-matron, who shall receive the monthly compensation specified in Schedule 26, set forth in Section 74343.1. The individual who held the position of Court Matron of the San Diego Judicial District, before the effective date of this article, shall succeed to this position.

SEC. 15. Section 74374 of the Government Code as proposed to be added by Assembly Bill 1435 of the 1963 Regular Session is amended to read:

74374. The hereinafter enumerated classes of position in the marshal's office of the municipal courts in San Diego County are deemed to be equivalent in job and salary level to certain classifications in the classified civil service of San Diego County and whenever the salary of a classification in the service of San Diego County is adjusted by the board of supervisors, the salary of the equivalent classification in the marshal's office shall be adjusted a commensurate number of ranges in the salary schedule. Such adjustment shall not be more than eight ranges higher or eight ranges lower than the range specified in this article. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to the county classifications. In the event the salary of any San Diego County classification listed in this section is adjusted by the board of supervisors on any date in 1963 prior to the effective date of this article, said adjustments shall be applied to the salary of the equivalent classifications in the marshal's office, such adjustments to take effect on the effective date of this article. Any salary adjustments made as a result of this section shall be effective only until 90 days after the adjournment of the next general session of the State Legislature.

The equivalent classifications are as follows:

Municipal court marshal classification	County classification
Assistant marshal	Chief deputy sheriff
Deputy marshal-captain	Deputy sheriff-captain
Deputy marshal-lieutenant	Deputy sheriff-lieutenant
Deputy marshal-sergeant	Deputy sheriff-sergeant
Deputy marshal and deputy marshal-female	Deputy sheriff
Deputy marshal-matron	Deputy sheriff-matron
Deputy marshal-stenographer	Senior stenographer-senior clerk
Deputy marshal-clerk	Intermediate clerk

SEC. 15. Sections 13, 14 and 15 of this act shall become operative only if Assembly Bill No. 1435 of the 1963 Regular Session is enacted by the Legislature and in such case at the same time as Assembly Bill No. 1435 takes effect.

CHAPTER 1805

An act to add Article 1.5 (commencing with Section 53010) to Chapter 1, Part 1, Division 2, Title 5 of, Article 3 (commencing with Section 53050) to Chapter 1, Part 1, Division 2, Title 5 of, Chapter 5 (commencing with Section 960) to Part 4, Division 3.6, Title 1, as enacted by Senate Bill No. 43 of the 1963 Regular Session, and Section 945.5 to, the Government Code, relating to process against public agencies.

[Approved by Governor July 17, 1963 Filed with Secretary of State July 19, 1963]

The people of the State of California do enact as follows:

SECTION 1. Article 1.5 (commencing with Section 53010) is added to Chapter 1, Part 1, Division 2, Title 5 of the Government Code, to read:

Article 1.5. Duties of Public Agencies

53010. The term "public agency", as used in this article, means any political subdivision of the State, district of any kind or class, authority of any kind or class, and any public corporation, other than a county, city and county, city, or town.

53011. (a) Within ninety (90) days after the effective date of this article or after the date of commencement of its legal existence, whichever is later, the governing body of each public agency shall file with the Secretary of State and also with the county clerk of each county in which there is located any portion of the territory of the public agency, a statement of the following facts:

1. The full, legal name of the public agency.
2. The official mailing address of the governing body of the public agency.
3. The names and addresses of each member of the governing body of the public agency.
4. The name, and if different from the information required in paragraph 3, the address of the chairman, president or other presiding officer, clerk, and secretary of the governing body of such public agency.

(b) Within 10 days after any change in the facts required to be stated pursuant to subdivision (a), a statement of such change shall be filed as provided therein.

(c) It shall be the duty of the Secretary of State and of the county clerk of each county to establish and maintain an indexed "Roster of Public Agencies," to be so designated, which shall contain all information filed as required in subdivisions (a) and (b), which roster is hereby declared to be a public record.

53012. In any suit against a public agency, if the governing body of any public agency fails to comply with the provi-

sions of this article, notwithstanding any provision of law to the contrary, or if the governing body cannot with due diligence be found at the last known official mailing address of the governing body of the public agency, and it is shown by affidavit to the satisfaction of the court or judge that personal service of process against a public agency cannot be made with the exercise of due diligence, the court or judge may make an order that the service be made upon the public agency by delivery by hand to the Secretary of State or to any person employed in his office in the capacity of an assistant or deputy, of two copies of the process for each defendant to be served, together with two copies of the order authorizing such service. Service in this manner constitutes personal service upon the public agency.

A fee of five dollars ($5) shall be paid by the plaintiff to the Secretary of State for each public agency on which service is made in this manner.

53013. Upon receipt of the copies of process pursuant to Section 53012, the Secretary of State shall give notice of the service of the process to the governing body of the public agency at its principal office in this State, by forwarding to such office, by registered mail with request for return receipt, a copy of the process If the only address disclosed by the records of the Secretary of State of the principal office of the governing body of the public agency is the county in which it is situated, then the process shall be mailed to the county seat, addressed to the public agency in care of the county clerk, or it may be mailed to any address for the public agency specified in the court order. If the process is mailed in care of the county clerk, the county clerk shall promptly send it to the public agency at its address within the county, if known to him, and if unknown shall cause the process to be posted at the courthouse of the county for 30 days. If the records of the Secretary of State disclose no address for the public agency, then the Secretary of State shall mail a copy of the process to the county clerk of either (a) the county in which the transaction or occurrence took place, or (b) the county where real property of the agency is situated, and the county clerk shall promptly send the process to the public agency at its address within the county, if known to him, or if unknown shall cause the process to be posted at the courthouse of the county for 30 days.

Upon receipt of such copies of process, the Secretary of State shall immediately forward to the Attorney General a copy of all papers served upon him. The Attorney General, upon receipt of any such process, may locate the responsible officers of the public agency involved, and the governing body of such public agency may relieve the Attorney General of any further responsibility hereunder, and may designate any other attorneys to defend said action or take such other action as they may determine.

53014. The Attorney General, until he is relieved of further responsibility in the manner provided in Section 53013, or until the matter has been reduced to final judgment, shall have the duty to defend such public agency by taking whatever steps he considers appropriate or necessary. The Attorney General, until he is so relieved of further responsibility, shall have full authority to bind the public agency by stipulation or admission.

The Attorney General may delegate his responsibility hereunder in any particular case, to any county counsel or district attorney willing to accept such delegation. When such responsibility has been delegated, the district attorney or county counsel, as the case may be, shall have the same power and authority with reference to the matter as is hereinabove provided for the Attorney General.

All costs and expenses, without limitation, of the Attorney General or district attorney or county counsel, pursuant to this article shall be a charge against the public agency in whose behalf he appears.

53015. Where provision is made by law or otherwise that no suit may be brought against any public agency as defined in this article unless and until a claim is presented to such agency, or any officer or employee thereof, and such agency has failed to file with the Secretary of State and with the county clerk of each county in which there is located any portion of the territory of such public agency the information required to be filed under the provisions of this article, then and in such event the presentation of any such claim shall not be required.

SEC. 2. Article 3 (commencing with Section 53050) is added to Chapter 1, Part 1, Division 2, Title 5 of the Government Code, to read:

Article 3. Roster of Public Agencies

53050. The term "public agency," as used in this article, means any political subdivision of the State, district of any kind or class, authority of any kind or class, and any public corporation, other than a county, city and county, city, or town.

53051. (a) Within ninety (90) days after the effective date of this article or after the date of commencement of its legal existence, whichever is later, the governing body of each public agency shall file with the Secretary of State and also with the county clerk of each county in which there is located any portion of the territory of the public agency, a statement of the following facts:

1. The full, legal name of the public agency.

2. The official mailing address of the governing body of the public agency.

3. The names and addresses of each member of the governing body of the public agency.

4. The name, and if different from the information required in paragraph 3, the address of the chairman, president or other presiding officer, clerk, and secretary of the governing body of such public agency.

(b) Within 10 days after any change in the facts required to be stated pursuant to subdivision (a), a statement of such change shall be filed as provided therein.

53052. It shall be the duty of the Secretary of State and of the county clerk of each county to establish and maintain an indexed "Roster of Public Agencies," to be so designated, which shall contain all information filed as required in Section 53051, which roster is hereby declared to be a public record.

SEC. 3. Chapter 5 (commencing with Section 960) is added to Part 4 of Division 3.6 of Title 1 of the Government Code as enacted by Senate Bill No. 43 of the 1963 Regular Session, to read:

CHAPTER 5. SPECIAL PROVISIONS RELATING TO ACTIONS AGAINST LOCAL PUBLIC ENTITIES

960. As used in this chapter, "public agency" has the meaning given that term by Section 53050.

960.2. In any suit against a public agency, if the governing body of any public agency fails to comply with Section 53051, notwithstanding any provision of law to the contrary, or if the governing body cannot with due diligence be found at the last known official mailing address of the governing body of the public agency, and it is shown by affidavit to the satisfaction of the court or judge that personal service of process against a public agency cannot be made with the exercise of due diligence, the court or judge may make an order that the service be made upon the public agency by delivery by hand to the Secretary of State or to any person employed in his office in the capacity of an assistant or deputy, employed in his office in the capacity of an assistant or deputy, of two copies of the process for each defendant to be served, together with two copies of the order authorizing such service. Service in this manner constitutes personal service upon the public agency.

A fee of five dollars ($5) shall be paid by the plaintiff to the Secretary of State for each public agency on which service is made in this manner.

960.4. Upon receipt of the copies of process pursuant to Section 960.2, the Secretary of State shall give notice of the service of the process to the governing body of the public agency at its principal office in this State, by forwarding to such office, by registered mail with request for return receipt, a copy of the process. If the only address disclosed by the records of the Secretary of State of the principal office of the governing body of the public agency is the county in which it is situated, then the process shall be mailed to the county seat, addressed to the public agency in care of the county clerk,

or it may be mailed to any address for the public agency specified in the court order. If the process is mailed in care of the county clerk, the county clerk shall promptly send it to the public agency at its address within the county, if known to him, and if unknown shall cause the process to be posted at the courthouse of the county for 30 days. If the records of the Secretary of State disclose no address for the public agency, then the Secretary of State shall mail a copy of the process to the county clerk of either (a) the county in which the transaction or occurrence took place, or (b) the county where real property of the agency is situated, and the county clerk shall promptly send the process to the public agency at its address within the county, if known to him, or if unknown shall cause the process to be posted at the courthouse of the county for 30 days.

Upon receipt of such copies of process, the Secretary of State shall immediately forward to the Attorney General a copy of all papers served upon him. The Attorney General, upon receipt of any such process, may locate the responsible officers of the public agency involved, and the governing body of such public agency may relieve the Attorney General of any further responsibility hereunder, and may designate any other attorneys to defend said action or take such other action as they may determine.

960.5. The Attorney General, until he is relieved of further responsibility in the manner provided in Section 960.4, or until the matter has been reduced to final judgment, shall have the duty to defend such public agency by taking whatever steps he considers appropriate or necessary. The Attorney General, until he is so relieved of further responsibility, shall have full authority to bind the public agency by stipulation or admission.

The Attorney General may delegate his responsibility hereunder in any particular case, to any county counsel or district attorney willing to accept such delegation. When such responsibility has been delegated, the district attorney or county counsel, as the case may be, shall have the same power and authority with reference to the matter as is hereinabove provided for the Attorney General.

All costs and expenses, without limitation, of the Attorney General or district attorney or county counsel, pursuant to this chapter shall be a charge against the public agency in whose behalf he appears.

SEC. 4. Section 945.5 is added to the Government Code, to read:

945.5. Where provision is made by law or otherwise that no suit may be brought against any public agency as defined in Section 5350 unless and until a claim is presented to such agency, or an employee thereof, and such agency has failed to file with the Secretary of State and with the county clerk of each county in which there is located any portion of the territory of such public agency the information required to be filed

under Section 53051, then and in such event the presentation of any such claim shall not be required.

SEC. 5. Sections 2, 3, and 4 of this act shall become operative only if Senate Bill No. 43 is enacted by the Legislature at its 1963 Regular Session, and in such case Section 1 of this act is repealed.

CHAPTER 1806

An act to amend Sections 226 and 227a of, and to add Sections 226.1, 226.2, 226.3, 226.4, 226.5, 226.6, 226.7, 226.8 and 226.9 to, the Civil Code, relating to adoptions.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 226 of the Civil Code is amended to read:

226. Any person desiring to adopt a child may for that purpose petition the superior court of the county in which the petitioner resides and the clerk of the court shall immediately notify the State Department of Social Welfare at Sacramento in writing of the pendency of the action and of any subsequent action taken. In all cases in which consent is required, except in the case of an adoption by a stepparent where one natural or adoptive parent retains his or her custody and control of the child, unless an agency licensed by the State Department of Social Welfare to find homes for children and place children in homes for adoption joins in the petition for adoption, the petition shall contain an allegation that the petitioners will file promptly with the department or the county adoption agency information required by the department in the investigation of the proposed adoption.

SEC. 2. Section 227a of said code is amended to read:

227a. Notwithstanding any other provisions of this chapter, the probation officer in the county in which the action for adoption is pending shall make an investigation of each case of adoption by a stepparent where one natural parent retains custody and control of the child. No order of adoption shall be made by the court until after such probation officer shall have filed his report and recommendation and the same shall have been considered by the court.

SEC. 3. Section 226.1 is added to said code, to read:

226.1. (a) In all cases in which consent is required, the consent of the natural parent or parents to the adoption by the petitioners must be signed in the presence of an agent of the State Department of Social Welfare or of a licensed county adoption agency on a form prescribed by such department and filed with the clerk of the superior court, in the county of the petitioner's residence.

(b) Such consent, when reciting that the person giving it is entitled to the sole custody of the minor child, shall, when duly acknowledged before such agent, be prima facie evidence of the right of the person making it to the sole custody of the child and such person's sole right to consent.

(c) If the father or mother of a child to be adopted is outside the State of California at the time of signing consent, his or her consent may be signed before a notary or other person authorized to perform notarial acts, and in such case the consent of the Department of Social Welfare or of a licensed county adoption agency will also be necessary.

(d) A parent who is a minor shall have the right to sign a consent for the adoption of his or her child and such consent shall not be subject to revocation by reason of such minority.

SEC. 4. Section 226.2 is added to said code, to read:

226.2. In all cases of adoption in which no agency licensed to place children for adoption is a party, it shall be the duty of the Department of Social Welfare or of the licensed county adoption agency to accept the consent of the natural parents to the adoption of the child by the petitioners and to ascertain whether the child is a proper subject for adoption and whether the proposed home is suitable for the child, prior to filing its report with the court.

SEC. 5. Section 226.3 is added to said code, to read:

226.3. In all cases in which the consent of the natural parent or parents is not necessary and an agency licensed to place children for adoption is not a party to the petition, the State Department of Social Welfare or the licensed county adoption agency shall, prior to the hearing of the petition, file its consent to the adoption with the clerk of the superior court of the county in which the petition is filed. Such consent shall not be given by the Department of Social Welfare or the licensed county adoption agency unless the child's welfare will be promoted by the adoption.

SEC. 6. Section 226.4 is added to said code, to read:

226.4. If for a period of 180 days from the date of filing the petition, or upon the expiration of any extension of said period granted by the court, the Department of Social Welfare or the licensed county adoption agency fails or refuses to accept the consent of the natural parent or parents to the adoption, or if said department or agency fails or refuses to file or to give its consent to an adoption in those cases where its consent is required by this chapter, either the natural parent or parents or the petitioner may appeal from such failure or refusal to the superior court of the county in which the petition is filed, in which event the clerk shall immediately notify the Department of Social Welfare of such appeal and the department or agency shall within 10 days file a report of its findings and the reasons for its failure or refusal or consent to the adoption or to accept the consent of the natural parent. After the filing of said findings, the court may, if it deems that the welfare of the child will be promoted by said adoption, allow

the signing of the consent by the natural parent or parents in open court, or if the appeal be from the refusal of said department or agency to consent thereto, grant the petition without such consent.

SEC. 7. Section 226.5 is added to said code, to read:

226.5. The State Department of Social Welfare or licensed county adoption agency shall interview the parties to the adoption as soon as possible and in any event within 45 days after the filing of the adoption petition.

SEC. 8. Section 226.6 is added to said code, to read:

226.6. It shall be the duty of the Department of Social Welfare or of the licensed county adoption agency to investigate the proposed adoption and to submit to the court a full report of the facts disclosed by its inquiry with a recommendation regarding the granting of the petition within 180 days after the filing of the petition. In those cases in which the investigation establishes that there is a serious question concerning the suitability of the petitioners or the care provided the child or the availability of the consent to adoption the report shall be filed immediately. The court may allow such additional time for the filing of said reports as in its discretion it may see fit, after at least five days' notice to the petitioner or petitioners and opportunity for such petitioner or petitioners to be heard with respect to the request for additional time. The report required of the Department of Social Welfare or of the licensed county adoption agency may be waived by the department in all cases in which an agency, licensed by the Department of Social Welfare to place children in homes for adoption, is a party or joins in the petition for adoption. Such waiver may be issued by the department at any time, either before or after the filing of the petition for adoption.

SEC. 9. Section 226.7 is added to said code, to read:

226.7. Whenever any report or findings are submitted to the court by the Department of Social Welfare or by a licensed county adoption agency under any provision of the preceding section, a copy of such report or findings, whether favorable or unfavorable, shall be given to the attorney for the petitioner in the proceedings, if the petitioner has an attorney of record, or to the petitioner.

SEC. 10. Section 226.8 is added to said code, to read:

226.8. If the findings of the State Department of Social Welfare or the county adoption agency are that the home of the petitioners is not suitable for the child or that the required consents are not available and it recommends that the petition be denied, or if the petitioners desire to withdraw the petition, and it recommends that the petition be denied, the county clerk upon receipt of the report of the State Department of Social Welfare or the county adoption agency shall immediately refer it to the superior court for review.

Upon receipt of such reports the court shall set a date for a hearing of the petition and shall give reasonable notice of

such hearing to the agency, the petitioners, and the natural parents by certified mail to the address of each as shown in the proceeding.

The department or county agency shall appear to represent the child.

SEC. 11. Section 226.9 is added to said code, to read:

226.9. Notwithstanding any other provisions of this chapter, in case of an adoption of a child by a stepparent where one natural or adoptive parent retains his or her custody and control of said child, the consent of either or both parents must be signed in the presence of a county clerk or probation officer of any county of this State on a form prescribed by the State Department of Social Welfare and the county clerk or probation officer before whom such consent is signed shall immediately file said consent with the clerk of the superior court of the county where the petition is filed and said clerk shall immediately file a certified copy of such consent to adoption with the State Department of Social Welfare.

If the father or mother of a child to be adopted is outside the State of California at the time of signing consent, his or her consent may be signed before a notary or other person authorized to perform notarial acts.

Such consent, when reciting that the person giving it is entitled to sole custody of the minor child, shall, when duly acknowledged before the county clerk or probation officer, be prima facie evidence of the right of the person making it to the sole custody of the child and such person's sole right to consent.

A parent who is a minor shall have the right to sign a consent for the adoption of his or her child and such consent shall not be subject to revocation by reason of such minority.

CHAPTER 1807

An act to amend Section 820 of, and add Sections 820.1 and 828.81 to, the Agricultural Code, relating to standards for agricultural commodities.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 820 of the Agricultural Code is amended to read:

820. Tomatoes shall be mature but not overripe, shall be free from pinworm damage which has penetrated beyond the tissue making up the base of the core of the tomato, other insect injury which has penetrated or damaged the flesh, and from mold, decay, and wet or soft rots; and from serious damage due to freezing, blossom end rot, mosaic, alkali spot,

sunscald, bruises, catfaces, growth cracks, or other causes. Damage to any one tomato is not serious unless it causes a waste of 10 percent, by weight, of the individual tomato.

Not more than 10 percent, by weight, of the tomatoes in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance shall be allowed for any one cause.

Packed tomatoes shall not vary in size in any one container, more than one-half of an inch in diameter when measured through the widest portion of cross section.

When tomatoes are packed in containers which have straight sides, each layer shall consist of the same number of tomatoes except that (1) when the tomatoes in the bottom layer or layers as the case may be, are placed on edge and the tomatoes in the top layer are placed flat, the top layer may consist of one row less in width than the bottom layer or layers and (2) when packed in standard container No. 27 with wide cleats on each end extending one-half inch or more over the inside edge of the end piece, and such cleats interfere with the packing of the top layer, the top layer may consist of one row less in length than the bottom layer or layers. However in no case may the count of the bottom layer or layers be less than the top layer.

Tomatoes which are packed by the double-wrap method need not conform with the requirements of this section as to the arrangement of the individual tomatoes in the container or the count of tomatoes in layers or in the containers providing:

(a) The tomatoes are fairly tightly packed and do not vary in size in any one container or layer, more than three-eighths of an inch in diameter when measured through the widest portion of cross section, and

(b) Each container is marked in plain sight and in plain letters on the outside end of the container bearing other markings required by this section with the numerical description of the pack in the top layer followed by the term "double-wrapped" or "double-wrap," all in figures and letters at least three-eighths of an inch in height.

The "double-wrap" method of packing means that with respect to all of the tomatoes in a container except in the top layer, two tomatoes shall be placed in each individual wrapper.

Tomatoes which are packed in containers having straight sides with the bottom layers packed by the "offset" or diagonal arrangement methods need not conform with the requirements of this section relating to the count of tomatoes in the various layers; however, there shall be approximately the same numerical count in each layer.

In the case of wrapped and packed tomatoes a "bridge" of a number of tomatoes consisting of less than a complete layer packed between any two layers in any container shall be permitted providing the container is marked as hereinafter provided.

All containers of tomatoes shall bear upon them in plain sight and in plain letters on one outside end, side or top: the name of the person who authorized the packing of the tomatoes together with a sufficiently explicit address to permit ready location of such person; and on one outside end, when wrapped and packed, numerical description of the pack in the top layer. If a bridge pack is used the designation "bridge pack" shall be imprinted in plain letters one inch in height and in plain sight on the lid of the container.

The designation "bridge pack" shall not be required to be marked on containers of tomatoes packed by the double-wrap method.

SEC. 2. Section 820.1 is added to said code, to read:

820.1. All tomatoes shall be in standard containers numbers 22C, 53, 54, 55, 56, or 57, except tomatoes which are green and wrapped, or vine-ripened tomatoes may be in other size containers.

SEC. 3. Section 828.81 is added to said code, to read:

828.81. Tomato Lug 53_____11–15/16 x 11–15/16 x 18–3/4
Tomato Lug 54_____10–5/8 x 10–5/8 x 17–3/16
Tomato Lug 55_____10 to 11 x 11–3/8 x 18–1/2
Tomato
Lug 56_____9–1/8 to 10 x 11–3/8 x 18 to 18–1/2
Tomato
Lug 57___10–1/4 to 11–1/4 x 10–11/16 x 16–3/8

CHAPTER 1808

An act to add Chapter 6.6 (commencing with Section 54775) to Part 1, Division 2, Title 5 of the Government Code, relating to the formation of cities and districts.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 6.6 (commencing with Section 54775) is added to Part 1, Division 2, Title 5 of the Government Code, to read:

CHAPTER 6.6. LOCAL AGENCY FORMATION COMMISSION

54775. As used in this chapter:

(a) "Commission" means a local agency formation commission.

(b) "Special district" means an agency of the State for the local performance of governmental or proprietary functions within limited boundaries. "Special district" does not include the State, a city, a county, or a school district. "Special district" does not include a special assessment district formed

under the Improvement Act of 1911, the Municipal Improvement Act of 1913, the Street Opening Act of 1903, the Vehicle Parking District Law of 1943, the Parking District Law of 1951, the Pedestrian Mall Law of 1960, or similar assessment law, or similar procedural ordinance adopted by a chartered city. "Special district" does not include an improvement district or zone formed for the sole purpose of designating an area which is to bear a special tax or assessment for an improvement benefiting that area.

(c) "Local agency" means city or special district.

54775.1. As used in Sections 54776, 54776.1, 54776.2, 54776.3, and 54779:

(a) "County officer" means:

(1) Member of the board of supervisors.

(2) County clerk.

(3) County auditor or county controller.

(4) County assessor.

(5) County surveyor or county engineer.

(6) County registrar of voters.

(b) "City officer" means mayor or member of a city council or legislative body of the city.

54776. There is hereby created in each county of the State a local agency formation commission.

Except as provided in Sections 54776.1 and 54776.2, the commission shall consist of five members, selected as follows:

(a) Two representing the county, each of whom shall be a county officer, appointed by the board of supervisors.

(b) Two representing the cities in the county, each of whom shall be a city officer, appointed by the city selection committee.

(c) One representing the general public, appointed by the other four members of the commission.

54776.1. If there is no city in the county, the commission shall consist of five members, selected as follows:

(a) Three representing the county, each of whom shall be a county officer, appointed by the board of supervisors.

(b) Two representing the general public, appointed by the other three members of the commission.

54776.2. If there is only one city in the county, the commission shall consist of five members, selected as follows:

(a) Two representing the county, each of whom shall be a county officer, appointed by the board of supervisors.

(b) One representing the city, who shall be a city officer, appointed by the legislative body of the city.

(c) Two representing the general public, appointed by the other three members of the commission.

54776.3. A city or county officer may serve as a member of the commission while holding office as a city or county officer.

54777. Except as provided in this section, the term of office of each member shall be four years and until the first appointment and qualification of his successor. The first mem-

bers of the commission shall classify themselves by lot so that the term of office of one member is one year, of one member is two years, of two members is three years and of one member is four years. The power which originally appointed a member whose term has expired shall appoint his successor for full term of four years. Any member may be removed by the power appointing him.

Any vacancy in the membership of the commission shall be filled for the unexpired term by appointment by the power which originally appointed the member whose position has become vacant.

The chairman of the commission shall be selected by the members thereof.

Commission members shall serve without compensation but shall be reimbursed the actual amounts of their reasonable and necessary expenses incurred in attending meetings and in performing the duties of their office.

54778. For the purposes of this chapter there shall be a city selection committee for each county. The membership of such committees shall consist of the mayor of each city within such county, or, where there is no mayor, the chairman or president of the city council.

A majority of the members of each city selection committee shall constitute a quorum.

The city selection committee of each county shall meet within 60 days after the effective date of this chapter for the purpose of making the first appointments to the commission. The committee of each county shall thereafter meet on the second Monday in May of each year that it is necessary to make succeeding appointments to the commission.

54779. If a member ceases to be an officer of the entity he was appointed to represent on the commission, his membership on the commission shall thereafter be considered vacant.

54780. The commission shall have the following powers and duties subject to the limitations upon its jurisdiction herein set forth:

(1) To review and approve or disapprove with or without amendment, wholly, partially or conditionally, the following:

(a) Proposals for the incorporation of cities.

(b) Proposals for the creation of special districts.

(2) To adopt standards and procedures for the evaluation of proposals for the creation of cities or special districts.

54781. (a) Before a notice of intention to circulate a petition seeking the incorporation of a new city may be filed the proponents shall file a notice of intention to form the new city with the commission. The notice shall contain the specific boundaries of the territory proposed to be incorporated.

(b) After the provisions of Section 34303.5 have been complied with, and within 10 days after the date the clerk of the board of supervisors certifies, pursuant to Section 34306 of

the Government Code, that a petition is properly signed and correctly describes the boundaries of the proposed city, the clerk shall notify the commission of such action. No further action shall be taken concerning the proposed incorporation until the commission has rendered its decision as provided in Section 54787.

54782. (a) Before proceedings are initiated to form a special district the proponents of the creation of such district shall file a notice of intention to form the special district with the commission. The notice shall contain the specific boundaries of the proposed district and a description of the kind of district proposed to be formed. For the purpose of this subdivision proceedings to initiate the formation of a special district mean:

(1) The circulation of a petition to form a special district or the filing of notice to circulate such a petition if such notice is required.

(2) The adoption of a resolution or ordinance by the board of supervisors initiating the formation of a special district.

(b) After the provisions, if any, of law requiring the submission of the boundaries of the proposed special district to the county boundary commission for review have been complied with, and within 10 days after the determination by the appropriate officer or body as to the sufficiency of the petition, or, if proceedings have not been initiated by petition, within 10 days after the boundaries of the proposed district have been finally determined by the agency having the power to make such determination, the officer, body, or agency making such determination shall notify the commission of such action. No further action shall be taken concerning the proposed formation until the commission has rendered its decision as provided in Section 54787.

54784. Following receipt of the notice prescribed by subdivision (b) of Section 54781 or subdivision (b) of Section 54782, the commission shall set the date, time, and place for a public hearing on the proposal. The date of the hearing shall not be more than 60 days following receipt by the commission of the notice heretofore described in this section. The commission shall notify the governing body of each city or special district having jurisdiction within the boundaries of the proposed city or district, the governing body of each city within three miles of the exterior boundaries of the proposed city or district, any interested party who has filed a written request with the executive officer of the commission for such notice, and the proponents of the formation petition, of the date, time, and place of the public hearing, at least 15 days prior to the date fixed for the hearing. In addition, notice of the hearing shall be published pursuant to Section 6061 in a newspaper of general circulation in each city or special district within the boundaries of the proposed city or district at least 15 days prior to the date fixed for the hearing. The hearing shall be

held at the county seat of the county or one of the counties in which the city or district is proposed to be formed, or in a city or other place in the county designated by the commission.

54785. At the hearing, the commission shall hear any interested parties having made formal request to appear and be heard, and the report of the commission's staff. The commission and its presiding officer shall have the power to make and enforce such rules and regulations as will provide for orderly and fair conduct of the hearings.

54786. Factors to be considered in the review of a proposal for the creation of a proposed city or district shall include but not be limited to:

(1) Population; population density; land area and land uses; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.

(2) Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for such services and controls; probable effect of the proposed formation and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

(3) The effect of the proposed formation, and of alternative actions, on adjacent areas, on mutual social and economic interests and on the local governmental structure of the county.

54787. Upon conclusion of the hearing, the commission may take the matter under consideration and shall, within 30 days following conclusion of the hearing, present its determination. The commission may also adjourn a hearing from time to time, but not to exceed a total of 60 days.

If the commission approves the formation of the proposed city or district, proceedings for its formation may be continued as otherwise provided by the governing law. If the commission disapproves the proposed formation, further proceedings to form the city or district shall terminate. If the commission approves the proposed formation with modifications or conditions, further proceedings for the formation may be continued only in compliance with such modifications or conditions.

54788. The board of supervisors shall furnish the commission with necessary quarters, equipment, and supplies, and the usual and necessary operating expenses incurred by the commission shall be a county charge.

54789. If the commission disapproves the formation of the proposed city, no notice of intention to form a new city composed of the same or substantially the same territory may be filed with the commission for at least one year after the date of disapproval.

If the commission disapproves the formation of the proposed special district, no notice of intention to form a special district, under the same provisions of law providing for the formation of the special district which was disapproved, which is composed of the same or substantially the same territory may be filed with the commission for at least one year after the date of disapproval.

54790. The county boundary commission shall render advisory services to the local agency formation commission upon its request. The staff of each member of the county boundary commission shall be available to the local agency formation commission to assist it in carrying out its functions under this chapter.

54791. The commission may appoint an executive officer who shall conduct and perform the day-to-day business of the commission. If the commission does not appoint an executive officer, the county administrator, or, if there is none, the county clerk, shall act as executive officer for the commission.

To the extent that the assistance rendered to the commission under Section 54790 is insufficient for its needs, the commission may appoint and assign staff personnel necessary for the performance of its duties and functions and the commission may employ or contract for professional or consulting services to carry out and effect the functions specified in this chapter.

The commission may also incur usual and necessary expenses for the accomplishment of its functions.

SEC. 2. If this bill and Senate Bill No. 861 are both enacted at the 1963 Regular Session of the Legislature, a local agency formation commission shall be formed in each county pursuant to Chapter 6.6 (commencing with Section 54775) of Part 1, Division 2, Title 5 of the Government Code and no local agency annexation commission shall be formed in any county pursuant to Chapter 6.5 (commencing with Section 54750) of said part. In such case, the local agency formation commission shall have all of the powers vested in the commission by said Chapter 6 6 and, in addition, shall in each county, notwithstanding Government Code Section 54751, have all the powers vested by said Chapter 6.5 in a local agency annexation commission and said Chapter 6.5 shall apply in every county in the State.

SEC. 3. This act shall not apply to proceedings to form a city or special district which are initiated prior to the time when the first members of the commission created by this act are selected in the county in which lies the territory to be included in the proposed city or special district.

In the case of proceedings to form a new city proceedings are initiated for the purposes of the section by the filing of a notice of intention to circulate a petition seeking the incorporation of a new city.

CHAPTER 1809

An act to add Chapter 3 (commencing with Section 34200) to Division 1 of Title 4 of the Government Code, relating to urban affairs.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 3 (commencing with Section 34200) is added to Division 1 of Title 4 of the Government Code, to read:

CHAPTER 3. COORDINATING COUNCIL ON URBAN POLICY

Article 1. Administration

34200. There is hereby created in the office of the Governor an advisory body, the Coordinating Council on Urban Policy, to be composed of three members representing the cities and who shall be city officers, three members representing the counties and who shall be county officers, two members representing the school districts and who shall be school district officers, six members representing the State and who shall be state officers, and four public members with an interest in state and regional affairs. All members shall be appointed by the Governor. The Governor shall appoint the city members from a list of six names submitted by the League of California Cities, the county members from a list of six names submitted by the County Supervisors Association of California, and the school district members from a list of four names submitted by the State Board of Education. The Governor shall designate the chairman from among the four public members.

34201. If a member appointed to represent the State, or a city, county, or school district ceases to be an officer of the agency he is appointed to represent, his membership in the council shall terminate and there shall be a vacancy in the membership.

34202. Each member shall serve a four-year term except that the Governor may provide for shorter terms for the initial members of the council so as to provide for staggered terms in the membership of the council.

34203. The members of the council shall receive no compensation for their services, but shall be reimbursed the actual amounts of their reasonable and necessary expenses incurred in attending meetings of the council and carrying out the duties of their office.

34204. The council shall meet at the call of the chairman and at such places as he may designate.

34205. The Governor shall appoint and may remove an executive secretary. The Governor may appoint persons to such staff positions as he deems necessary.

34206. There shall be an executive committee of the council, composed of the chairman of the council and four members of the council selected by the chairman, one each from the state, city, county, and school district members of the council. The executive committee shall perform such functions and have such powers, within the jurisdiction of the council, as may be delegated to it by the council.

Article 2. Powers

34210. The council shall have responsibility for the following functions:

(a) Identifying and analyzing the present and changing trends, conditions, needs, and problems affecting local government in the rapidly growing urban areas of the State and defining the complementary roles of the State, cities, counties, and special districts with respect to such growth.

(b) Developing long-range policies to assist the State and local agencies in meeting the problems presented by the growth and development of urban areas.

(c) Informing and advising the Governor respecting the council's findings and making recommendations concerning policies and programs for meeting the problems described in this section.

34211. In performing its functions under Section 34210, the council shall to the extent possible and whenever practicable make use of such studies and research which has been completed by existing state agencies and commissions.

34212. No regulatory powers are vested in the council.

SEC. 2. This act shall remain in effect until the 91st day after the final adjournment of the 1965 Regular Session of the Legislature, and shall have no force or effect after that date.

It is the intent of the Legislature that at the 1965 Regular Session the Legislature shall review the work of the council and determine at that time whether to enact legislation to continue the council in existence.

CHAPTER 1810

An act to add Chapter 6.5 (commencing with Section 54750) to Part 1, Division 2, Title 5 of the Government Code, relating to annexations of territory to local agencies.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 6.5 (commencing with Section 54750) is added to Part 1, Division 2, Title 5 of the Government Code, to read:

CHAPTER 6.5. LOCAL AGENCY ANNEXATION COMMISSION

54750. As used in this chapter:

(a) "Commission" means a local agency annexation commission.

(b) "Special district" means an agency of the State for the local performance of governmental or proprietary functions within limited boundaries. "Special district" does not include the State, a city, a county, or a school district.

(c) "Local agency" means city or special district.

54750.1. As used in Sections 54753, 54753.05, 54756, and 54759:

(a) "County officer" means:

(1) Member of the board of supervisors.

(2) County clerk.

(3) County auditor or county controller.

(4) County assessor.

(5) County surveyor or county engineer.

(6) County registrar of voters.

(b) "City officer" means mayor or member of a city council or legislative body of the city.

54751. This chapter does not apply to any county in which there is no city or in which there is only one city.

54752. There is hereby created in each county of the State a local agency annexation commission.

54753. The commission shall consist of five members, selected as follows:

(a) Two representing the county, each of whom shall be a county officer, appointed by the board of supervisors.

(b) Two representing the cities in the county, each of whom shall be a city officer, appointed by the city selection committee.

(c) One representing the general public, appointed by the other four members of the commission.

54753.05. A city or county officer may serve as a member of the commission while holding office as a city or county officer.

54753.1. Except as provided in this section, the term of office of each member shall be four years and until the first appointment and qualification of his successor. The first members of the commission shall classify themselves by lot so that the term of office of one member is one year, of one member is two years, of two members is three years and of one member is four years. The power which originally appointed a member whose term has expired shall appoint his successor for full term of four years. Any member may be removed by the power appointing him.

Any vacancy in the membership of the commission shall be filled for the unexpired term by appointment by the power which originally appointed the member whose position has become vacant.

54754. For the purposes of this chapter there shall be a city selection committee for each county. The membership of such committees shall consist of the mayor of each city within such county, or, where there is no mayor, the chairman or president of the city council.

A majority of the members of each city selection committee shall constitute a quorum.

54755. The city selection committee of each county shall meet within 60 days after the effective date of this chapter for the purpose of making the first appointments to the commission. The committee of each county shall thereafter meet on the second Monday in May of each year that it is necessary to make succeeding appointments to the commission.

54756. If a member ceases to be an officer of the entity he was appointed to represent on the commission, his membership on the commission shall thereafter be considered vacant.

54757. The chairman of the commission shall be selected by the members thereof.

54758. Commission members shall serve without compensation but shall be reimbursed the actual amounts of their reasonable and necessary expenses incurred in attending meetings and in performing the duties of their office.

54759. The city selection committee shall appoint one alternate member of the commission in the same manner as it appoints a regular member. When the commission is considering a proposal for the annexation of territory to a city of which one of the members of the commission appointed under subdivision (b) of Section 54753 is an officer, the member is disqualified from participating in the proceedings of the commission with respect to the proposal and the alternate member shall serve in his place for such purpose.

54760. The commission shall have the following powers and duties:

(1) To review and approve or disapprove, with or without amendment, wholly, partially or conditionally, proposals for the annexation of territory to local agencies within the county.

(2) To adopt standards and procedures for the evaluation of proposals for the annexation of territory to local agencies within the county.

54761. No petition seeking the annexation of territory to a local agency shall be circulated or filed, nor shall any public officer accept any such petition for filing, nor shall any governing body initiate proceedings to annex on its own motion until it has filed a notice of intention to annex with the commission. The notice shall contain the specific boundaries of the territory proposed to be annexed.

54762. Except as provided in this section, no further action shall be taken concerning the proposed annexation until the commission has rendered its decision as provided in Section 54766. If other provisions of law which govern the annexation provide for the submission of the proposed boundaries

of the territory to be annexed to the county boundary commission for review and report, such provisions of law shall be complied with after the filing of a notice of intention with the local agency annexation commission pursuant to Section 54761. A copy of the report, if any, shall be transmitted to the local agency annexation commission.

54763. Following receipt of the copy of the report, if any, of the county boundary commission and of the notice prescribed by Section 54761, the commission shall set the date, time, and place for a public hearing on the proposal. The date of the hearing shall not be more than 60 days following receipt by the commission of such notice. The commission shall notify the governing body of each local agency having jurisdiction within the boundaries of the territory proposed to be annexed, and the governing body of each city within three miles of the exterior boundaries of the territory proposed to be annexed, any interested party who has filed a written request with the executive officer of the commission for such notice, and the proponents of the annexation, of the date, time, and place of the public hearing, at least 15 days prior to the date fixed for the hearing.

54764. At the hearing, the commission shall hear any interested parties having made formal request to appear and be heard, and the report of the commission's staff. The commission and its presiding officer shall have the power to make and enforce such rules and regulations as will provide for orderly and fair conduct of the hearings.

54765. Factors to be considered in the review of an annexation proposal shall include but not be limited to:

(1) Population; population density; land area and land uses; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.

(2) Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for such services and controls; probable effect of the proposed formation and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

(3) The effect of the proposed annexation, and of alternative actions, on adjacent areas, on mutual social and economic interests and on the local governmental structure of the county.

54766. Upon conclusion of the hearing, the commission may take the matter under consideration and shall, within 30 days following conclusion of the hearing, present its determination. The commission may also adjourn a hearing from time to time, but not to exceed a total of 30 days.

If the commission approves the annexation, proceedings therefor may be continued as otherwise provided by the gov-

erning law. If the commission disapproves the proposed annexation, further proceedings to annex the territory to the local agency shall terminate. If the commission approves the proposed annexation with modifications or conditions, further proceedings for the annexation may be continued only in compliance with such modifications or conditions.

54767. If the commission disapproves the annexation of territory to a city, no notice of intention to annex the same or substantially the same territory to that city may be filed with the commission for at least one year after the date of disapproval.

If the commission disapproves the annexation of territory to a special district, no notice of intention to annex the same or substantially the same territory to that special district may be filed with the commission for at least one year after the date of disapproval.

54768. If the territory of a special district lies in more than one county, the notice of intention to annex, required by Section 54761 shall be filed with the commission of the county in which the territory to be annexed lies.

54769. The commission may appoint an executive officer who shall conduct and perform the day-to-day business of the commission. If the commission does not appoint an executive officer, the county administrator, or, if there is none, the county clerk, shall act as executive officer for the commission.

To the extent that the assistance rendered to the commission under Section 54770 is insufficient for its needs, the commission may appoint and assign staff personnel necessary for the performance of its duties and functions and the commission may employ and contract for professional or consulting services to carry out and effect the function specified in this chapter.

The commission may also incur usual and necessary expenses for the accomplishment of its functions.

54770. The county boundary commission shall render advisory services to the local agency annexation commission upon its request. The staff of each member of the county boundary commission shall be available to the local agency annexation commission to assist it in carrying out its functions under this chapter.

54771. The board of supervisors shall furnish the commission with necessary quarters, equipment, and supplies, and the usual and necessary operating expenses incurred by the commission shall be a county charge.

SEC. 2. This act shall become operative only if Assembly Bill No. 1662 is enacted at the 1963 Regular Session of the Legislature and in such case at the same time as Assembly Bill No. 1662 takes effect. If this bill and Assembly Bill No. 1662 are both enacted at the 1963 Regular Session of the Legislature, no local agency annexation commission shall be formed pursuant to Chapter 6.5 (commencing with Section 54750) of Part 1, Division 2, Title 5 of the Government Code, but a local

agency formation commission shall be formed in each county pursuant to Chapter 6.6 (commencing with Section 54775) of said part. The local agency formation commission shall have all of the powers vested in the commission by said Chapter 6.6 and, in addition, shall, in each county, notwithstanding Government Code Section 54751, have all of the powers vested by said Chapter 6.5 in a local agency annexation commission and Chapter 6.5 shall apply in each county in the State.

SEC. 3. This act shall not apply to proceedings to annex territory to a local agency if the annexation petition has been circulated or filed, or if a governing body has initiated proceedings to annex on its own motion, prior to the time when the first members of the commission created by this act are selected in the county or counties in which lies the annexing local agency and the territory to be annexed.

CHAPTER 1811

An act to repeal Chapter 2 (commencing with Section 65062) of, and to add Chapter 2 (commencing with Section 65060) to, Title 7 of the Government Code, relating to regional planning districts.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 2 (commencing with Section 65062) of Title 7 of the Government Code is repealed.

SEC. 2. Chapter 2 (commencing with Section 65060) is added to Title 7 of said code, to read:

CHAPTER 2. REGIONAL PLANNING DISTRICTS

Article 1. General Provisions and Definitions

65060. This chapter may be cited and shall be known as the Regional Planning Law.

65060.1. The Legislature finds and declares that the people of California have a fundamental interest in the orderly development of the urban regions of the State in which large segments of the State's population are concentrated.

65060.2. The Legislature further finds and declares:

(a) That the State has a positive interest in the preparation and maintenance of a long-term, general plan for the physical development of each of the State's urban areas that can serve as a guide to the affected local governmental units within such areas and to the state departments and divisions that are charged with constructing state-financed public works within such urban areas.

(b) That continuing growth of the State, and particularly urban areas within the State, present problems which are not confined to the boundaries of any single county or city.

(c) That the planning activities of counties and cities can be strengthened and more effectively performed when conducted in relation to studies and planning of an urban regional character.

(d) That in order to assure, insofar as possible, the orderly and harmonious development of the urban areas of the State, and to provide for the needs of future generations, it is necessary to develop a means of studying, forecasting, and planning for the physical growth and development of these areas.

65060.3. "District," as used in this chapter, means a district created and operating under this chapter.

65060.4. "Board," as used in this chapter, means the regional planning board.

65060.5. "Official census," as used in this chapter, means any decennial or special federal census, or an official estimate of the State Department of Finance.

65060.6. "Region," as used in this chapter, means the area included within a district.

65060.7. "Regional plan," as used in this chapter, means a comprehensive, long-term general plan for the physical development of the region, and any land outside its boundaries which in the board's judgment bears relation to its planning. The regional plan shall consist of a text and a map or maps, and such recommendations of the regional planning board concerning current or future problems as may in its opinion affect the region as a whole and are proper for inclusion in the regional plan.

65060.8. A regional plan shall be advisory only and shall not have any binding effect on the counties and cities located within the boundaries of the regional planning district for which the regional plan is adopted.

Article 2. Creation of Districts

65061. There is hereby created a regional planning district in each of the regional areas designated by the Planning Advisory Committee for the purposes of this chapter after a public hearing within the region. No county, city and county, or city shall be divided in determining the boundaries of a regional planning district.

65061.2. The boundaries of every regional planning district shall be coextensive with the boundaries of the region within which it is situated.

65061.3. A district shall not transact any business or exercise any of its powers under this chapter unless the legislative bodies of two-thirds of the counties and two-thirds of the cities, located within the boundaries of the district, by resolution declare that there is a need for such a district to function in the region.

65061.4. A district shall not transact any business or exercise any of its powers under this chapter if two-thirds of the cities and counties within the district are participating in regional planning pursuant to a joint powers agreement under Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code.

Article 3. City Selection Committees

65062. There shall be a separate and distinct city selection committee for each county in the district. The membership of such committees shall consist of the mayor of each city within such county within the district, or, where there is no mayor, the chairman or president of the city council.

65062.1. A majority of the members of each city selection committee shall constitute a quorum.

65062.2. The city selection committee of each county shall meet within 60 days after the date the district first becomes operative for the purpose of making the first appointment to the district board as prescribed in Section 65063.3. The committee of each county shall thereafter meet on the second Monday in May of each year that it is necessary to make succeeding appointments to the district board.

Article 4. Governing Body

65063. The Regional Planning Board shall be the governing body of the district, and shall be selected as provided in this article.

65063.1. The number of members of the board to which each county is entitled shall be determined as follows:

(a) Each county having, within the district, a population of 350,000 or less shall have two (2) members of the regional planning board, one (1) appointed by the board of supervisors and one (1) appointed by the city selection committee.

(b) Each county having, within the district, a population of more than 350,000 and not more than 600,000 shall have four (4) members of the regional planning board. Two members shall be appointed by the board of supervisors and two (2) members shall be appointed by the city selection committee.

(c) Each county having, within the district, a population of more than 600,000 shall have six (6) members of the regional planning board. Three (3) members shall be appointed by the board of supervisors and three (3) members shall be appointed by the city selection committee.

The population figures as used herein shall be determined by the latest official census.

65063.2. Within 60 days after the date the district first becomes operative, the board of supervisors of each county in the district shall appoint as members of the regional planning

board of said district the number authorized by Section 65063 1.

The members of the regional planning board appointed by boards of supervisors shall be members of said boards of supervisors.

65063.3. The members of the regional planning board appointed by the city selection committee shall be mayors or members of the city councils of the cities.

65063.4. A member of the board of supervisors of any county, or a mayor or member of a city council of any city within any county, in the district may be appointed to and serve contemporaneously as a member of the regional planning board.

65063 5. After the members of the regional planning board to be appointed by the city selection committees and the county boards of supervisors have been designated, they shall meet and appoint one citizen-at-large member for each county included in the district who will be full members of the regional planning board. These citizen-at-large members shall be selected from among persons living within the district who have made outstanding contributions to, or have demonstrated an active interest in, matters of regional concern.

65063.6. The term of office of the member shall be four years and until the appointment and qualification of his successor; provided that the first members of the board shall classify themselves by lot within the city and county group and the citizen-at-large group so that approximately one-third ($\frac{1}{3}$) of the members of each group shall hold office for two (2) years, approximately one-third ($\frac{1}{3}$) shall hold office for three (3) years and approximately one-third ($\frac{1}{3}$) shall hold office for four (4) years. The power which originally appointed a member whose term has expired shall appoint his successor for a full term of four (4) years. Any member may be removed by the power appointing him.

65063.7. No supervisor, mayor or city councilman shall hold office on the regional planning board after ceasing to hold the office of supervisor, mayor or city councilman, respectively, and his membership on the board shall thereafter be considered vacant, except that any mayor who continues to hold office as a city councilman, or city councilman who continues to hold office as mayor, shall not be considered to have ceased to hold office under this section.

65063.8. Any vacancy on the regional planning board shall be filled for the unexpired term by appointment by the power which originally appointed the member whose position had become vacant.

65064. No person while serving as a member of the regional planning board shall be eligible to be appointed to any salaried office or employment in the service of the district nor shall he become eligible for such appointment within one (1) year after he has ceased to be a member.

65064.1. The board is the governing body of the district and shall exercise all of the powers of the district, except as otherwise provided.

65064.2. A majority of the members of the board constitutes a quorum for the transaction of business and may act for the board.

65064.3. The board may elect a chairman and other officers as it deems necessary from among its own members.

65064.4. The board may appoint an executive committee, consisting of the chairman of the board, and not more than eight or less than four other members of the board, and such executive committee may carry on the administrative and executive functions of the board between full meetings.

65064.5. The board shall meet at least six times in each year, and may call additional meetings at its own discretion, or, during periods between meetings, at the discretion of the chairman or of a majority of the executive committee.

65064.6. Each member of the board shall receive the actual and necessary expenses incurred by him in the performance of his duties, plus a compensation of twenty dollars ($20) for each day attending the meetings of the board, but such compensation shall not exceed one thousand dollars ($1,000) in any one year.

65064.7. The provisions for the executive committee set forth in this article shall not be construed to limit the board or the executive committee from setting up any other committees or groups which it may see fit.

Article 5. Powers and Duties of District

65065. The district shall have power to establish and maintain such offices as are judged best to facilitate the accomplishment of the purposes of the district, and to take by grant, purchase, devise, or gift, or to lease or rent, and to hold, use, and enjoy any property necessary or convenient to the establishment, maintenance, or operation of such offices, and to exchange or dispose of such property, except that the district shall not purchase real property.

65065.1. The district may perform the following four major functions:

(a) The district may prepare, maintain, and regularly review and revise, a regional plan as defined in Section 65060.7, and may, after at least two public hearings in different parts of the region and such other public meetings as may appear to it advisable, adopt such plan as the regional plan for the region. In preparing, adopting, maintaining, reviewing and revising the regional plan, the board shall take account of and seek to harmonize, within the framework of the needs of the regional community as a whole, the master or general plans of cities and counties within the region, and the plans and planning activities of state, federal and other public and private

agencies, organizations and instrumentalities within the region and adjacent to it.

(b) The district, acting in its own judgment, may make, publish, or assist in making or publishing, studies or investigations of the resources of the region and of existing or emerging problems of any nature related to the physical growth and development, living conditions, beauty, or prosperity of the region, or any part thereof.

(c) The district may, acting in its own judgment, offer its facilities and services to assist in the solution of problems related to physical development involving two or more governing bodies, planning commissions, agencies, organizations or instrumentalities, public or private; and may otherwise participate in any program or activity intended to seek or find common or co-operative solutions to problems related to physical development or the integration of policies related to physical development and conservation within the region, or in any part thereof.

65065.2. The district shall have power to contract or otherwise participate in, and to accept grants, funds, or services from the federal government, its agencies or instrumentalities in connection with any federal program judged by the board to be relevant to its functions; and the board shall similarly have the power to contract or otherwise participate in, and to accept grants, funds, or services from the State, or any agency or instrumentality thereof, or any city, county, civic organization or private person in connection with any program judged by the board to be relevant to its function.

65065.3. The district shall have power to contract with any person, firm, association, or corporation, or to contract for any other types of services judged by the board to be necessary or convenient for carrying out the purposes of the district.

65065.4. The board, acting with the advice of the director, shall determine the compensation, number, and general duties of personnel employed by the district.

Article 6. Regional Planning Director

65066. The board shall appoint a regional planning director.

65066.1. The regional planning director shall be the chief administrative and planning officer and technical adviser of the board. The director shall, subject to the supervision of the board:

(a) Direct and administer the preparation, maintenance, regular review and revision of the regional plan, and administer and execute all of the other functions and duties of the district set forth in this chapter.

(b) Appoint and remove personnel of the district.

(c) Serve, or designate personnel to serve, as executive secretary to the board.

(d) Perform such other duties and exercise such other powers as the board may delegate to him.

Article 7. Co-ordination of Local Planning

65067. To facilitate effective and harmonious planning and development of the region, all county and city legislative bodies, and all county, city or other planning agencies within the district shall file with the board, for its information, all county or city master or general plans, the elements of such master or general plans, and any other published development plans, zoning ordinances, official maps, subdivision regulations, or amendments or revisions thereof. All agencies, organizations and instrumentalities of the State within the region shall file with the board, for its information, all public plans, maps, reports and other documents which are related to regional planning or physical development.

65067.1. To facilitate further the effective and harmonious planning of the district, the board may request from the federal government, its agencies and instrumentalities, and from private organizations, agencies, or individuals, copies of those plans, maps, reports and other documents which are related to regional planning.

65067.2. County or city legislative bodies, planning commissions, and all other county or city planning agencies within the district, and agencies, organizations and instrumentalities of the state and federal government within the district, and private planning consultants acting within the district, may submit proposals for any master or general plan, the elements of any master or general plan, any other plan, map, report, capital improvement program, proposed bond issue, or any other report or document or amendments or revisions thereto, prior to their adoption, to the regional planning board for its advice thereon, which advice the board shall give whenever in its opinion it is reasonably possible for it to do so. Such advice shall consist of a report as to the conformance of such proposals to the regional plan, the possible effect of such proposals on other portions of the region, and any other matters which in the judgment of the board may be of assistance to the body requesting such advice.

65067.3. In addition to the other reports, studies and documents provided in this chapter, the board shall submit to the legislative bodies and to the planning agencies of all of the counties, cities, and to other governmental agencies and instrumentalities, official representatives, other agencies, organizations and individuals, public or private, designated by the board, an annual report on or before the first day of March. The annual report shall contain a report on the status of the regional plan, and descriptions of those sections of the regional plan which have been amended, revised, added or deleted during the year, and a brief report of other major activities.

Article 8. Financial Provisions

65069. Pursuant to concurrent resolution adopted by the boards of supervisors of the several counties in which the district functions, such counties may lend to the district out of available funds an amount not to exceed seventy-five thousand dollars ($75,000) in order to enable the district to perform its functions and meet its obligations. The loan shall be repaid out of the first tax revenues of the district and shall be repaid out of such revenues prior to the payment of any other obligations of the district.

65069.1. Before the 15th day of June of each year the board shall estimate and determine the amount of money required by the district for purposes of the district during the ensuing fiscal year and shall apportion this amount to the counties included within the district, one-half according to the relative value of all the property in each county within the district as determined by the board and one-half in the proportion that the population of each county bears to the total population of the district. For the purposes of this section the board shall base its determination of the population of the several counties on the latest official census information available to it. The total amount of money required by the district for district purposes during any one fiscal year shall not exceed one-half cent ($0.005) on each one hundred dollars ($100) of the assessed valuation of all the property included in the district.

65069.2. On or before the 15th day of June of each year, the board shall inform the boards of supervisors of each county of the amount apportioned to the county. Each board of supervisors shall levy an ad valorem tax on the taxable property within the county included within the district sufficient to secure the amount so apportioned to it and such taxes shall be levied and collected together with, and not separately from, the taxes for county purposes and paid to the treasurer of each of the counties to the credit of the district.

The board of supervisors, in lieu of levying a tax to secure the amount so apportioned, and if funds are available in the county general fund, may require such amount to be paid by the county treasurer from the general fund of the county to the district treasury.

In lieu of levying a tax and in lieu of using money in the county general fund to secure all or part of the amount so apportioned to the county, the board of supervisors may, with the consent of the board, contribute to the district services of county officers or employees.

65069.3. Taxes levied by the board of supervisors for the benefit of the district shall be a lien upon all property within such county lying within the district and shall have the same force and effect as other liens for taxes. Their collection may be enforced in the same manner as liens for county taxes are enforced.

65069.4. The treasurers of the several counties within the district shall pay into the district treasury all funds held by them to the credit of the district.

65069.5. The district board shall, in carrying out the provisions of this article, comply as nearly as possible with the provisions of Chapter 1 (commencing with Section 29000) of Division 3 of Title 3 of the Government Code.

CHAPTER 1812

An act to repeal and add Part 1 (commencing with Section 33000), Division 24, of the Health and Safety Code, and to repeal Chapter 832 of the Statutes of 1963, relating to community redevelopment and urban renewal.

[Approved by Governor July 17, 1963 Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature intends by this act to rearrange the provisions of the Community Redevelopment Law in more logical sequence, making only such other changes as are necessitated by changing the sequence of existing provisions. The Legislature intends to accomplish this objective without making any substantive change in the law.

SEC. 2. Part 1 (commencing with Section 33000), Division 24, of the Health and Safety Code is repealed.

SEC. 3. Part 1 (commencing with Section 33000), Division 24, is added to said code, to read:

PART 1. COMMUNITY REDEVELOPMENT LAW

CHAPTER 1. GENERAL

Article 1. General Definitions

33000. This part may be cited as the Community Redevelopment Law.

33001. The definitions and general provisions contained in this article govern the construction of this part, unless the context otherwise requires.

33002. "Community" means a city, county, or city and county.

33003. "Agency" means a redevelopment agency created by this part or its predecessor, or a legislative body which has elected to exercise the powers granted to an agency by this part.

33004. "Public body" means the State, or any city, county, district, authority, or any other subdivision or public body of the State.

33005. "State" includes any state agency or instrumentality.

33006. "Federal government" means the United States or any of its agencies or instrumentalities.

33007. "Legislative body" means the city council, board of supervisors, or other legislative body of the community.

33008. "Planning commission" means a planning commission established pursuant to law or charter.

33009. "Obligee" includes any bondholder, his trustee, any lessor demising to the agency property used in connection with a project area or any assignee of all or part of his interest, and the federal government when it is a party to any contract with the agency.

33010. "Redevelopment project" means any undertaking of an agency pursuant to this part.

Article 2. Redevelopment

33020. "Redevelopment" means the planning, development, replanning, redesign, clearance, reconstruction, or rehabilitation, or any combination of these, of all or part of a redevelopment area, and the provision of such residential, commercial, industrial, public, or other structures or spaces as may be appropriate or necessary in the interest of the general welfare, including recreational and other facilities incidental or appurtenant to them.

33021. Redevelopment includes:

(a) The alteration, improvement, modernization, reconstruction, or rehabilitation, or any combination of these, of existing structures in a project area.

(b) Provision for open space types of use, such as streets and other public grounds and space around buildings, and public or private buildings, structures and improvements, and improvements of public or private recreation areas and other public grounds.

(c) The replanning or redesign or original development of undeveloped areas as to which either of the following conditions exist.

(1) The areas are stagnant or improperly utilized because of defective or inadequate street layout, faulty lot layout in relation to size, shape, accessibility, or usefulness, or for other causes.

(2) The areas require replanning and land assembly for reclamation or development in the interest of the general welfare because of widely scattered ownership, tax delinquency, or other reasons.

33022. Redevelopment does not exclude the continuance of existing buildings or uses whose demolition and rebuilding or change of use are not deemed essential to the redevelopment and rehabilitation of the area.

Article 3. Declaration of State Policy—Blighted Areas

33030. It is found and declared that there exist in many communities blighted areas which constitute either social or economic liabilities, or both, requiring redevelopment in the interest of the health, safety, and general welfare of the people of such communities and of the State. These blighted areas are characterized by one or more of the conditions set forth in Sections 33031 to 33034, inclusive.

33031. A blighted area is characterized by the existence of buildings and structures, used or intended to be used for living, commercial, industrial, or other purposes, or any combination of such uses, which are unfit or unsafe to occupy for such purposes and are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime because of any one or a combination of the following factors:

(a) Defective design and character of physical construction.

(b) Faulty interior arrangement and exterior spacing.

(c) High density of population and overcrowding.

(d) Inadequate provision for ventilation, light, sanitation, open spaces, and recreation facilities.

(e) Age, obsolescence, deterioration, dilapidation, mixed character, or shifting of uses.

33032. A blighted area is characterized by:

(a) An economic dislocation, deterioration, or disuse, resulting from faulty planning.

(b) The subdividing and sale of lots of irregular form and shape and inadequate size for proper usefulness and development.

(c) The laying out of lots in disregard of the contours and other physical characteristics of the ground and surrounding conditions.

(d) The existence of inadequate streets, open spaces, and utilities.

(e) The existence of lots or other areas which are subject to being submerged by water.

33033. A blighted area is characterized by a prevalence of depreciated values, impaired investments, and social and economic maladjustment to such an extent that the capacity to pay taxes is reduced and tax receipts are inadequate for the cost of public services rendered.

33034. A blighted area is characterized by:

(a) In some parts of the blighted area, a growing or total lack of proper utilization of areas, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to the public health, safety, and welfare.

(b) In other parts of the blighted area, a loss of population and reduction of proper utilization of the area, resulting in its further deterioration and added costs to the taxpayer for the creation of new public facilities and services elsewhere.

33035. It is further found and declared that:

(a) The existence of blighted areas characterized by any or all of such conditions constitutes a serious and growing menace which is condemned as injurious and inimical to the public health, safety, and welfare of the people of the communities in which they exist and of the people of the State.

(b) Such blighted areas present difficulties and handicaps which are beyond remedy and control solely by regulatory processes in the exercise of police power.

(c) They contribute substantially and increasingly to the problems of, and necessitate excessive and disproportionate expenditures for, crime prevention, correction, prosecution, and punishment, the treatment of juvenile delinquency, the preservation of the public health and safety, and the maintaining of adequate police, fire, and accident protection and other public services and facilities.

(d) This menace is becoming increasingly direct and substantial in its significance and effect.

(e) The benefits which will result from the remedying of such conditions and the redevelopment of blighted areas will accrue to all the inhabitants and property owners of the communities in which they exist.

33036. It is further found and declared that:

(a) Such conditions of blight tend to further obsolescence, deterioration, and disuse because of the lack of incentive to the individual landowner and his inability to improve, modernize, or rehabilitate his property while the condition of the neighboring properties remains unchanged.

(b) As a consequence the process of deterioration of a blighted area frequently cannot be halted or corrected except by redeveloping the entire area, or substantial portions of it.

(c) Such conditions of blight are chiefly found in areas subdivided into small parcels, held in divided and widely scattered ownerships, frequently under defective titles, and in many such instances the private assembly of the land in blighted areas for redevelopment is so difficult and costly that it is uneconomic and as a practical matter impossible for owners to undertake because of lack of the legal power and excessive costs.

(d) The remedying of such conditions may require the public acquisition at fair prices of adequate areas, the clearance of the areas through demolition of existing obsolete, inadequate, unsafe, and insanitary buildings, and the redevelopment of the areas suffering from such conditions under proper supervision, with appropriate planning, and continuing land use and construction policies.

33037. For these reasons it is declared to be the policy of the State:

(a) To protect and promote the sound development and redevelopment of blighted areas and the general welfare of the inhabitants of the communities in which they exist by

remedying such injurious conditions through the employment of all appropriate means.

(b) That whenever the redevelopment of blighted areas cannot be accomplished by private enterprise alone, without public participation and assistance in the acquisition of land, in planning and in the financing of land assembly, in the work of clearance, and in the making of improvements necessary therefor, it is in the public interest to employ the power of eminent domain, to advance or expend public funds for these purposes, and to provide a means by which blighted areas may be redeveloped or rehabilitated.

(c) That the redevelopment of blighted areas and the provisions for appropriate continuing land use and construction policies in them constitute public uses and purposes for which public money may be advanced or expended and private property acquired, and are governmental functions of state concern in the interest of health, safety, and welfare of the people of the State and of the communities in which the areas exist.

(d) That the necessity in the public interest for the provisions of this part is declared to be a matter of legislative determination.

33038. It is found and declared that blighted areas may include housing areas constructed as temporary government-owned wartime housing projects, and that such areas may be characterized by one or more of the conditions enumerated in Sections 33031 to 33034, inclusive.

33039. The Legislature of the State of California recognizes that among the principal causes of slum and blighted residential areas are the following factors:

(a) Inadequate enforcement of health, building, and safety laws.

(b) The fact that the limited financial resources of many human beings who inhabit them make only this type of housing available to such persons.

(c) Racial discrimination against persons of certain groups in seeking housing.

(d) The neglect of absentee landlords.

It is, therefore, declared to be the public policy of this State that, in order to cope with the problems of the rehabilitation of slum or blighted areas, these factors shall be taken into consideration in any rehabilitation or redevelopment program. It is further declared to be the public policy of this State that such rehabilitation or redevelopment programs shall not be undertaken and operated in such a manner as to exchange new slums for old slums or as to congest individuals from one slum to another slum.

Article 4. Declaration of State Policy—Antidiscrimination

33050. It is hereby declared to be the policy of the State that in undertaking community redevelopment or urban renewal projects under this part there shall be no discrimination because of race, color, religion, national origin, or ancestry.

CHAPTER 2. REDEVELOPMENT AGENCIES

Article 1. Creation of Agencies

33100. There is in each community a public body, corporate and politic, known as the redevelopment agency of the community.

33101. An agency which, on September 15, 1961, was not authorized to transact any business or exercise any powers by a resolution adopted prior to such date, shall not transact any business or exercise any powers under this part unless, by ordinance, the legislative body declares that there is need for an agency to function in the community. The ordinance of the legislative body declaring that there is need for an agency to function in the community shall be subject to referendum as prescribed by law for a county or a city ordinance.

33102. The agency shall cause a certified copy of the ordinance to be filed in the office of the Secretary of State.

33103. In any proceeding involving the validity or enforcement of, or relating to, any contract by an agency, the agency is conclusively deemed to have been established and authorized to transact business and exercise its powers upon proof of the filing with the Secretary of State of such an ordinance.

33104. Agencies which transacted business and exercised powers prior to September 15, 1961, shall, in any proceeding involving the validity of, or enforcement of, or relating to, any contract by an agency, be conclusively deemed to have been established and authorized to transact business and exercise its powers upon proof of the adoption of a resolution adopted pursuant to the provisions of this part which were in effect prior to September 15, 1961, or upon proof that a copy of such resolution has been filed with the Secretary of State.

33105. In any case where an agency was activated in a community by a resolution adopted pursuant to Section 33101 prior to January 1, 1951, and where thereafter and prior to January 1, 1951, the legislative body of the community purported to dissolve the agency under circumstances where Section 33140 was not applicable, and where as a result of such purported dissolution the agency was inactive for a period of at least 10 years, and where subsequent to January 1, 1962, the legislative body of the community adopted an ordinance pursuant to Section 33101 declaring that there is need for an agency to function in the community, which ordinance was not suspended by referendum, and where subsequent to the adoption of such ordinance new members of the agency were appointed pursuant to Section 33110, such agency is a valid and existing agency with full power to transact any business and exercise its powers and the members appointed subsequent to the adoption of such ordinance are the legally appointed and existing members of the agency, each for the term designated in his appointment. For the purpose of applying Section 33140 to such agency, the two-year period referred

to in that section shall be measured from the date of adoption of such ordinance.

Article 2. Appointment, Compensation, and Removal of Agency Members

33110. When the legislative body adopts an ordinance declaring the need for an agency the mayor or chairman of the board of supervisors, with the approval of the legislative body, shall appoint five resident electors of the community as members of the agency. The legislative body may, either at the time of the adoption of the ordinance declaring the need for an agency or at any time thereafter, adopt an ordinance increasing to seven the number of members to be appointed to the agency. Upon the exercise of such option by the legislative body, the membership of the agency shall remain at seven.

33111. A member may not be an elective officer or an employee of the community, but, notwithstanding any other law, he may be a member, commissioner, or employee of any other agency or authority of, or created for, the community.

33112. Three of the members first appointed shall be designated to serve the terms of one, two, and three years, respectively, from the date of their appointments and two shall be designated to serve for terms of four years from the date of their appointments. If and when the membership of the agency is increased to seven, one of the additional members shall be appointed to a term, or unexpired portion thereof, which is concurrent with the term then held by the member originally appointed for a term of three years or by his successor, and the other additional member shall be appointed to a term, or unexpired portion thereof, which is concurrent with the term then held by the member originally appointed for a term of two years or by his successor. Their successors shall be appointed for four-year terms. Vacancies occurring during a term shall be filled for the unexpired term A member shall hold office until his successor has been appointed and has qualified.

33113. The appointing officer shall designate the first chairman from among the members. When there is a vacancy in such office, the agency shall elect a chairman from among its members. Unless otherwise prescribed by the legislative body, the term of office as chairman is for the calendar year, or for that portion remaining after he is designated or elected.

33114. Members shall receive their actual and necessary expenses, including traveling expenses incurred in the discharge of their duties. They may receive such other compensation as the legislative body prescribes.

33115. For inefficiency, neglect of duty, or misconduct in office, a member may be removed by the appointing officer, but only after he has been given a copy of the charges at least 10 days prior to a public hearing on them and has had an oppor-

tunity to be heard in person or by counsel. If a member is removed, a record of the proceedings and the charges and findings shall be filed in the office of the clerk of the community.

Article 3. Nature, Jurisdiction, and General Powers of Agencies

33120. The territorial jurisdiction of the agency of a county is the unincorporated territory in the county, and that of a city or city and county is the territory within its limits.

33121. The powers of each agency are vested in the members in office.

33122. Each redevelopment agency exercises governmental functions and has the powers prescribed in this part.

33123. Each agency is performing a public function of the community.

33124. All property of an agency, including funds, owned or held by it for the purposes of this part shall be exempt from levy and sale by virtue of an execution or other judicial process. Execution or other judicial process shall not issue against such property of an agency nor shall any judgment against an agency be a charge or lien upon such property. This section does not apply to or limit the right of obligees to foreclose or otherwise enforce any mortgage, deed of trust, or other encumbrance of an agency or the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by an agency on its rents, fees, or revenues.

33125. An agency may:

(a) Sue and be sued.

(b) Have a seal.

(c) Make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

(d) Make, amend, and repeal bylaws and regulations not inconsistent with, and to carry into effect, the powers and purposes of this part.

33126. An agency may select, appoint, and employ such permanent and temporary officers, agents, counsel, and employees as it requires, and determine their qualifications, duties, benefits, and compensation, subject only to the conditions and restrictions imposed by the legislative body on the expenditure or encumbrance of the budgetary funds appropriated to the community redevelopment agency administrative fund.

33127. An agency may:

(a) Obtain, hire, purchase, or rent office space, equipment, supplies, insurance, or services.

(b) Authorize and pay the travel expenses of agency members, officers, agents, counsel, and employees on agency business.

33128. For the purposes of the agency, it shall have access to the services and facilities of the planning commission, the city engineer, and other departments and offices of the community.

33129. The grant of money appropriated by the legislative body of the community to the community redevelopment agency administrative fund is not to be construed as making the agency a department of the community or placing the officers, agents, counsel, and employees under civil service of the community.

33130. No agency or community officer or employee who in the course of his duties is required to participate in the formulation of or to approve plans or policies for the redevelopment of a project area shall acquire any interest in any property included within a project area within the community. If any such officer or employee owns or has any direct or indirect financial interest in such property, he shall immediately make a written disclosure of it to the agency and the legislative body which shall be entered on their minutes. Failure to so disclose constitutes misconduct in office.

33131. An agency may:

(a) From time to time prepare and carry out plans for the improvement, rehabilitation, and redevelopment of blighted areas.

(b) Disseminate redevelopment information.

33132. The agency may accept financial assistance from public or private sources as authorized by Chapter 6 (commencing with Section 33600) or any other provision in this part.

33133. The agency may accept any other assistance from the state or federal government or any public or private source for any redevelopment project within its area of operation or for the agency's activities, powers, and duties.

33134. Within the redevelopment area or for purposes of redevelopment an agency may insure or provide for the insurance of any operations of the agency against risks or hazards.

Article 4. Suspension and Dissolution of Agencies

33140. If an agency has not redeveloped or acquired land for, or commenced the redevelopment of, a project, or entered into contracts for redevelopment within two years after the adoption of an ordinance pursuant to Section 33101, or, in the case of an agency authorized to transact business and exercise powers by resolution adopted pursuant to the provisions of Section 33101 which were in effect prior to the adoption of such resolution, the legislative body may by ordinance declare that there is no further need for the agency. Upon the adoption of the ordinance the offices of the agency members are vacated and the capacity of the agency to transact business or exercise any powers is suspended until the legislative body adopts an ordinance declaring the need for the agency to function.

33141. The legislative body of the community may order the dissolution of an agency if the agency has no outstanding

bonded indebtedness, and if the unanimous written consent of the members of the agency is first obtained.

CHAPTER 3. OTHER ENTITIES UNDERTAKING OR ASSISTING REDEVELOPMENT

Article 1. Legislative Body as the Agency

33200. As an alternative to the appointment of five members of the agency, the legislative body may, at the time of the adoption of an ordinance pursuant to Section 33101 or 33140 of this part declare itself to be the agency in which case, all the rights, powers, duties, privileges and immunities, vested by this part in an agency shall be vested in the legislative body of the community.

A legislative body which has declared itself to be the agency pursuant to this section may at any time by resolution determine that it shall no longer function as an agency, in which event, the mayor or chairman of the board of supervisors with the approval of the legislative body shall appoint five (5) or seven (7) resident electors of the community as members of the agency.

33201. A chartered city may enact its own procedural ordinance and exercise the powers granted by this part.

33202. An agency is authorized to delegate to a community any of the powers or functions of the agency with respect to the planning or undertaking of a redevelopment project in the area in which such community is authorized to act, and such community is hereby authorized to carry out or perform such powers or functions for the agency.

Article 2. Joint Exercise or Delegation of Power to Redevelop

33210. Two or more agencies within two or more communities may jointly exercise the powers granted under this part. In such case the agencies, the planning commissions, and the legislative bodies may hold joint hearings and meetings, or the legislative bodies of the communities acting separately may each designate the agency of one of the communities to act as the agency for all of the interested communities.

33211. If one agency is designated, it shall obtain the report and recommendation of the planning commission of each community on the redevelopment plan and its conformity to the master or general plan of each community before presenting the redevelopment plan to the respective legislative bodies for adoption.

33212. The designated agency and each planning commission shall co-operate in formulating redevelopment plans.

33213. By ordinance the legislative body of a community may authorize the redevelopment of an area within its territorial limits by another community if such area is contiguous to such other community. The ordinance shall designate the community to undertake such redevelopment. The community so authorized may undertake the redevelopment of such area in all respects as if the area was within its territorial limits and its legislative body, agency, and planning commission shall have all the rights, powers, and privileges with respect to such area as if it was within the territorial limits of the community so authorized. Neither the legislative body, agency nor planning commission of the community so authorizing shall be required to comply with any requirements of this part except as set forth in this section. Any redevelopment plan for such area shall be approved by ordinance enacted by the legislative body of the community so authorizing.

Article 3. Aid, Assistance, and Co-operation

33220. For the purpose of aiding and co-operating in the planning, undertaking, construction, or operation of redevelopment projects located within the area in which it is authorized to act, any public body, upon the terms and with or without consideration as it determines, may:

(a) Dedicate, sell, convey, or lease any of its property to a redevelopment agency.

(b) Cause parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished adjacent to or in connection with redevelopment projects.

(c) Furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or replan streets, roads, roadways, alleys, sidewalks, or other places which it is otherwise empowered to undertake.

(d) Plan or replan, zone or rezone any part of such area and make any legal exceptions from building regulations and ordinances.

(e) Enter into agreements with the federal government, an agency, or any other public body respecting action to be taken pursuant to any of the powers granted by this part or any other law; such agreements may extend over any period, notwithstanding any law to the contrary.

(f) Purchase or legally invest in any of the bonds of an agency and exercise all of the rights of any holder of such bonds.

(g) Purchase and buy or otherwise acquire land in a project area from an agency for redevelopment in accordance with the plan, and in connection therewith, is hereby authorized to become obligated in accordance with Section 33437 except that

subdivision (b) of Section 33437 shall apply to a public body only to the extent that it is authorized (and funds have been made available) to make the redevelopment improvements or structures required.

33221. The bonds and obligations issued by an agency also may be purchased, invested in, or used for security as authorized in Section 33663.

CHAPTER 4. REDEVELOPMENT PROCEDURES AND ACTIVITIES

Article 1. Community Prerequisites

33300. Before any area is designated for redevelopment, the community authorized to undertake such development shall comply with the requirements of this article.

33301. The community shall have a planning commission.

33302. The community shall have a master or general community plan adopted by the planning commission or the legislative body. The plan shall include all of the following:

(a) The general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other major public utilities and facilities.

(b) A land-use plan which designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, recreation, education, public buildings and grounds, and other categories of public and private uses of land.

(c) A statement of the standards of population density and building intensity recommended for the various districts and other territorial units, and estimates of future population growth in the territory covered by the plan, all correlated with the land-use plan.

(d) Maps, plans, charts, or other descriptive matter showing the areas in which conditions are found indicating the existence of blighted areas.

Article 2. Designation of Redevelopment Areas

33310. Redevelopment areas may be designated by resolution of the legislative body, or the legislative body may by resolution authorize the designation of redevelopment areas by resolution of the planning commission or by resolution of the members of the agency.

33311. Any person, group, association or corporation may in writing, request the legislative body (or the planning commission or the agency if they are authorized by the legislative body to designate redevelopment areas) to designate a redevelopment area or areas for project study purposes, and may submit with their request plans showing the proposed redevelopment of such areas or any part or parts thereof.

33312. The resolution designating a redevelopment area or areas shall contain the following:

(a) A finding that the area requires study to determine if a redevelopment project or projects within said area are feasible;

(b) A description of the boundaries of the area designated.

Article 3. Selection of Project Area and Formulation of Preliminary Plans

33320.1. "Project area" means an area of a community which is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in this part, and which is selected by the planning commission pursuant to Section 33322.

33321. A project area need not be restricted to buildings, improvements, or lands which are detrimental or inimical to the public health, safety, or welfare, but may consist of an area in which such conditions predominate and injuriously affect the entire area. A project area may include lands, buildings, or improvements which are not detrimental to the public health, safety or welfare, but whose inclusion is found necessary for the effective redevelopment of the area of which they are a part.

33322. On its own motion, or at the request of the agency the planning commission may or at the direction of the legislative body or upon the written petition of the owners in fee of majority in area of any redevelopment area, excluding publicly owned areas or areas dedicated to a public use, the planning commission shall, select one or more project areas comprising all or part of such redevelopment area, and formulate a preliminary plan for the redevelopment of each project area.

33323. The agency and planning commission shall cooperate in the selection of project areas and in the preparation of the preliminary plan.

33324. A preliminary plan need not be detailed and is sufficient if it:

(a) Describes the boundaries of the project area.

(b) Contains a general statement of the land uses, layout of principal streets, population densities and building intensities and standards proposed as the basis for the redevelopment of the project area.

(c) Shows how the purposes of this part would be attained by such redevelopment.

(d) Shows that the proposed redevelopment conforms to the master or general community plan.

33325. The planning commission shall submit the preliminary plan for each project area to the agency.

Article 4. Preparation and Adoption of Redevelopment Plans by the Agency

33330. Each agency shall prepare or cause to be prepared, or adopt, a redevelopment plan for each project area and for that purpose may hold hearings and conduct examinations, investigations, and other negotiations. The agency shall consult with the planning commission of the community in preparing a redevelopment plan.

33331. Every redevelopment plan shall conform to the master or general community plan insofar as the latter applies to the project area.

33332. Every redevelopment plan shall be based upon the preliminary plan.

33333. Every redevelopment plan shall show by diagram and in general terms:

(a) The approximate amount of open space to be provided and street layout.

(b) Limitations on type, size, height, number, and proposed use of buildings.

(c) The approximate number of dwelling units.

(d) The property to be devoted to public purposes and the nature of such purposes.

33334. Every redevelopment plan shall describe the proposed method of financing the redevelopment of the project area in sufficient detail so that the legislative body may determine the economic feasibility of the plan.

33335. Every redevelopment plan shall provide for the agency to lease or sell all real property acquired by it in any project area, except property conveyed by it to the community.

33336. Every redevelopment plan shall:

(a) Contain adequate safeguards that the work of redevelopment will be carried out pursuant to the plan;

(b) Provide for the retention of controls and the establishment of any restrictions or covenants running with land sold or leased for private use for such periods of time and under such conditions as the legislative body deems necessary to effectuate the purposes of this part. The establishment of such controls is a public purpose under the provisions of this part.

33337. Every redevelopment plan or urban renewal plan shall contain a provision requiring submission to the community redevelopment agency for approval, all deeds, leases, or contracts for the sale, lease, sublease, or other transfer of any land in a redevelopment project or an urban renewal project, and such deeds, leases or contracts shall contain the nondiscrimination clauses prescribed in Section 33436.

33338. Every redevelopment plan shall contain other covenants, conditions, and restrictions which the legislative body prescribes.

33339. Every redevelopment plan shall provide for participation in the redevelopment of property in the project area by the owners of all or part of such property if the owners agree to participate in the redevelopment in conformity with the redevelopment plan adopted by the legislative body for the area.

33340. Every redevelopment plan which contemplates property owner participation in the redevelopment shall contain alternative provisions for redevelopment of the property if the owners fail to participate in the redevelopment as agreed.

33341. Redevelopment plans may provide for the agency to issue bonds and expend the proceeds from their sale in carrying out the redevelopment plan. If such an issuance is provided for, the redevelopment plan shall also contain adequate provision for the payment of principal and interest when they become due and payable.

33342. Redevelopment plans may provide for the agency to acquire by gift, purchase, lease, or condemnation all or part of the real property in the project area.

33343. Redevelopment plans may provide for the expenditure of money by the community.

33344. Redevelopment plans may provide for the community to undertake and complete any proceedings necessary to carry out the project.

33345. With respect to each redevelopment project, each agency shall, within a reasonable time before its adoption of the redevelopment plan adopt and make available for public inspection rules to implement the operation of owner participation in connection with the plan.

33346. Before the redevelopment plan of each project area is submitted to the legislative body, it shall be submitted to the planning commission for its report and recommendation concerning the redevelopment plan and its conformity to the master or general community plan adopted by the planning commission or the legislative body. The planning commission may recommend for or against the approval of the redevelopment plan.

33347. Within 30 days after a redevelopment plan is submitted to it for consideration, the planning commission shall make and file its report and recommendation with the agency. If the planning commission does not report upon the redevelopment plan within 30 days after its submission by the agency, the planning commission shall be deemed to have waived its report and recommendations concerning the plan and the agency may proceed to act upon the plan without the report and recommendations of the planning commission.

33348. Before the adoption of a redevelopment plan by the agency, the agency shall conduct a public hearing on it.

33349. The agency shall publish notice of the hearing not less than once a week for four successive weeks prior to the

hearing. The notice shall be published in a newspaper of general circulation, printed and published in the community, or if there is none, in a newspaper selected by the agency. The notice of hearing shall include a legal description of the boundaries of the area or areas designated in the proposed redevelopment plan and a general statement of the scope and objectives of the plan. Copies of the notices shall be mailed to the last known assessee of each parcel of land in the area designated in the redevelopment plan, at his last known address as shown by the records of the assessor for the community. The notice shall be mailed by certified mail with return receipt requested.

33350. Each assessee whose property would be subject to acquisition by purchase or condemnation under the plan shall be sent a statement to that effect attached to his notice of the hearing. Alternatively, a list or map of all properties which would be subject to acquisition by purchase or condemnation under the plan may be mailed to assessees with the notices of hearing.

33351. Upon the preparation or adoption of a redevelopment plan the agency shall submit it to the legislative body.

33352. Every redevelopment plan submitted by the agency to the legislative body shall be accompanied by a report containing:

(a) The reasons for the selection of the project area.

(b) A description of the physical, social, and economic conditions existing in the area.

(c) A financial analysis of the proposed redevelopment.

(d) A method or plan for the relocation of families and persons to be temporarily or permanently displaced from housing facilities in the project area.

(e) An analysis of the preliminary plan.

(f) The report and recommendations of the planning commission.

Article 5. Procedure for Adoption of Redevelopment Plans by the Legislative Body

33360. The legislative body at a public hearing shall consider the redevelopment plan submitted by the agency. The legislative body may adjourn the hearing from time to time.

33361. Notice of the public hearing shall be given by publication not less than once a week for four successive weeks in a newspaper of general circulation published in the county in which the land lies. The notice shall:

(a) Describe specifically the boundaries of the proposed redevelopment project area; and

(b) State the day, hour and place when and where any and all persons having any objections to the proposed redevelopment plan or who deny the existence of blight in the proposed project area, or the regularity of any of the prior proceedings, may appear before the legislative body and show cause why the proposed plan should not be adopted.

33362. At any time not later than the hour set for hearing objections to the proposed redevelopment plan, any person may file in writing with the clerk of the legislative body a statement of his objections to the proposed plan.

33363. At the hour set in the notice required by Section 33361 for hearing objections, the legislative body shall proceed to hear and pass upon all written and oral objections. Before adopting the redevelopment plan the legislative body shall consider the report of the agency, and all evidence and testimony for and against the adoption of the plan.

33364. If no objections in writing have been delivered to the clerk of the legislative body prior to the hour set for the hearing thereon, if no oral objections are presented during the hearing thereon, or if the objections are overruled by the legislative body, the legislative body may proceed to adopt the plan.

33365. The legislative body by ordinance may adopt the redevelopment plan as the official redevelopment plan for the project area.

33366. If the planning commission has recommended against the approval of the redevelopment plan, the legislative body may adopt such plan by a two-thirds vote of its entire membership. If the planning commission has recommended approval or failed to make any recommendation within the time allowed, the legislative body may adopt the redevelopment plan by a majority vote of the entire membership.

33367. The ordinance shall contain:

(a) A legal description of the boundaries of the project area covered by the redevelopment plan.

(b) The purposes and intent of the legislative body with respect to the project area.

(c) The plan incorporated by reference.

(d) A designation of the approved plan as the official redevelopment plan of the project area.

(e) The findings and determinations of the legislative body that:

(1) The project area is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in this part.

(2) The redevelopment plan would redevelop the area in conformity with this part and in the interests of the public peace, health, safety, and welfare.

(3) The adoption and carrying out of the redevelopment plan is economically sound and feasible.

(4) The redevelopment plan conforms to the master or general plan of the community.

(5) The carrying out of the redevelopment plan would promote the public peace, health, safety, and welfare of the community and would effectuate the purposes and policy of this part.

(6) The condemnation of real property, if provided for in the redevelopment plan, is necessary to the execution of the

redevelopment plan and adequate provisions have been made for payment for property to be acquired as provided by law.

(7) The agency has a feasible method or plan for the relocation of families and persons displaced from the project area, if the redevelopment plan may result in the temporary or permanent displacement of any occupants of housing facilities in the project area.

(8) There are or are being provided in the project area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons displaced from the project area, decent, safe, and sanitary dwellings equal in number to the number of and available to such displaced families and persons and reasonably accessible to their places of employment.

(f) A statement that the legislative body is satisfied permanent housing facilities will be available within three years from the time occupants of the project area are displaced and that pending the development of such facilities there will be available to such displaced occupants adequate temporary housing facilities at rents comparable to those in the community at the time of their displacement.

33368. The decision of the legislative body shall be final and conclusive, and it shall thereafter be conclusively presumed that the project area is a blighted area as defined by Sections 33031 through 33034 and that all prior proceedings have been duly and regularly taken.

33369. If the plan provides for the expenditure of any money by the community, the legislative body shall provide for such expenditure at the time of or in connection with the approval of the plan.

33370. The legislative body at the time of, or in connection with, the adoption of the plan, shall declare its intention to undertake and complete any proceedings necessary to be carried out by the community under the provisions of the plan.

33371. Before entering into any or certain types of contracts in connection with the redevelopment plan, the legislative body may require the agency to submit such contracts to the legislative body and obtain its approval.

33372. Upon the filing of the ordinance adopting the redevelopment plan with the clerk or other appropriate officer of the legislative body, a copy of the ordinance shall be sent to the agency, and the agency is vested with the responsibility for carrying out the plan.

33373. After the adoption of the redevelopment plan by the legislative body there shall be recorded with the county recorder of the county in which the project area is situated a description of the land within the project area and a statement that proceedings for the redevelopment of the project area have been instituted under this part. Recordation in compliance with the provisions of Section 27295 of the Government

Code shall, to the extent applicable, be effected as promptly as practicable following the adoption of the redevelopment plan by the legislative body.

33374. After the adoption of a redevelopment plan for a project area by the legislative body, all applicants for building permits in the area for a period of two years thereafter shall be advised by the building department of the community that the site for which a building permit is sought for the construction of buildings or for other improvements is within a redevelopment project area.

Article 6. Owner Participation

33380. An agency shall permit owner participation in the redevelopment of property in the project area in conformity with the redevelopment plan adopted by the legislative body for the area.

33381. If the redevelopment plan adopted provides for participation in the redevelopment of property in the area by the owners of such property, and the owners fail or refuse to enter into a binding agreement for participation in accordance with the rules adopted by the agency pursuant to Section 33339, the alternative provisions provided for in Section 33340 become effective as the official redevelopment plan of the project area.

Article 7. Property Acquisition

33390. "Real property" means:

(a) Land, including land under water and waterfront property.

(b) Buildings, structures, fixtures, and improvements on the land.

(c) Any property appurtenant to or used in connection with the land.

(d) Every estate, interest, privilege, easement, franchise, and right in land, including rights-of-way, terms for years, and liens, charges, or encumbrances by way of judgment, mortgage, or otherwise and the indebtedness secured by such liens.

33391. Within the redevelopment area or for purposes of redevelopment an agency may:

(a) Purchase, lease, obtain option upon, acquire by gift, grant, bequest, devise, or otherwise, any real or personal property, any interest in property, and any improvements on it.

(b) Acquire real property by eminent domain.

33392. Notwithstanding any other provision of this part, an agency with the approval of the legislative body of the community may acquire, by negotiation or other means, real property in a project area at any time after formulation of the preliminary plan for such area by the planning commission, and prior to the adoption of the redevelopment plan by the legislative body of the community, provided, however, an

agency may not exercise the power of eminent domain in connection with such acquisition prior to adoption of the redevelopment plan.

33393. An agency shall not acquire from any of its members or officers any property or interest in property except through eminent domain proceedings.

33394. Without the consent of an owner, an agency shall not acquire any real property on which an existing building is to be continued on its present site and in its present form and use unless such building requires structural alteration, improvement, modernization or rehabilitation, or the site or lot on which the building is situated requires modification in size, shape or use or it is necessary to impose upon such property any of the standards, restrictions and controls of the plan and the owner fails or refuses to agree to participate in the redevelopment plan pursuant to Sections 33339, 33345, 33380 and 33381.

33395. Property already devoted to a public use may be acquired by the agency through eminent domain, but property of a public body shall not be acquired without its consent.

Article 8. Property Management

33400. Within the redevelopment area or for purposes of redevelopment an agency may:

(a) Insure or provide for the insurance of any real or personal property of the agency against risks or hazards.

(b) Rent, maintain, manage, operate, repair, and clear such real property.

33401. The agency may in any year during which it owns property in a redevelopment project pay to any city, county, city and county, district or other public corporation which would have levied a tax upon such property had it not been exempt, an amount of money in lieu of taxes.

33402. This part does not authorize an agency to own or operate rental property acquired and rehabilitated in prospect of resale beyond a reasonable period necessary to effect such resale.

Article 9. Relocation of Persons Displaced by Projects

33410. A redevelopment agency may, in order to facilitate the rehousing of families and single persons who are displaced from their homes in a project area, utilize the aids made available through federal urban renewal, redevelopment and housing legislation and may use funds derived from any public or private source to carry out the purposes of this section.

33411. The agency shall prepare a feasible method or plan for relocation of families and persons to be temporarily or permanently displaced from housing facilities in the project area.

33412. Permanent housing facilities shall be made available within three years from the time occupants are displaced and that pending the development of such facilities there will be available to such displaced occupants adequate temporary housing facilities at rents comparable to those in the community at the time of their displacement.

33413. If it is necessary to make available permanent housing facilities for displaced occupants in such county outside the agency undertaking the plan, such activity shall be subject to the approval of the governing body of such county or of the city in which the housing is made available.

33414. An agency may operate a rehousing bureau to assist site occupants in obtaining adequate temporary or permanent housing. It may incur any necessary expenses for this purpose.

33415. An agency may make relocation payments to or with respect to persons (including families, business concerns and others) displaced by a redevelopment project, for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the federal government.

Article 10. Demolition, Clearance, Project Improvements, and Site Preparation

33420. Within the redevelopment area or for purposes of redevelopment an agency may clear buildings, structures, or other improvements from any real property acquired.

33421. An agency may develop as a building site any real property owned or acquired by it. In connection with such development it may cause, provide or undertake or make provision with other agencies for the installation, or construction of streets, utilities, parks, playgrounds and other public improvements necessary for carrying out in the project area the redevelopment plan.

33422. Any work of grading, clearing, demolition, or construction in excess of one thousand five hundred dollars ($1,500) undertaken by the agency shall be done by contract after competitive bids.

33423. Before awarding any contract for such work to be done in a project, the agency shall ascertain the general prevailing rate of per diem wages in the locality in which the work is to be performed, for each craft or type of workman needed to execute the contract or work, and shall specify in the call for bids for the contract and in the contract such rate and the general prevailing rate for regular holiday and overtime work in the locality, for each craft or type of workman needed to execute the contract.

33424. The contractor to whom the contract is awarded and any subcontractor under him shall pay not less than the specified prevailing rate of wages to all workmen employed in the execution of the contract.

33425. As a penalty to the agency which awarded the contract, the contractor shall forfeit ten dollars ($10) for each calendar day or portion thereof for each workman paid less than the stipulated prevailing rates for any public work done under the contract by him or by any subcontractor under him. A stipulation to this effect shall be included in the contract.

33426. Each contractor and subcontractor shall keep an accurate record showing the name, occupation, and actual per diem wages paid to each workman employed by him in connection with the work. The record shall be kept open at all reasonable hours to the inspection of the agency.

33427. An agency shall require each successful bidder to file with it good and sufficient bonds, to be approved by it. The bonds shall be conditioned upon the faithful performance of the contract and upon the payment of all claims for labor and material in connection with the contract. The bonds shall contain the terms and conditions set forth in Chapter 3 (commencing with Section 4200), Division 5, Title I of the Government Code and are subject to the provisions of that chapter.

Article 11. Property Disposition, Rehabilitation and Development

33430. Within the redevelopment area or for purposes of redevelopment an agency may sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage, deed of trust, or otherwise, or otherwise dispose of any real or personal property or any interest in property.

33431. Any lease or sale made pursuant to Section 33430 may be made without public bidding but only after a public hearing, notice of which shall be given by publication for not less than once a week for two weeks in a newspaper of general circulation published in the county in which the land lies.

33432. An agency shall lease or sell all real property acquired by it in any project area, except property conveyed by it to the community. Any such lease or sale shall be conditioned on the redevelopment and use of the property in conformity with the redevelopment plan.

33433. No real or personal property, or any interest therein, acquired or constructed in whole or in part with money from the redevelopment revolving fund shall be sold or leased for an amount less than its fair value for uses in accordance with the redevelopment plan as determined by resolution or ordinance of the legislative body.

33434. If any property acquired in whole or in part from the redevelopment revolving fund is to be sold or leased by the agency, the sale or lease shall be first approved by the legislative body by resolution adopted after public hearing. Notice of the time and place of the hearing shall be published once in the official newspaper of the community at least one week prior to the hearing. The resolution shall be adopted by a

majority vote unless the legislative body has provided by ordinance for a two-thirds vote for such purpose.

33435. Agencies shall obligate lessees and purchasers of real property acquired in redevelopment or urban renewal projects and owners of property improved as a part of a redevelopment or urban renewal project to refrain from restricting the rental, sale, or lease of the property on the basis of race, color, religion, ancestry, or national origin of any person. All deeds, leases, or contracts for the sale, lease, sublease, or other transfer of any land in a redevelopment project or an urban renewal project shall be submitted to the agency for approval, and such deeds, leases, or contracts, shall contain the nondiscrimination or nonsegregation clauses hereafter prescribed.

33436. Express provisions shall be included in all deeds, leases and contracts which the agency proposes to enter into with respect to the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of any land in a redevelopment project or an urban renewal project in substantially the following form:

(a) In deeds the following language shall appear—"The grantee herein covenants by and for himself, his heirs, executors, administrators, and assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of race, color, creed, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the premises herein conveyed, nor shall the grantee himself or any person claiming under or through him, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees, or vendees in the premises herein conveyed. The foregoing covenants shall run with the land."

(b) In leases the following language shall appear—"The lessee herein covenants by and for himself, his heirs, executors, administrators, and assigns, and all persons claiming under or through him, and this lease is made and accepted upon and subject to the following conditions:

That there shall be no discrimination against or segregation of any person or group of persons, on account of race, color, creed, national origin, or ancestry, in the leasing, subleasing, transferring, use, occupancy, tenure, or enjoyment of the premises herein leased nor shall the lessee himself, or any person claiming under or through him, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy, of tenants, lessees, sublessees, subtenants, or vendees in the premises herein leased."

(c) In contracts entered into by the agency relating to the sale, transfer, or leasing of land or any interest therein acquired by the agency within any redevelopment or urban

renewal area or project the foregoing provisions in substantially the forms set forth shall be included and such contracts shall further provide that the foregoing provisions shall be binding upon and shall obligate the contracting party or parties and any subcontracting party or parties, or other transferees under the instrument.

33437. An agency may obligate lessees or purchasers of property acquired in a redevelopment project to:

(a) Use the property for the purpose designated in the redevelopment plans.

(b) Begin the redevelopment of the project area within a period of time which the agency fixes as reasonable.

(c) Comply with other conditions which the agency deems necessary to carry out the purposes of this part.

33438. The agency may provide in the contract that any of the obligations of the purchaser are covenants or conditions running with the land, the breach of which shall cause the fee to revert to the agency.

33439. The agency shall retain controls and establish restrictions or convenants running with land sold or leased for private use for such periods of time and under such conditions as are provided in the redevelopment plan. The establishment of such controls is a public purpose under the provisions of this part.

33440. This part does not authorize an agency to construct any of the buildings for residential, commercial, industrial, or other use contemplated by the redevelopment plan.

33441. If it appears to the agency that it is in the public interest that land to be acquired as part of a redevelopment project should be used in whole or in part as a site for a low-rent public housing project, such land shall be made available to the housing authority undertaking the low-rent public housing project at a price equal to the fair value of the land to a private redeveloper who wants to buy a site in the community for private rental housing with physical characteristics similar to those of the proposed low-rent housing project.

33442. An agency may sell, lease, grant, or donate real property owned or acquired by the agency in a redevelopment area to a housing authority or to any public agency for public housing projects.

33443. Property acquired by an agency for rehabilitation and resale shall be offered for resale within one year after completion of rehabilitation, or an annual report shall be published by the agency in a newspaper of general circulation published in the community listing any rehabilitated property held by the agency in excess of such one-year period, stating the reasons such property remains unsold and indicating plans for its disposition.

33444. In undertaking rehabilitation of structures pursuant to this part, every redevelopment agency shall, on or before February 15th of each year, commencing with February

15, 1963, render a report to the Legislature setting forth in detail the activities of the agency involving rehabilitation, including, but not limited to, each of the following:

(a) Expenditure of public funds.

(b) Number and kinds of units rehabilitated.

(c) Disposition of rehabilitated units.

Article 12. Amendment of Redevelopment Plans

33450. If at any time after the adoption of a redevelopment plan for a project area by the legislative body, it becomes necessary or desirable to amend or modify such plan, the legislative body may amend such plan upon the recommendation of the agency.

33451. Before recommending amendment of the plan the agency shall hold a public hearing on the proposed amendment.

33452. Notice of such hearing shall be published pursuant to Section 6063 of the Government Code prior to the date of hearing in a newspaper of general circulation, printed and published in the community, or, if there is none, in a newspaper selected by the agency. The notice of hearing shall include a legal description of the boundaries of the area designated in the plan to be amended and a general statement of the purpose of the amendment. Copies of the notices shall be mailed to the last known assessee of each parcel of land within such boundaries, at his last known address as shown by the records of the assessor for the community, and to persons, firms, or corporations which have acquired property within such boundaries from the agency, at his last known address as shown by the records of the agency. The notice shall be mailed by certified mail with return receipt requested.

33453. If after the public hearings the agency recommends substantial changes in the plan which affect the master or community plan adopted by the planning commission or the legislative body, such changes shall be submitted to the planning commission for its report and recommendation to the legislative body within 30 days after such submission.

33454. After receiving the recommendation of the agency concerning such changes in the plan, and not sooner than 30 days after the submission of changes to the planning commission, the legislative body shall hold a public hearing on the proposed amendment, notice of which hearing shall be published in a newspaper in the manner and at the times designated above for notice of hearing by the agency.

33455. If after such hearing the legislative body determines that the amendments in the plan, proposed by the agency, are necessary or desirable, the legislative body shall adopt an ordinance amending the ordinance adopting the plans thus amended.

33456. Amendments to a plan adopted pursuant to this article shall be recorded in compliance with Section 27295 of

the Government Code as promptly as practicable following adoption by the legislative body.

CHAPTER 5. LEGAL ACTIONS

Article 1. Actions Involving Redevelopment Plans or Bonds

33500. No action attacking or otherwise questioning the validity of any redevelopment plan, or the adoption or approval of such plan, or any of the findings or determinations of the agency or the legislative body in connection with such plan shall be brought prior to the adoption of the redevelopment plan nor at any time after the elapse of 60 days from and after the date of adoption of the ordinance adopting the plan.

33501. An action may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure to determine the validity of bonds and the redevelopment or renewal plan to be financed or refinanced, in whole or in part, by the bonds, or to determine the validity of a redevelopment or renewal plan not financed by bonds, including without limiting the generality of the foregoing, the legality and validity of all proceedings theretofore taken for or in any way connected with the establishment of the agency, its authority to transact business and exercise its powers, the designation of the redevelopment or renewal area, the formulation of the preliminary plan, and the adoption of the redevelopment or renewal plan, and also including the legality and validity of all proceedings theretofore taken and (as provided in the bond resolution) proposed to be taken for the authorization, issuance, sale and delivery of the bonds and for the payment of the principal thereof and interest thereon.

33502. The judgment shall determine the validity or invalidity respectively of the matters specified in Section 33501. The judgment shall be subject to being reopened under the provisions of Section 473 or Section 473a of the Code of Civil Procedure or otherwise only within 90 days after the entry of the judgment and petitioner and any person who has appeared in the special proceeding shall have the right to move for a new trial under proper circumstances and upon appropriate grounds and to appeal from the judgment.

33503. The judgment, if no appeal is taken, or if taken and the judgment is affirmed shall be forever binding and conclusive, as to all matters therein adjudicated or which at that time could have been adjudicated, against the agency and against all other parties and if the judgment determines that the agency is lawfully established, that the redevelopment or renewal plan is valid and effective, that the agency is authorized to issue such bonds and that such bonds when issued

will be valid, the judgment shall permanently enjoin the institution by any person of any action or proceeding raising any issue as to which the judgment is binding and conclusive.

33504. Other actions by obligees are authorized by Sections 33660 and 33661.

Article 2. Actions for Money or Damages

33510. All claims for money or damages against the agency are governed by Chapter 2 (commencing with Section 700) of Division 3 5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

CHAPTER 6. FINANCIAL PROVISIONS

Article 1. General

33600. An agency may accept financial or other assistance from any public or private source, for the agency's activities, powers, and duties, and expend any funds so received for any of the purposes of this part.

33601. An agency may borrow money or accept financial or other assistance from the State or the federal government for any redevelopment project within its area of operation, and may comply with any conditions of such loan or grant.

33602. "Bonds" means any bonds, notes, interim certificates, debentures, or other obligations issued by an agency pursuant to Article 5 (commencing with Section 33640) of this chapter.

33603. An agency may invest any money held in reserves or sinking funds, or any money not required for immediate disbursement, in property or securities in which savings banks may legally invest money subject to their control.

Article 2. Community Redevelopment Agency Administrative Fund

33610. At any time after the agency created for any community becomes authorized to transact business and exercise its powers, the legislative body of the community may appropriate to the agency such amounts as the legislative body deems necessary for the administrative expenses and overhead of the agency. The money appropriated may be paid to the agency as a grant to defray the expenses and overhead, or as a loan to be repaid upon such terms and conditions as the legislative body may provide.

In addition to the common understanding and usual interpretation of the term, "administrative expense" includes, but is not limited to, expenses of redevelopment planning and dissemination of redevelopment information.

33611. Each agency transacting business and exercising powers under this part shall annually submit to the legislative body of the community a proposed budget of its administrative expenses.

33612. The legislative body may adopt an annual budget for the administrative expenses of the agency in such amounts as it deems necessary and may provide such conditions and restrictions upon the expenditure or encumbrance of the money appropriated pursuant to the budget as it deems advisable.

33613. The money appropriated for administrative expenses shall be kept in the treasury of the community in a special fund to be known as the community redevelopment agency administrative fund, and money shall be drawn from the fund to meet the administrative expenses of the agency in substantially the same manner as money is drawn by other agencies and departments of the community subject to budgetary control.

33614. The money appropriated by the legislative body to the community redevelopment agency administrative fund is money granted by the community to defray the administrative expenses of the agency which is performing a public function of the community.

33615. Each such agency shall file with the legislative body a detailed report of all its transactions, including a statement of all revenues and expenditures, at monthly, quarterly, or annual intervals as the legislative body may prescribe.

Article 3. Redevelopment Revolving Fund

33620. At any time after it has adopted a resolution declaring that there is need for an agency to function in the community, the legislative body may establish a redevelopment revolving fund to be kept in the treasury of the community.

33621. For the purpose of raising money to be deposited in the redevelopment revolving fund, the legislative body may appropriate money or the community may issue and sell its general obligation bonds.

33622. By resolution of the legislative body adopted by a majority vote, any money in the redevelopment revolving fund may be expended from time to time for:

(a) The acquisition of real property in any project area.

(b) The clearance, aiding in relocation of site occupants, and preparation of any project area for redevelopment.

33623. By resolution of the legislative body adopted by a two-thirds vote, any money in the redevelopment revolving fund may be paid to the agency, upon such terms and conditions as the legislative body may prescribe for any of the following purposes:

(a) Deposit in a trust fund to be expended for the acquisition of real property in any project area.

(b) The clearance of any project area for redevelopment.

(c) Any expenses necessary or incidental to the carrying out of a redevelopment plan which has been adopted by the legislative body.

33624. All money received by the agency from the sale, lease, or encumbering of property acquired with money from the redevelopment revolving fund in excess of the money required to repay the loans and interest thereon authorized by this part shall be redeposited in the fund.

33625. All other provisions of this part that relate to financing are subject to Sections 33433, 33434, and 33624.

33626. The legislative body of any community may abolish the redevelopment revolving fund whenever it finds that the purposes for which it was established have been accomplished. At the time of abolishing the fund, the legislative body shall transfer all money in it to the general obligation bond redemption fund and provide that all money thereafter to be deposited or redeposited in the redevelopment revolving fund shall be deposited in the general obligation bond redemption fund.

Article 4. Community Appropriations and General Obligation Bonds

33630. The community may issue and sell its general obligation bonds for the purpose of raising money to be deposited in the redevelopment revolving fund, providing funds with which to redeem before maturity, retire at maturity, or purchase agency bonds issued under Article 5 (commencing with Section 33640) of this chapter. General obligation bonds issued pursuant to this section may be authorized and issued in a principal amount sufficient to provide funds for the payment of any or all of the following:

(a) The principal amount of agency bonds proposed to be so redeemed, retired or purchased.

(b) The estimated amount of any premiums required to be paid in connection with the redemption or purchase of such agency bonds.

(c) The estimated amount of any due and unpaid interest or accrued interest on such agency bonds which must be paid at the time the same are redeemed, retired or purchased.

(d) The estimated amount of all expenses incidental to or connected with the redemption, retirement or purchase of such agency bonds and the authorization, issuance and sale of such general obligation bonds.

All agency bonds redeemed, retired or purchased with the proceeds of such general obligation bonds shall be canceled and shall not be reissued.

33631. If the redevelopment plan contains the provision authorized by Section 33670, the agency and the legislative body of the community may, either before or after the authorization of general obligation bonds for the purposes permitted

by Section 33630, enter into an agreement that the principal amount of any such general obligation bonds sold for such purposes, together with all interest which the community may pay thereon, shall constitute a loan by the community to the agency for the purpose of refinancing the redevelopment project, and that, subject to any prior pledge of or claim upon the moneys in the special fund provided for in said section 33670, the moneys accruing to such special fund are irrevocably pledged to the repayment of such loan until there has been repaid to the community from time to time from such special fund the principal amount of such general obligation bonds plus all interest which the community may pay thereon, less such part, if any, of the proceeds of such general obligation bonds which were not used for such purposes, and less any premiums and accrued interest received by the community upon the sale of such general obligation bonds.

33632. Any surplus existing in the general obligation bond redemption fund after payment of principal and interest shall be transferred to the general fund of the community.

33633. Except as otherwise provided in this part, any general obligation bonds issued by any community pursuant to this article shall be authorized and issued in the manner and within the limitations prescribed by law or the charter of the community for the issuance and authorization of such bonds for public purposes generally. Irrespective of any limitation as to the amount of general obligation bonds which may be issued a community may issue such bonds for the purposes prescribed in this article, in excess of the limitation, in such amount as may be authorized by the voters of the community at any general or special election.

Article 5. Agency Bonds

33640. From time to time an agency may issue bonds for any of its corporate purposes. An agency may also issue refunding bonds for the purpose of paying or retiring bonds previously issued by it.

33641. An agency may issue such types of bonds as it may determine including bonds on which the principal and interest are payable:

(a) Exclusively from the income and revenues of the redevelopment projects financed with the proceeds of the bonds, or with such proceeds together with financial assistance from the state or federal government in aid of the projects.

(b) Exclusively from the income and revenues of certain designated redevelopment projects whether or not they were financed in whole or in part with the proceeds of the bonds.

(c) In whole or in part from taxes allocated to, and paid into a special fund of, the agency pursuant to the provisions of Article 6 (commencing with Section 33670) of this chapter.

(d) From its revenues generally.

(e) From any contributions or other financial assistance from the state or federal government.

(f) By any combination of these methods.

33642. Any of such bonds may be additionally secured by a pledge of any revenues or by an encumbrance by mortgage, deed of trust, or otherwise of any redevelopment project or other property of the agency or by a pledge of the taxes referred to in subdivision (c) of Section 33641, or by any combination thereof.

33643. Neither the members of an agency nor any persons executing the bonds are liable personally on the bonds by reason of their issuance.

33644. The bonds and other obligations of any agency are not a debt of the community, the State, or any of its political subdivisions and neither the community, the State, nor any of its political subdivisions is liable on them, nor in any event shall the bonds or obligations be payable out of any funds or properties other than those of the agency; and such bonds and other obligations shall so state on their face. The bonds do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

33645. The agency may authorize bonds by resolution. The resolution, trust indenture, or mortgage shall provide for:

(a) The issuance of the bonds in one or more series.

(b) The date the bonds shall bear.

(c) The maturity dates of the bonds.

(d) The interest rate, not exceeding the maximum rate fixed for bonds of cities under Chapter 4 (commencing with Section 43600), Division 4, Title 4 of the Government Code.

(e) The denomination of the bonds.

(f) Their form, either coupon or registered.

(g) The conversion or registration privileges carried by the bonds.

(h) The rank or priority of the bonds.

(i) The manner of their execution.

(j) The medium of payment.

(k) The place of payment.

(*l*) The terms of redemption with or without premium to which the bonds are subject.

33646. The bonds may be sold at not less than par, at public sale held after notice published once at least five days prior to the sale in a newspaper of general circulation published in the community, or, if there is none, in a newspaper of general circulation published in the county. The bonds may be sold at not less than par to the federal government at private sale without any advertisement.

33647. If any agency member or officer whose signature appears on bonds or coupons ceases to be such member or officer before delivery of the bonds, his signature is as effective as if he had remained in office.

33648. Bonds issued pursuant to this part are fully negotiable.

33649. In any action or proceedings involving the validity or enforceability of any bonds or their security, any such bond reciting in substance that it has been issued by the agency to aid in financing a redevelopment project is conclusively deemed to have been issued for a redevelopment project and the project is conclusively deemed to have been planned, located, and constructed pursuant to this part.

33650. In connection with the issuance of bonds, and in addition to its other powers, an agency has the powers prescribed in Sections 33651 to 33659, inclusive.

33651. An agency may:

(a) Pledge all or any part of its gross or net rents, fees, or revenues to which its right then exists or may thereafter come into existence.

(b) Encumber by mortgage, deed of trust, or otherwise all or any part of its real or personal property, then owned or thereafter acquired.

33652. An agency may covenant:

(a) Against pledging all or any part of its rents, fees, and revenues.

(b) Against encumbering all or any part of its real or personal property, to which its right or title then exists or may thereafter come into existence.

(c) Against permitting any lien on such revenues or property.

(d) With respect to limitations on its right to sell, lease, or otherwise dispose of all or part of any redevelopment project.

(e) As to what other, or additional debts or obligations it may incur.

33653. An agency may:

(a) Covenant as to the bonds to be issued, as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the bond proceeds.

(b) Provide for the replacement of lost, destroyed, or mutilated bonds.

(c) Covenant against extending the time for the payment of its bonds or interest.

(d) Redeem the bonds, covenant for their redemption, and provide the redemption terms and conditions.

33654. An agency may:

(a) Covenant as to the consideration or rents and fees to be charged in the sale or lease of a redevelopment project, the amount to be raised each year or other period of time by rents, fees, and other revenues, and as to their use and disposition.

(b) Create or authorize the creation of special funds for money held for redevelopment or other costs, debt service, reserves, or other purposes, and covenant as to the use and disposition of such money.

33655. An agency may prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds whose holders are

required to consent thereto, and the manner in which such consent may be given.

33656. An agency may covenant:

(a) As to the use of any or all of its real or personal property.

(b) As to the maintenance of its real and personal property, its replacement, the insurance to be carried on it, and the use and disposition of insurance money.

33657. An agency may:

(a) Covenant as to the rights, liabilities, powers, and duties arising upon the breach by it of any covenant, condition, or obligation.

(b) Covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

33658. An agency may:

(a) Vest in a trustee or the holders of bonds or any proportion of them the right to enforce the payment of the bonds or any covenants securing or relating to the bonds.

(b) Vest in a trustee the right, in the event of a default by the agency, to take possession of all or part of any redevelopment project, to collect the rents and revenues arising from it and to dispose of such money pursuant to the agreement of the agency with the trustee.

(c) Provide for the powers and duties of a trustee and limit his liabilities.

(d) Provide the terms and conditions upon which the trustee or the holders of bonds or any proportion of them may enforce any covenant or rights securing or relating to the bonds.

33659. An agency may:

(a) Exercise all or any part or combination of the powers granted in Sections 33651 to 33658 inclusive.

(b) Make covenants other than and in addition to the covenants expressly authorized in such sections of like or different character.

(c) Make such covenants and to do any and all such acts and things as may be necessary, convenient, or desirable to secure its bonds, or, except as otherwise provided in this part, as will tend to make the bonds more marketable notwithstanding that such covenants, acts, or things may not be enumerated in this part.

33660. In addition to all other rights which may be conferred on him, and subject only to any contractual restrictions binding upon him, an obligee may:

(a) By mandamus, suit, action, or proceeding, compel the agency and its members, officers, agents, or employees to perform each and every term, provision, and covenant contained in any contract of the agency with or for the benefit of the obligee, and require the carrying out of any or all such cove-

nants and agreements of the agency and the fulfillment of all duties imposed upon it by this part.

(b) By suit, action, or proceeding in equity, enjoin any acts or things which may be unlawful, or the violation of any of the rights of the obligee.

33661. By its resolution, trust indenture, mortgage, lease, or other contract, an agency may confer upon any obligee holding or representing a specified amount in bonds, the following rights upon the happening of an event or default prescribed in such resolution or instrument, to be exercised by suit, action, or proceeding in any court of competent jurisdiction:

(a) To cause possession of all or part of any redevelopment project to be surrendered to any such obligee.

(b) To obtain the appointment of a receiver of all or part of any redevelopment project of the agency and of the rents and profits from it. If a receiver is appointed, he may enter and take possession of the redevelopment project or any part of it, operate and maintain it, collect and receive all fees, rents, revenues, or other charges thereafter arising from it, and shall keep such money in separate accounts and apply it pursuant to the obligations of the agency as the court shall direct.

(c) To require the agency and its members and employees to account as if it and they were the trustees of an express trust.

33662. The bonds are issued for an essential public and governmental purpose, and together with interest on them and income from them are exempt from all taxes.

33663. Notwithstanding any restrictions on investments contained in any laws, the State and all public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations, and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees, and other fiduciaries may legally invest any sinking funds, money, or other funds belonging to them or within their control in any bonds or other obligations issued by an agency. Such bonds and other obligations are authorized security for all public deposits. It is one of the purposes of this part to authorize any persons, firms, corporations, associations, political subdivisions, bodies and officers, public and private, to use any funds owned or controlled by them, including, but not limited to, sinking, insurance, investment, retirement, compensation, pension, and trust funds, and funds held on deposit, for the purchase of any such bonds or other obligations This part does not relieve any person, firm, or corporation from any duty of exercising reasonable care in selecting securities.

33664. An agency may purchase its bonds at a price not more than their principal amount and accrued interest. All bonds so purchased shall be canceled.

33665. All of the provisions of this article are subject to the limitations of Article 3 (commencing with Section 33620) of this chapter.

Article 6. Taxation

33670. Any redevelopment plan may contain a provision that taxes, if any, levied upon taxable property in a redevelopment project each year by or for the benefit of the State of California, any city, county, city and county, district, or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving the redevelopment plan, shall be divided as follows:

(a) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment project as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such ordinance, shall be allocated to and when collected shall be paid into the funds of the respective taxing agencies as taxes by or for said taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory in a redevelopment project on the effective date of such ordinance but to which such territory has been annexed or otherwise included after such effective date, the assessment roll of the county last equalized on the effective date of the ordinance shall be used in determining the assessed valuation of the taxable property in the project on the effective date); and

(b) That portion of the levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the redevelopment agency to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by such redevelopment agency to finance or refinance, in whole or in part, such redevelopment project. Unless and until the total assessed valuation of the taxable property in a redevelopment project exceeds the total assessed value of the taxable property in such project as shown by the last equalized assessment roll referred to in subdivision (a), all of the taxes levied and collected upon the taxable property in such redevelopment project shall be paid into the funds of the respective taxing agencies. When such loans, advances, and indebtedness, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon the taxable property in such redevelopment project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

33671. In any redevelopment plan or in the proceedings for the advance of moneys, or making of loans, or the incurring

of any indebtedness (whether funded, refunded, assumed, or otherwise) by the redevelopment agency to finance or refinance, in whole or in part, the redevelopment project, the portion of taxes mentioned in subdivision (b) of Section 33670 may be irrevocably pledged for the payment of the principal of and interest on such loans, advances, or indebtedness.

33672. As used in this article the word "taxes" shall include, but without limitation, all levies on an ad valorem basis upon land or real property.

33673. Whenever property in any redevelopment project has been redeveloped and thereafter is leased by the redevelopment agency to any person or persons or whenever the agency leases real property in any redevelopment project to any person or persons for redevelopment, the property shall be assessed and taxed in the same manner as privately owned property, and the lease or contract shall provide that the lessee shall pay taxes upon the assessed value of the entire property and not merely the assessed value of his or its leasehold interest.

CHAPTER 7. URBAN RENEWAL

Article 1. General

33700. In addition to its powers under any other section of this part, an agency is authorized to plan and undertake urban renewal projects.

33701. "Urban renewal" means undertakings and activities for the elimination and for the prevention of the development or spread of blighted areas, and may involve any redevelopment work or undertaking or any rehabilitation and conservation work, or any combination or part of such undertaking or work.

33702. "Rehabilitation" or "conservation" may include the restoration and renewal of a blighted, deteriorated, or deteriorating area by:

(a) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;

(b) Acquisition of certain real property and demolition or removal of buildings and improvements thereon where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or to otherwise remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities;

(c) Installation, construction or reconstruction, of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area an urban renewal plan; and

(d) Disposing of any real property acquired to private enterprise or public agencies for use in accordance with an urban renewal plan.

33703. "Urban renewal area" means a blighted, deteriorated or deteriorating area, the urban renewal of which is necessary to effectuate the public purposes declared in this part.

33704. "Urban renewal plan" means a plan for the urban renewal of a project area. Such a plan shall be subject to all the requirements and prepared and approved pursuant to all the provisions and procedures of this part applicable to a redevelopment plan and the preparation and approval thereof.

33705. "Urban renewal project" means an undertaking of an agency pursuant to an official urban renewal plan designated by the legislative body in accordance with this part. Such a project shall be subject to all the requirements and provisions of this part applicable to a redevelopment project.

33706. The findings and declarations heretofore made in this part with respect to the existence of blighted areas in need of redevelopment are hereby affirmed and restated.

33707. It is hereby further found and declared that:

(a) There exist in many communities other areas in which the conditions by which blighted areas are characterized are present to a lesser degree but still to such an extent that such areas are deteriorated or deteriorating and threaten to become blighted areas if the conditions of blight in them are not remedied.

(b) The existence of such deteriorated and deteriorating areas thus threatens to increase still further the extent, scope, and effect of blighted areas and is itself declared to be a menace which is condemned as injurious and inimical to the public health, safety and welfare of the people of the communities in which they exist and of the State.

(c) In such deteriorated and deteriorating areas, and in some blighted areas, the conditions of blight can be remedied, the process of deterioration halted, and the spread of blight and development of blighted areas prevented by rehabilitation and conservation.

(d) The effective rehabilitation and conservation of such areas may require public acquisition at fair prices of certain parcels of land where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or to otherwise remove or prevent the spread of blight or deterioration, or to provide land for public facilities.

33708. It is further found and declared that there exists in many communities still other areas, parts of which are blighted to the extent that they require redevelopment, and other parts of which are blighted, deteriorated and deteriorating to the extent that they require rehabilitation and conservation, and the effective remedying of the conditions of blight and urban renewal of such areas requires the combination of redevelopment, rehabilitation and conservation measures.

33709. For these reasons it is declared to be the further policy of the State and the further purposes of this part:

(a) To promote and advance the urban renewal of blighted, deteriorated and deteriorating areas and the general welfare of the inhabitants of the communities in which such areas exist by the employment of all appropriate means.

(b) That whenever the urban renewal of blighted, deteriorated and deteriorating areas cannot be accomplished by private enterprise alone, without public participation and assistance in planning, in the acquisition of land, in the work of clearance, relocation of families and preparing the land for new building, in carrying out programs of voluntary or compulsory repair and rehabilitation of structures or other improvements, and in making site improvements and providing community facilities, it is in the public interest to employ the power of eminent domain and to advance or expend public funds for these purposes and otherwise to provide means by which blighted, deteriorated and deteriorating areas may be renewed.

(c) That the urban renewal of blighted, deteriorated and deteriorating areas and the provision of continuing land use and construction policies in them are public uses and purposes for which public money may be advanced or expended and private property acquired, and are governmental functions of state and community concern in the interest of the health, safety and general welfare of the people of the State and of the communities in which such areas exist.

(d) That the benefits which will result from the remedying of conditions of blight and the elimination and the prevention of the spread of blighted areas by the urban renewal of blighted, deteriorated and deteriorating areas shall accrue to all the inhabitants and property owners of the communities in which such areas exist.

(e) That the necessity in the public interest for the provisions of this part is a matter of legislative determination

33710. In connection with the planning and undertaking of any urban renewal project, the agency, the community, the legislative body, the planning commission, and all public officers, agencies and bodies shall have all the powers, duties, rights, privileges and immunities which they have in respect to a redevelopment plan or a redevelopment project, in the same manner as though all the provisions of this part applicable to a redevelopment plan or a redevelopment project were applicable to an urban renewal plan or an urban renewal project.

33711. In addition to the plans which an agency is otherwise authorized to prepare, an agency is hereby specifically authorized to prepare plans within urban renewal areas for urban renewal projects to include (1) a program of voluntary

or compulsory repair and rehabilitation of buildings and improvements, and (2) the enforcement of laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements, and to the compulsory repair, rehabilitation, demolition or removal of buildings and improvements. An agency is authorized to develop, test and report methods and techniques, and carry out demonstrations and other activities, for the prevention and elimination of conditions of blight and blighted areas.

33712. The provisions for urban renewal in this chapter shall not become operative in any community unless and until the legislative body of the community declares, by resolution, that there is need for urban renewal in the community. The provisions of this chapter shall not grant to any such agency in any community powers which are now or hereafter granted to any other officer, board, or department of the community by charter or ordinance without the consent of the legislative body of such community by ordinance.

33713. At any time following the adoption by the legislative body of a resolution declaring there is need for urban renewal in the community, the words "urban renewal" may be substituted for the word "redevelopment" wherever in this part the word "redevelopment" is used as part of the name of an agency, an administrative fund or a revolving fund established pursuant to this part; provided, that the provisions of this section shall not apply in any community unless and until the legislative body thereof, by resolution, declares that said provision shall be applicable.

33714. The urban renewal agency shall provide a feasible method for the temporary or permanent relocation of persons displaced from the urban renewal area and shall require that there be provided, in the urban renewal area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families displaced from the urban renewal area, decent, safe, and sanitary dwellings equal in number to the number available to such displaced persons and reasonably accessible to their places of employment.

SEC 4. Chapter 832 of the Statutes of 1963, as passed by the Legislature as Senate Bill No. 816 of the 1963 Regular Session, is repealed.

SEC. 5. This act specifically includes those changes in the Community Redevelopment Law intended by the Legislature during the 1963 Regular Session by the enactment of Chapters 13, 171, 213 and 278 of, and the enactment of Sections 1, 2 and 3 of Chapter 832 of, the Statutes of 1963. The repeal of Chapter 832 of the Statutes of 1963 is necessary because of technical defects in Sections 4 through 9, inclusive, of Chapter 832 which created ambiguities in the law not intended by the Legislature.

CHAPTER 1813

An act to amend Sections 70058, 70102, 73096, 74742, 74743, 74743.1 and 74748 of, to add Section 74752 to, and to repeal Sections 70049, 74743.2, 74744, 74745 and 74751 of the Government Code, relating to numbers of and salaries of court attachés.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 70049 of the Government Code is repealed.

SEC. 2. Section 70058 of said code is amended to read:

70058. In a county with a population of 850,000 and under 1,000,000, as determined by the 1960 federal decennial census, the fee required by Section 70053 shall be ten dollars and fifty cents ($10.50).

SEC. 3. Section 70102 of said code is amended to read:

70102. In such event all those provisions of Article 11 applicable to a county with a population of 850,000 and under 1,000,000, as determined by the 1960 federal decennial census, shall be in full force in such county except those provisions of Article 11 which conflict with this article. The official reporters appointed pursuant to this article shall receive fifty-two dollars ($52) a day for the days they are actually on duty under order of the court, and shall hold office during the pleasure of the judge by whom they were appointed. A pro tempore official reporter may be appointed by the judge presiding in the department where such reporter will serve and such pro tempore official reporter shall be paid forty-three dollars ($43) a day for the days he is actually on duty under order of the court.

SEC. 4. Section 73096 of said code is amended to read:

73096. Official reporters of municipal courts in Alameda County, in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court, shall receive thirty-five dollars ($35) a day for the days they actually are on duty under order of the court; provided, however, that when such reporting service is so performed in a judicial district having nine or more judges the compensation shall be forty-two dollars ($42) per day.

SEC. 5. Section 74742 of said code is amended to read:

74742. There shall be one clerk, who shall be appointed by the judges of the court and who shall receive a monthly salary at a rate specified in Schedule No. 38 of Section 74343.1.

SEC. 6. Section 74743 of said code is amended to read:

74743. The clerk may appoint with the approval of the judge:

(a) Two deputy clerks IV who shall receive a monthly salary at a rate specified in Schedule No. 29. Any person presently

employed as a deputy clerk in the municipal court of the South Bay Judicial District who prior to the effective date of the amendment of this section in 1963 and who, within the two years preceding such date, has successfully completed a qualifying examination for deputy clerk IV in any other municipal court in San Diego County shall be advanced to the position of deputy clerk IV. The position of chief deputy clerk shall succeed to the position of deputy clerk IV.

(b) Seven deputy clerks III, each of whom shall receive a monthly salary at a rate specified in Schedule No. 24. The position of deputy clerk shall succeed to the position of deputy clerk III.

(c) Three deputy clerks II, each of whom shall receive a monthly salary at a rate specified in Schedule No. 21. The position of junior deputy clerk shall succeed to the position of deputy clerk II.

(d) One deputy clerk I, who shall receive a monthly salary at a rate specified in Schedule No. 18. Appointments to this position shall be at step B of the schedule.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 74343.1, and the provisions of subdivisions (a), (b), (c), and (d) of that section are applicable to the attachés appointed pursuant to this section.

SEC. 7. Section 74743.1 of said code is amended to read:

74743.1. In the event that there shall be an increase in the number of judges as provided in Section 74741, the clerk of the court may appoint one deputy clerk IV, one deputy clerk III and one deputy clerk II, for each respective additional judge so appointed. Such additional deputy clerks shall receive the monthly salaries specified for their respective classifications by Section 74743.

SEC. 8. Section 74743.2 of said code is repealed.

SEC. 9. Section 74744 of said code is repealed.

SEC. 10. Section 74745 of said code is repealed.

SEC. 11. Section 74748 of said code is amended to read:

74748. (a) All persons holding positions on the 91st day after any regular session of the Legislature shall continue in their respective positions without further examination or qualification and at the added compensation provided in this article, including increments for continuous prior service in such positions in the court. Any person whose title is changed as a result of this act shall receive credit for continued service to which he would be entitled under his previous position and shall receive compensation at the step covering such length of service. Thereafter, any increments earned by additional service in grade shall take effect upon the first day of the month following completion of such required service.

(b) In addition to the compensation provided in this article, the attachés of the municipal court shall receive, and they shall be entitled to the same vacations, sick leave, leaves of absence and similar privileges and benefits as are now or may hereafter be provided for the employees of the County of San Diego, including the right to participate in a retirement plan, and in any group health, accident or life insurance plan adopted by the Board of Supervisors of San Diego County. Such privileges and benefits shall be retroactively applied. The municipal court judge may adopt rules for the conduct of and personnel privileges to be afforded the attachés of the court.

(c) All attachés may be appointed, promoted, removed, suspended or discharged for cause by the appointing authority subject in such appointment, promotion, removal, suspension or discharge to civil service provisions applicable to the classified personnel of San Diego County. Whenever a person or attaché is appointed or promoted to a position, such person or attaché must serve a probationary period of at least six months.

(d) Notwithstanding the provisions of Section 71183, a person appointed by the clerk or marshal from an eligible list certified by the Civil Service Commission of the County of San Diego to fill a temporary position established pursuant to Section 72150 and employed in such temporary position immediately prior to the 91st day after the final adjournment of a regular session of the Legislature, may be appointed by such clerk or marshal to a like permanent position in such clerk's or marshal's office without further examination, qualification or certification on a civil service eligible list; provided, that the number of such positions in the clerk's or marshal's office has been increased by the last regular session of the Legislature so as to make such temporary position a permanent position.

SEC. 12. Section 74751 of said code is repealed.

SEC. 13 Section 74752 is added to said code, to read:

74752. In no event will the salary of the clerk or any deputy clerk who occupied his position on the day prior to the effective date of this section be less than the amount of his salary on such day.

CHAPTER 1814

An act to amend Sections 6854, 6860, 6862, 6863, 6864, 6865, 6865.5, 6867, 6867.5, 6868, 6870, 6871, 6875, 6876, 6876.1, 6885, 6886, 6886.1, 6887, 6888, 6889, 6890, 6891, 6892, 6893, 6894, 6894.2, 6894.3, 6894.4, 6894.7, 6894.8, 6894.10, 6895, 6897, 6900, 6901, 6902, 6904, 6905, 6906, 6911, 6912, 6913, 6914, 6915, 6916, 6916.1, 6917, 6922, 6925, 6930, 6931, 6948, 6949, 6949.2, 6950, and 6951 of, to amend the title of Article

6.5 (commencing with Section 6904) of Chapter 8 of Division 3 of, to add Sections 6882, 6900.1, 6906.2, 6913.1, 6926, and 6948.1 to, and to repeal Sections 6878.1, 6894.1, 6904.1, 6904.2, 6904.3, and 6904.4 of, the Business and Professions Code, relating to collection agencies.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6854 of the Business and Professions Code is amended to read:

6854. "Collection agency" does not include any of the following unless they are conducting collection agencies:

(a) Members of the State Bar of California.

(b) Persons collecting accounts for not more than one employer if all collection efforts are carried on in the name of the employer and if an employer-employee relationship exists.

(c) Common carriers.

(d) Duly licensed real estate brokers or agents doing a real estate business.

(e) Duly licensed personal property brokers while making collections for another person of common ownership or affiliated through corporate control.

(f) Any savings and loan association subject to the jurisdiction of the Savings and Loan Commissioner of the State of California or the Federal Home Loan Bank Board.

(g) Any industrial loan company subject to the jurisdiction of the Corporation Commissioner of the State of California.

(h) Any title insurance company, or underwritten title company as defined in Section 12402 of the Insurance Code.

"Collection agency" does not include any bank subject to the jurisdiction of the Superintendent of Banks of the State of California or the Comptroller of Currency of the United States.

SEC. 3. Section 6860 of said code is amended to read:

6860. There is in the Department of Professional and Vocational Standards a Collection Agency Licensing Bureau under the supervision and control of the director. The director shall administer and enforce the provisions of this chapter.

The Governor shall appoint, subject to confirmation by the Senate, a chief of the bureau at a salary to be fixed and determined by the director with the approval of the Director of Finance. The chief shall serve under the direction and supervision of the director.

Before a chief is appointed the Governor shall give due consideration to any person or persons recommended by the board.

Every power and duty granted to or imposed upon the director under this chapter may be delegated to the chief except

that the director may not delegate authority to adopt or otherwise act upon any proposed decision of a hearing officer after a hearing under the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. The chief may delegate any power or duty granted to or imposed upon him under this chapter to the assistant chief or to any inspection, investigation or auditing personnel of the bureau.

SEC. 4. Section 6862 of said code is amended to read:

6862. The chief shall gather evidence of violations of this chapter and of any rule or regulation established hereunder by persons engaged in business as collection agencies who fail to obtain licenses and shall gather evidence of violations and furnish the same to prosecuting officers of any county or city for the purpose of prosecuting all violations occurring within their jurisdiction.

The chief, for the purpose of gathering evidence of violations of law or of this chapter or of any rule or regulation established hereunder, shall investigate the business and examine the books, accounts, records and files used therein by the licensee and for such purpose the chief shall have free access to the offices and places of business, books, accounts, records, papers, files, safes and vaults of all licensees.

The chief may require the attendance of witnesses and examine under oath all persons whose testimony he requires relative to the affairs of a licensee or to the subject matter of any examination, investigation, or hearing.

SEC. 5. Section 6863 of said code is amended to read:

6863. The director may establish and enforce such rules and regulations as may be reasonable or necessary for the examination and licensing of applicants, for the conduct of licensees and for the general enforcement of the various provisions of this chapter in the protection of the public. The chief shall distribute to each licensee and each applicant for a license copies of this chapter and of such rules and regulations. Such rules and regulations shall be adopted, amended, or repealed in accordance with the provisions of the Administrative Procedure Act.

The willful violation of any rules and regulations established for the conduct of licensees is sufficient ground for revocation of the license of a licensee, or other disciplinary action.

SEC. 6. Section 6864 of said code is amended to read:

6864. The chief shall keep in his office in a suitable record provided for the purpose all applications for licenses, accompanying certificates, statements and documents and all bonds required to be filed under this chapter. The record shall state whether or not a license has been issued under the application and bond, and if revoked the date of filing the order of revocation, and if reinstated the date of filing the order of reinstatement. The chief shall keep a list of all persons, whose licenses have been revoked. In the record all licenses issued shall be indicated by their serial numbers as well as by the name and

address of the licensee. The record shall be open for inspection as a public record in the office of the chief.

The chief shall adopt a seal for his own use. The seal shall have the words "Collection Agency Licensing Bureau, State of California" thereon. The care and custody of the seal shall be in the office of the chief.

SEC. 7. Section 6865 of said code is amended to read:

6865. There is in the Collection Agency Licensing Bureau a California Advisory Board of Collection Agencies, which consists of six members appointed by the Governor.

SEC. 8. Section 6865.5 of said code is amended to read:

6865 5. Of the six members of the Collection Agency Advisory Board, five members shall have been actively engaged in business as a licensed collector or manager of a licensed collection agency in this State for a minimum period of five consecutive years immediately preceding his appointment and shall continue in good standing in such capacity during his term of office. One member shall be a public member, who may be a customer of a licensee but shall not be a licensee, or engage in any business or profession in which any part of the fees, compensation or revenue thereof is derived from any licensee.

SEC. 9. Section 6867 of said code is amended to read:

6867. The chairman or vice chairman, on his own motion, shall call meetings of the board at least four times but no more than six times each year. Additional meetings may be held by the board only with the approval of the chief. All meetings of the board shall be open and public.

Four members shall constitute a quorum for the transaction of business.

The board shall elect from its members, each for a term of one year, a chairman, a vice chairman, and a secretary and may appoint such committees as it deems necessary to carry out its duties.

SEC. 10. Section 6867.5 of said code is amended to read:

6867.5. The bureau shall furnish to the board such secretarial, clerical, and other personnel as may be necessary to assist the board in carrying out its duties under this chapter. The chief, or his designated representative, shall attend all board meetings.

SEC. 11. Section 6868 of said code is amended to read:

6868. Each member of the board shall receive a per diem and shall be reimbursed for his traveling and other expenses necessarily incurred in the performance of his duties.

SEC. 12. Section 6870 of said code is amended to read:

6870. No person shall engage within this State in the business of collecting claims for others or conduct within this State a collection agency as defined in Sections 6852 and 6853 of this chapter unless he shall hold a valid collection agency license pursuant to the provisions of this chapter.

SEC. 13. Section 6871 of said code is amended to read:

6871. In addition to any other penalty, any person, firm, corporation or voluntary association, or any officer or director

of any corporation or association carrying on business as a collection agency unless he shall hold a valid collection agency license pursuant to this chapter or who carries on such business after the revocation or expiration of any license is guilty of a misdemeanor and punishable by a fine not exceeding one thousand dollars ($1,000) or by imprisonment not exceeding one year or by both fine and imprisonment.

The prosecuting officer of any county or city shall prosecute all violations of this chapter occurring within his jurisdiction.

SEC. 14. Section 6875 of said code is amended to read:

6875. Application for a license shall be made in writing to, and filed with, the chief in such form as may be required by the chief. In addition to the information or documents required by this chapter, the chief may require the submission of any other information, evidence, statements, or documents.

Every application for a license shall state, among other things that may be required, the name of the applicant with the name under which the applicant will do business, and the location by street and number, city and state of the office of the business for which the license is sought.

No license shall be issued in any fictitious name which may be confused with or which is similar to any federal, state, county, or municipal governmental function or agency, or in any name which may tend to describe any business function or enterprise not actually engaged in by the applicant, or in any name which is the same as or so similar to that of any existing licensee as would tend to deceive the public, or in any name which would otherwise tend to be deceptive or misleading. The foregoing shall not necessarily preclude the use of a name which may be followed by a geographically descriptive title which would distinguish it from a similar name licensed but operating in a different geographical area.

SEC. 15. Section 6876 of said code is amended to read:

6876. Each individual applicant for examination and each manager, partner of a partnership and officer of a corporation, or unincorporated association, shall submit with the application one personal identification form provided by the chief upon which shall appear a photograph taken within one year immediately preceding the date of the filing of the application together with two legible sets of fingerprints and personal description of each such person respectively.

Each individual licensee and each manager, partner of a partnership and officer of a corporation, or unincorporated association, licensed at the effective date of this chapter shall comply with the provisions of this section within 90 days after the effective date of this chapter.

Any person who knowingly falsifies the fingerprints or photographs submitted under this section is guilty of a felony.

SEC. 16. Section 6876.1 of said code is amended to read:

6876.1. The chief may receive from the State Bureau of Criminal Identification and Investigation information relative

to the fitness of employees of collection agencies, other than clerical or secretarial employees, or of managers, owners, partners, and officers of collection agencies licensed at the effective date of this chapter or of any collection agency licensee or applicant applying for licensure. Such information shall not be considered a public record.

SEC. 17. Section 6878.1 is repealed.

SEC. 17.5. Section 6882 is added to said code, to read:

6882. All applications, whether for a new license or a change in ownership, shall be approved and the license issued or rejected within 60 days of their receipt, except that the director may, from time to time, extend such time for a reasonable period of time where, in his discretion, unusual circumstances warrant such extension in connection with a specific application and shall, in such instance, advise the applicant of the delay and the reason therefor. If an application for a new license or an application for change in ownership is rejected, a statement of issues for a hearing shall be filed and served upon the applicant within 30 days of the notice of rejection.

SEC. 18. Section 6885 of said code is amended to read:

6885. No application for a qualification certificate shall be approved by the director unless the applicant has met the requirements of this article and any rules and regulations relating thereto established under this chapter, except that as to any application filed before July 1, 1962, the examination, education, citizenship, and residence requirements shall be waived if the applicant has been actively and continuously engaged in the general collection agency business in this State as an individual licensee, as an active member of a licensed copartnership, or as the active manager of a licensed collection agency from May 1, 1941, to the date of application.

Active service in the United States military or armed forces shall not be deemed to constitute absence from business within the meaning of this section if the business be actually and actively resumed within six months after discharge from such service.

A person to whom a certificate is issued without examination under this section shall not be required to pay the examination fee or the initial certification fee.

A qualification certificate shall be issued to any applicant therefor who has met the requirements of this article and any rules and regulations relating thereto. Each applicant for qualification certificate shall notify the chief in writing of any change in his residence address within 30 days after such change.

SEC. 19. Section 6886 of said code is amended to read:

6886. Except as in this chapter otherwise provided, an applicant for a qualification certificate shall:

(a) Be a citizen of the United States.

(b) Be at least 21 years of age.

(c) Be of good moral character.

(d) Establish to the satisfaction of the director that no fact, circumstance, or condition exists which would justify refusal of registration under Section 6894.7.

(e) Have been a bona fide resident of this State continuously for at least two years next preceding the date of the filing of the application.

(f) Pass the examination required.

(g) Pay the examination fee to the chief.

(h) Within one year after notice to him that he has passed the examination, and as a condition precedent to issuance of the certificate, pay the initial certification fee prescribed by Section 6956.

SEC. 20. Section 6886.1 of said code is amended to read:

6886.1. After a hearing the director may refuse to grant permission to take the collection agency examination, and to issue a qualification certificate if the applicant has:

(a) Committed or done any act which, if committed or done by a licensee, would be grounds for the suspension or revocation of a license.

(b) Committed or done any act involving dishonesty, fraud, or deceit whereby the applicant has been benefited or where some injury has been sustained by another.

(c) Entered a plea of guilty or nolo contendere to, or been found guilty of, or been convicted of, a felony or crime involving moral turpitude arising out of, or in connection with, or related to the activities of such person in such a manner as to demonstrate his unfitness to be or become a licensee, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of an order granting probation following such conviction, suspending the imposition of sentence, or of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the plea or verdict of guilty, or dismissing the accusation or information.

(d) Been convicted of illegally carrying or possessing a dangerous weapon.

(e) Been refused a license or registration under this chapter or had a license or registration revoked.

(f) Been an officer, director, partner or manager of any person who has been refused a license under this chapter or whose license has been revoked.

(g) Falsified or omitted any of the information submitted to the chief in support of an application under this chapter.

(h) Impersonated, or permitted or aided and abetted another to impersonate, a law enforcement officer or employee of the United States, a state, or any political subdivision thereof.

(i) Used a badge in connection with his employment, or made any statement in connection with his employment, with the intent to give an impression that he was a law enforcement officer of the United States, a state, or any political subdivision thereof, or used with intent to deceive the public, any

uniform or insignia in connection with his employment likely to be confused with that of any law enforcement officer of the United States, a state, or any political subdivision thereof.

(j) A bad moral character, intemperate habits, or a bad reputation for truth, honesty and integrity.

(k) Been adjudicated as a bankrupt within two years preceding the time of filing the application.

Nothing contained in this section shall preclude the applicant from showing rehabilitation.

SEC. 21. Section 6887 of said code is amended to read:

6887. The director may fix and determine by rule and regulation the qualifications for examination and for qualification certificate.

The rules and regulations shall require, among other things, that the educational qualifications of applicants shall be at least graduation from a four-year high school, or proof satisfactory to the chief that applicants are possessed of the equivalent to a four-year high school education in point of intellectual competency and achievement.

SEC. 22. Section 6888 of said code is amended to read:

6888. Examinations shall be held at least twice each year, at such times and places as the chief directs and according to the rules and regulations.

Notice of the examination shall be published at least 30 days prior to the last day upon which application may be filed for each examination in two or more newspapers of general circulation and in one publication circulated among collection agencies. The newspapers and publication shall be selected by the chief from newspapers or publications published within this State.

SEC. 23. Section 6889 of said code is amended to read:

6889. Examinations shall be practical in character and of such length, scope and character as the chief deems necessary to determine the fitness of applicants to engage in the general collection agency business. Both questions and answers shall be in the English language.

SEC. 24. Section 6890 of said code is amended to read:

6890. The chief shall prepare or cause to be prepared, all examination material.

The number and character of questions, examination procedure, method of grading, general average required to be obtained by successful applicants, and other details of the examinations not expressly covered by this chapter shall be determined by the chief or by rules and regulations established by the director.

SEC. 25. Section 6891 of said code is amended to read:

6891. The examination papers of any person shall be kept for the period of one year and may then be destroyed.

The applicant or his attorney may inspect a keyed copy of the questions in an examination, within seven calendar days after the examination is given, for the express purpose of requesting review of such items as he may believe are incor-

rectly or improperly written or keyed. Such inspection may be made at the Sacramento office of the bureau, or at such other location as may be designated by the chief. The applicant may, during the period of inspection, file a written appeal from any part of the examination, citing the item or items against which the appeal is directed and stating the reason for such appeal. The examination shall not be scored until all the disputed items have been reviewed and appropriate adjustments made.

In addition to the appeal herein above provided, a written appeal may be made from the result of the written examination on the ground of clerical error in scoring the papers. Such appeal must be filed with the chief at the Sacramento office of the bureau within 60 days after notice of the result of his examination has been mailed to the applicant. For the purpose of discovering clerical error in scoring, an applicant may inspect his examination paper during a period of 30 days after notice of the result of his examination has been mailed to him.

The examination papers may be inspected by the board.

SEC. 26. Section 6892 of said code is amended to read:

6892. Except as in this chapter otherwise provided, the chief shall keep the files and records of a licensee for a period of one year after the licensee's license has been terminated and may thereafter destroy such files and records.

SEC 27. Section 6893 of said code is amended to read:

6893. On or before June 30 of each year a qualified person desiring continuation of his qualification certificate shall apply for continuation of the certificate on a form prescribed by the chief, and pay the continuation fee prescribed by this chapter. If the holder of the certificate fails to request continuation and pay the fee within the time fixed, the certificate shall automatically lapse, but may be reinstated if within one year after it has lapsed, the holder of the lapsed certificate applies for reinstatement and pays the reinstatement fee prescribed by this chapter.

A qualification certificate may not be continued or reinstated if the holder thereof ceases to engage or be employed in the collection agency business for a continuous period of five years or more exclusive of time spent in active service in the United States military service or armed forces.

Reinstatement of a lapsed certificate shall not prohibit the bringing of disciplinary proceedings against the holder of the certificate.

SEC. 28. Section 6894 of said code is amended to read:

6894. Except as otherwise provided in this article, every employee of a licensee shall be registered with the chief in the manner prescribed by this article.

SEC. 29. Section 6894.1 of said code is repealed.

SEC. 30. Section 6894.2 of said code is amended to read:

6894 2. Every person who has not previously registered under this article and who enters the employ of a licensee after the effective date of this article shall file with the chief

an application for registration within 30 days after the commencement of such employment.

SEC. 31. Section 6894.3 of said code is amended to read:

6894.3. The application for registration under this article shall be on a form prescribed by the chief and shall be accompanied by the fee provided for in this article.

SEC. 32. Section 6894.4 of said code is amended to read:

6894.4. The application shall be verified and shall include:

(a) The full name, residence address, residence telephone number, date and place of birth, and the social security number of the employee.

(b) A statement listing any and all names used by the employee, other than his true name, together with an explanation setting forth the place or places where each such name was used, the date or dates of each use and a full explanation of the reasons why each such name was used If the employee has never used a name other than his true name, this fact shall be set forth in the statement

(c) The name and address of the employer and the date the employment commenced.

(d) The title of the position occupied by the employee and a description of his duties.

(e) One recent photograph of the employee, of a type prescribed by the chief, and two classifiable sets of his fingerprints.

(f) Such other information, evidence, statements, or documents as may be required by the chief.

SEC. 33. Section 6894.7 of said code is amended to read:

6894 7. After a hearing the director may refuse to register an employee, or may suspend or revoke a previous registration, if the individual has committed any act which would justify refusal of permission to take the collection agency examination and to issue a qualification certificate under Section 6886.1.

SEC. 34. Section 6894.8 of said code is amended to read:

6894.8. Each registered employee, and each applicant for registration shall notify the chief in writing within 30 days of any change in his residence address. Registration under this article may be suspended, revoked or denied for a violation of the provisions of this section.

SEC. 36. Section 6894 10 of said code is amended to read:

6894.10. Each person licensed under this chapter shall notify the chief in writing within 30 days after the commencement and within 30 days after the termination of employment by him of any person required to be registered under this article. Such notice shall be on a form prescribed by the chief. A violation of the provisions of this section by a licensee constitutes grounds for suspension or revocation of his license.

SEC. 37. Section 6895 of said code is amended to read:

6895. The applicant for a license shall file with the chief concurrently with the application for license, and each licensee shall maintain on file with the chief during the period of

licensure, a bond in the penal sum of five thousand dollars ($5,000). The bond shall at all times reflect the name and address of the licensee as shown on the records of the bureau.

The bond shall run to the people of the State of California and shall be executed and acknowledged by the applicant or licensee as principal and by an admitted surety insurer as surety.

The chief shall keep the bond on file for a period of four years following termination of any bond filed under this chapter.

SEC. 38. Section 6897 of said code is amended to read:

6897. The bond shall cover the fee and expenses payable to a receiver as provided in Section 6904, and shall cover all claims collected and property converted by the licensee during the term of the license covered by the bond.

The aggregate liability of the surety for any and all claims which arise under the bond shall in no event exceed the amount of the penalty of the bond.

SEC. 39. Section 6900 of said code is amended to read:

6900. Upon the filing of notice with the chief by any surety company of its withdrawal as the surety of any licensee the chief shall forthwith give notice to the licensee of the withdrawal, which notice shall be by registered or certified mail with request for return receipt and shall be addressed to the licensee at his main office as shown by the records of the chief. The license of any licensee shall be void upon the termination of the bond of the surety company as provided in Section 6900.1 herein unless, prior to the termination, a new bond has been filed with the chief within 60 days after notice in writing by the chief requiring the filing thereof.

SEC. 40. Section 6900.1 is added to said code, to read:

6900.1. The surety upon any bond given on behalf of any licensee under this chapter may relieve itself of further liability by filing a notice of termination with the chief and at the same time serving similar notice on the licensee.

At the expiration of 60 days after the filing of notice of termination, the bond is terminated and the surety is relieved of all liability which otherwise thereafter would arise on its bond.

Termination of a bond pursuant to this section does not relieve the surety of liability arising prior to termination.

SEC. 41. Section 6901 of said code is amended to read:

6901. A licensee may file a new bond with the chief at any time. A new bond filed under this section may be filed by registered or certified mail with a request for a return receipt and shall be addressed to the chief at Sacramento. A return receipt signed by an employee of the Department of Professional and Vocational Standards shall be prima facie evidence of the filing of such bond.

SEC. 42. Section 6902 of said code is amended to read:

6902. Upon the cancellation, revocation, or otherwise termination of the license of an admitted surety insurer, the li-

cense of any licensee having posted a bond of such surety is suspended and shall remain suspended until a new bond is filed by an admitted surety insurer.

The license of any such licensee shall be revoked upon his failure to file a new bond within 60 days after notice in writing by the chief requiring the filing thereof.

SEC. 43. The title of Article 6.5 (commencing with Section 6904) of Chapter 8 of Division 3 of said code is amended to read:

Article 6.5. Receiver

SEC. 44. Section 6904 of said code is amended to read:

6904. If the director determines that a licensee is insolvent, he may cause an action to be filed in the superior court in the county in which the licensee is doing business for the purpose of having a receiver appointed, which said action and all proceedings pursuant thereto shall be had under the provisions of Title VII, Chapter 5, Sections 564-570 of the Code of Civil Procedure of the State of California.

SEC. 45. Section 6904.1 of said code is repealed.

SEC. 46. Section 6904.2 of said code is repealed.

SEC. 47. Section 6904.3 of said code is repealed.

SEC. 48. Section 6904.4 of said code is repealed.

SEC. 49. Section 6905 of said code is amended to read:

6905. Upon receiving and filing the application and bond specified in Articles 4 and 6, and upon a showing by the applicant of compliance with the other requirements of this chapter and any rules and regulations established under it, the chief shall grant and issue a license substantially in the form provided in this chapter.

SEC. 50. Section 6906 of said code is amended to read:

6906. The chief may refuse to issue a license if the applicant, or any partner, director, shareholder, officer, or trustee thereof, or the qualified person who is to be in charge of the business of the applicant or in charge of any office thereof:

(a) Is not of good moral character,

(b) Has been convicted of a crime involving moral turpitude or of illegally using, carrying, or possessing a dangerous weapon,

(c) Has committed any act which would justify the denial of registration under Section 6894.6,

(d) Has had a license revoked for cause, or has been a partner, director, shareholder, officer, trustee, or manager of a partnership, corporation, or unincorporated association, the license of which has been revoked for cause,

(e) Has been disqualified from further employment in the collection agency business pursuant to the provisions of Article 10 (commencing with Section 6925).

(f) Has committed any act which would justify refusal of permission to take the collection agency examination and to issue a qualification certificate under Section 6886.1.

The chief shall not issue a license unless the business of the applicant is to be placed under the active charge of a qualified person.

SEC. 51. Section 6906.2 is added to said code, to read:

6906.2. The chief may refuse to issue a license if the applicant or any partner, director, officer or trustee thereof, or the qualified person who is to be in charge of the business of the applicant or in charge of any office thereof, has been adjudicated as a bankrupt within two years preceding the date of the filing of the application.

SEC. 52. Section 6911 of said code is amended to read:

6911. The license is not transferable and is effectual until the first day of July next ensuing the date thereof and so long thereafter as continued in effect in accordance with Article 11, unless sooner revoked or canceled.

In the event of the loss or destruction of a license, the licensee may file with the chief an affidavit explaining the loss or destruction and pay the duplicate license fee prescribed. Thereupon the chief shall issue a duplicate license bearing the same date and number of the replaced license, and shall bear in conspicuous type the word "duplicate."

SEC. 53. Section 6912 of said code is amended to read:

6912. A licensee desiring to remove his place of business from the address stated in the license to another address or to make any change of the business name shown in the license shall file a written application therefor with the chief.

If the chief approves the application, the license shall be forwarded to the chief, together with the duplicate license fee and a rider or endorsement to the bond reflecting the change of name or address of the licensee. The chief shall then enter the change in his records, retain and file the returned license, and issue to the licensee a duplicate license setting forth the new name or address, or both, but bearing the same date and number as the returned license, and bearing in conspicuous type the word "duplicate."

The director shall approve the application unless the change of address requested would result in the location of two licensees using identical or substantially similar names in such proximity that confusion of the public would result.

SEC. 54. Section 6913 of said code is amended to read:

6913. The acquisition of more than 10 percent of the voting stock or shares in any corporation or unincorporated association by any person shall be grounds for revocation or suspension of any and all licenses of such corporation or unincorporated association if the director, after proceedings had in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code finds that such person:

(a) Is not of good moral character,

(b) Has been convicted of a crime involving moral turpitude, or

(c) Has committed any act which would justify refusal of permission to take the collection agency examination and to issue a qualification certificate under Section 6886.1.

Every licensed corporation and unincorporated association shall file with the chief a written report of any transfer, issuance, cancellation or redemption of stock or memberships amounting to 10 percent or more of the total voting stock or memberships then outstanding within 30 days after such transfer, issuance, cancellation or redemption.

SEC. 55. Section 6913.1 is added to said code, to read:

6913.1. In the event of any change in the officers of a licensed corporation, the licensee shall notify the chief in writing within 14 days after the effective date of such change. Any new officer who has not previously complied with the provisions of Section 6876 shall, within 14 days, submit a personal identification form, a photograph and two legible sets of fingerprints.

Violation of any provision of this section by a licensee shall be grounds for the suspension or revocation of its license.

SEC. 56. Section 6914 of said code is amended to read:

6914. The death of an individual licensee, or a change of the partners of a licensed copartnership shall void any license issued to such individual or copartnership. The chief shall, upon proper application, issue a temporary license to the personal representative or the nominee of the personal representative of a deceased licensee, or the remaining partner or partners of a copartnership. In no event shall a temporary license be issued to an applicant whose license has become void by reason of the addition of a partner to a previously licensed copartnership.

The application shall be in writing, subscribed and sworn to by the person to whom the temporary license is to be issued The application shall be accompanied by the bond provided for in Article 6 and the temporary license fee specified in Article 12.

The provisions of Articles 4 and 5 shall not apply to any application for temporary license.

A temporary license shall be effective for a period of one year and shall not thereafter be renewed or continued.

SEC. 57. Section 6915 of said code is amended to read:

6915. On or before the 31st day of January and on or before the 31st day of July of each year every licensee shall file with the chief a financial statement showing:

(a) The total amount of money owing and unremitted to customers as of the close of business on the last day of business of the preceding month,

(b) The total amount on deposit in the licensee's trust account and available for immediate distribution to customers as of the close of business on the last day of business of the preceding month, together with the title of the trust account and the name of the bank where the funds are deposited,

(c) The total amount of the customers' share of all money collected more than 60 days before the last day of business of the preceding month and not remitted on or before the last day of business of the preceding month, and

(d) Where a customer's share of any money collected more than 60 days before the last day of business of the preceding month and not remitted on or before the last day of business of the preceding month exceeds ten dollars ($10), the name of the customer, and the amount of the customer's share of the money collected.

Each statement shall be verified by the qualified person in active charge of each licensed office.

Any false statement shall constitute prima facie evidence of willful violation of this chapter and be grounds for institution of disciplinary proceedings against the licensee and the person executing the false statement on behalf of the licensee.

The chief may destroy all financial statements which have been on file for a period of at least four years.

The information contained in the financial statement shall be confidential and not a public record, but, where relevant, shall be admissible in evidence in any administrative hearing or judicial action or proceeding.

SEC. 58. Section 6916 of said code is amended to read:

6916. If the financial statement is not filed within the time required, the chief shall make written demand therefor by registered mail, with return receipt requested, addressed to the licensee's place of business of record, and if the statement is not filed within thirty (30) days after the date of such demand the license of such licensee shall be forthwith revoked.

A financial statement filed subsequent to its due date and prior to expiration of the 30-day period following written demand therefor shall be accompanied by the delinquency fee provided by Article 12. If the delinquency fee is not paid before the expiration of the 30-day period, the license shall be forthwith revoked.

SEC. 59. Section 6916.1 of said code is amended to read:

6916.1. A license revoked under the provisions of Sections 6902 and 6916 may be reinstated within six months of the date of revocation upon the application of the licensee, upon his complying with the rules and regulations adopted hereunder and upon the payment of the reinstatement fee provided by Section 6956. Reinstatement of a revoked license does not prohibit the bringing of disciplinary proceedings for any act committed between the date of revocation and the date of reinstatement.

SEC. 60. Section 6917 of said code is amended to read:

6917. Within 60 days after any payment is received on any claim or account, the licensee shall render a written statement of account to the customer setting forth all payments or credits received together with all charges and deductions

made since the last preceding statement, except that a licensee need not account for:

(a) Court costs recovered which were previously advanced by the licensee.

(b) Interest or other charges incidental to the principal amount of the obligation legally and properly belonging to the licensee, if such credits are retained by the licensee after the principal amount of the obligation has been accounted for and remitted to the customer.

SEC. 61. Section 6922 of said code is amended to read:

6922. Whenever a person actively in charge of an office to which Section 6921 applies ceases to be in charge, the licensee shall file with the chief notice in writing within 10 days from such cessation.

If the notice is filed, the license shall remain in force for a period of 30 days after the filing of such notice or for such further period as allowed under rules and regulations. At the end of the 30-day period or such additional period if written notice is not given that a qualified person is not then actively in charge of the office the license shall be ipso facto suspended.

If the licensee shall fail to give written notice at the end of the 10-day period, the license shall be ipso facto suspended.

A person who performs any act for which a collection agency license is required during the period of such a suspension is subject to the penal provisions of Article 3 of this chapter in addition to the provisions of Article 10.

SEC. 62. Section 6925 of said code is amended to read:

6925. Any person aggrieved may file with the chief a written statement alleging acts of misconduct or violations of this chapter or any rule or regulation established thereunder by a licensee or employee of a licensee All such statements shall be referred by the chief for investigation and report.

It shall also be the duty of the chief to initiate and conduct investigations into the business and affairs of licensees on his own motion.

The insolvency of a licensee, the adjudication as a bankrupt of a licensee or of a partner in a licensed copartnership, or the making of a general assignment for the benefit of creditors by a licensee or by a partner of a licensed copartnership, constitutes ground for the institution of disciplinary proceedings and revocation of license or other disciplinary action.

SEC. 63. Section 6926 is added to said code, to read:

6926. The assignment by a customer to a licensee of an account for collection creates a fiduciary relationship between the customer and the licensee. Such relationship imposes upon every licensee and employee a fiduciary duty to the customer the same as that imposed upon a trustee.

In carrying out the purpose of such fiduciary relationship every licensee or employee is bound to act in the highest good

faith toward his beneficiary and every licensee or employee shall not:

(a) Obtain any advantage over the beneficiary by the slightest misrepresentation, concealment, threat, or adverse pressure of any kind.

(b) Use or deal with the trust property for his own profit, or for any other purpose unconnected with the trust, in any manner.

(c) Use the influence which his position gives him to obtain any advantage from his beneficiary.

(d) Willfully mingle the trust property with his own so as to constitute himself in appearance its absolute owner.

All transactions between a licensee or employee and the beneficiary during the existence of the trust, or while the influence acquired by the trustee remains, by which he obtains any advantage from his beneficiary, are presumed to be entered into by the latter without sufficient consideration, and under undue influence.

Any licensee or employee who uses or disposes of the trust property contrary to the provisions of this chapter or the administrative rules established thereunder may at the option of the beneficiary be required to account for all profits so made, or to pay the value of its use, and if he has disposed thereof to replace it, with its fruits, or to account for its proceeds, with interest.

A violation of any of the above provisions by a licensee or employee constitutes grounds for the institution of disciplinary proceedings and revocation of a license or other disciplinary action.

SEC. 64. Section 6930 of said code is amended to read:

6930. If it be found upon the hearing, or from the evidence in uncontested cases, that the licensee or employee has willfully violated any of the provisions of this chapter, or the rules and regulations established under it, or that he has been guilty of fraud, dishonesty, or misrepresentation, or any act or omission inconsistent with the faithful discharge of his duties or obligations, or that a final conviction of felony or a crime involving moral turpitude has been entered against him, or that he has violated or failed to comply with any conditions imposed upon him by a decision of the director, the director shall, within thirty (30) days after final submission of the case, render the decision which may:

(a) Order the revocation of the license or licenses of the licensee or licensees accused, or order any accused person disqualified from further employment in the collection agency business.

(b) Order the license or licenses suspended for such period of time as may be specified.

(c) Impose upon the licensee, licensees or employee compliance with such just and reasonable conditions as may be specified.

(d) Order the revocation or suspension of the qualification certificate of a qualified person.

(e) Dismiss the accusation as to any one or more of the licensees or employees accused.

SEC. 65. Section 6931 of said code is amended to read:

6931. Any person who has been disqualified for collection agency employment or license pursuant to the provisions of this chapter who shall thereafter obtain employment in any capacity in the collection agency business or participate therein as a licensee, as a partner, as a director, trustee, officer or shareholder of a corporation licensee, or as officer, trustee or director of an unincorporated association licensee without having first been expressly found by the director, after due hearing as provided in this chapter, to be fit to engage in the collection agency business shall be guilty of a misdemeanor and punishable by a fine not exceeding one thousand dollars ($1,000) or by imprisonment not exceeding one year or by both fine and imprisonment.

SEC. 66. Section 6948 of said code is amended to read:

6948. The director may suspend or revoke a license issued under this chapter if he determines that the licensee or his manager, if an individual, or if the licensee is a person other than an individual, that any of its officers, partners, or its manager, knowingly employed or has in his employment in any capacity, any person who:

(a) Has failed to comply with the provisions of Article 5.5 (commencing at Section 6894) of Chapter 8 of Division 3.

(b) Has had a registration suspended or revoked under the provisions of Article 5.5 (commencing at Section 6894) of Chapter 8 of Division 3.

(c) Has been denied a registration under the provisions of Article 5.5 (commencing at Section 6894) of Chapter 8 of Division 3.

(d) Has been disqualified from employment in a licensed collection agency.

SEC. 67. Section 6948.1 is added to said code, to read:

6948.1. In addition to any other penalty, any person who knowingly shall violate the provisions of Section 6948 shall be guilty of a misdemeanor and punishable by a fine of not exceeding one thousand dollars ($1,000) or by imprisonment not exceeding one year or by both fine and imprisonment.

SEC. 68. Section 6949 of said code is amended to read:

6949. Any licensee may, prior to the suspension or revocation of his or its license, voluntarily surrender his or its license by mailing the license to the chief together with a written statement of such surrender, setting forth the reasons therefor, and a written declaration of the satisfactory disposition of all accounts of the licensee prior to such voluntary surrender, together with a written statement of notification to the licensee's surety company of such voluntary surrender, and upon receipt of the request for the cancellation of the

bond from the surety company, the license shall forthwith lapse.

SEC. 69. Section 6942.2 of said code is amended to read:

6949.2. Any person whose application has been denied pursuant to the provisions of Section 6906, or is disqualified from being in charge of a licensed office or pursuant to the provisions of Section 6923, or whose license, qualification certificate or registration is suspended or revoked pursuant to the provisions of Section 6930, or who has been disqualified from employment with a collection agency licensee pursuant to the provisions of this chapter, may file with the director a petition for reinstatement or review setting forth the grounds upon which the petitioner claims fitness to engage in the collection agency business. No such petition may be filed for a period of two years after the effective date of a decision of denial, revocation or disqualification. The director shall cause the petition to be set for hearing in accordance with the Administrative Procedure Act, Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code. After the hearing the director shall determine the fitness of the petitioner to engage in the collection agency business. If the petition is denied by the director after a hearing, such denial shall be without prejudice and petitioner may file a new petition at any subsequent time but not sooner than one year from the date of denial.

The director shall notify the petitioner within 60 days of the receipt of the petition whether the petition will be set for hearing or denied. If the petition will be heard it shall be filed and the hearing shall be set within 60 days of the notice.

SEC. 70. Section 6950 of said code is amended to read:

6950. A licensee desiring a continuation of his license shall, on or before the 30th day of June of each year, file with the chief a request for a continuation on such forms as may be designated by the chief. The request shall be accompanied by the continuation fee.

The chief shall, on or before the first day of June of each year mail to each licensee, addressed to him at his last known address, a form for continuation of license and a notice that the continuation fee is due and payable, stating the amount thereof, and that if the fee is not paid by the 30th day of June, the license shall be automatically revoked.

The chief shall issue a continuation license to the licensee which shall be dated the first day of July of the year of issuance thereof and shall bear in conspicuous type the word "continuation" and the date to and including which the license is continued.

In the event a licensee fails to request a continuation of his license within the time fixed, the license is automatically revoked, but may be reinstated within 30 days of the date of revocation upon compliance with the rules and regulations established hereunder and upon application of the licensee and

upon the payment of the delinquency and reinstatement fees provided by this chapter. Reinstatement of a revoked license shall not prohibit the bringing of disciplinary proceedings for any act committed during the period such license is revoked.

SEC. 71. Section 6951 of said code is amended to read:

6951. If the license of any person, partnership, association or corporation has been permitted to expire by reason of the military service, as defined in the Soldiers and Sailors Civil Relief Act of 1940, of such person, or the managing partner, or managing officer of such partnership, association or corporation, the license may be revived and continued upon application of such person, managing partner, or managing officer, filed within six months after the termination of such military service, with the chief. Upon receipt of the application, payment of the continuation fee, and filing of the bond provided for by Article 6 of this chapter, the chief shall issue a receipt which shall bear upon its face in conspicuous type the words "continuation of license" and the date to and including which the license is continued.

SEC. 72. Section 6862 of said code is amended to read:

6862. The chief shall gather evidence of violations of this chapter and of any rule or regulation established hereunder by persons engaged in business as collection agencies who fail to obtain licenses and shall gather evidence of violations and furnish the same to prosecuting officers of any county or city for the purpose of prosecuting all violations occurring within their jurisdiction.

The chief may require the attendance of witnesses and examine under oath all persons whose testimony he requires relative to the affairs of a licensee or to the subject matter of any examination, investigation, or hearing.

SEC. 73. Section 6915 of said code is amended to read:

6915. On or before the 31st day of January of each year every licensee shall file with the chief a financial statement showing:

(a) The total amount of money owing and unremitted to customers as of the close of business on the last day of business of the preceding month,

(b) The total amount on deposit in the licensee's trust account and available for immediate distribution to customers as of the close of business on the last day of business of the preceding month, together with the title of the trust account and the name of the bank where the funds are deposited.

(c) The total amount of the customers' share of all money collected more than 60 days before the last day of business of the preceding month and not remitted on or before the last day of business of the preceding month, and

(d) Where a customer's share of any money collected more than 60 days before the last day of business of the preceding month and not remitted on or before the last day of business of the preceding month exceeds ten dollars ($10), the name

of the customer, and the amount of the customer's share of the money collected.

Each statement shall be verified by the qualified person in active charge of each licensed office

Any false statement shall constitute prima facie evidence of willful violation of this chapter and be grounds for institution of disciplinary proceedings against the licensee and the person executing the false statement on behalf of the licensee.

SEC 74. Section 6916 of said code is amended to read:

6916. If the financial statement is not filed within the time required, the chief shall make written demand therefor by registered mail, with return receipt requested, addressed to the licensee's place of business of record, and if the statement or report is not filed within thirty (30) days after the date of such demand the license of such licensee shall be forthwith revoked.

A financial statement or a report of an examination and audit filed subsequent to its due date and prior to expiration of the 30-day period following written demand therefor shall be accompanied by the delinquency fee provided by Article 12. If the delinquency fee is not paid before the expiration of the 30-day period, the license shall be forthwith revoked.

SEC. 75. Sections 72, 73 and 74 of this act shall become operative only if either Senate Bill No. 83 or Assembly Bill No. 1970, or both, is or are enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as either Senate Bill No. 83 or Assembly Bill No. 1970 takes or take effect; at which time Sections 6862, 6915, and 6916 as amended by Sections 4, 57, and 58, respectively, are repealed.

CHAPTER 1815

An act to amend Sections 6862, 6915, 6916, and 6956.1 of, and to add Sections 6915 1, 6915 2, 6915.3, 6915.4, and 6915.5 to, the Business and Professions Code, relating to collection agencies.

[Approved by Governor July 17, 1963 Filed with Secretary of State July 19, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 6862 of the Business and Professions Code is amended to read:

6862. The chief shall gather evidence of violations of this chapter and of any rule or regulation established hereunder by persons engaged in business as collection agencies who fail to obtain licenses and shall gather evidence of violations and furnish the same to prosecuting officers of any county or city for the purpose of prosecuting all violations occurring within their jurisdiction.

The chief, with the approval of the director, may require the attendance of witnesses and examine under oath all persons whose testimony he requires relative to the affairs of a licensee or to the subject matter of any examination, investigation, or hearing.

SEC. 2. Section 6915 of said code is amended to read:

6915. On or before the 31st day of January of each year every licensee shall file with the director a financial statement showing:

(a) The total amount of money owing and remitted to customers as of the close of business on the last day of business of the preceding month,

(b) The total amount on deposit in the licensee's trust account and available for immediate distribution to customers as of the close of business on the last day of business of the preceding month, together with the title of the trust account and the name of the bank where the funds are deposited.

(c) The total amount of the customers' share of all money collected more than 60 days before the last day of business of the preceding month and not remitted on or before the last day of business of the preceding month, and

(d) Where a customer's share of any money collected more than 60 days before the last day of business of the preceding month and not remitted on or before the last day of business of the preceding month exceeds ten dollars ($10), the name of the customer, and the amount of the customer's share of the money collected.

Each statement shall be verified by the qualified person in active charge of the agency.

Any false statement shall constitute prima facie evidence of willful violation of this chapter and be grounds for institution of disciplinary proceedings against the licensee and the person executing the false statement on behalf of the licensee.

SEC. 3. Section 6915.1 is added to said code, to read:

6915.1. As of the close of its fiscal year or as of June 30 of each year, every licensee shall have its accounts audited in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants. On or before 60 days after the end of its fiscal year, or on or before August 31 of each year if the licensee elects to have the audit performed as of June 30, there shall be filed by the licensee with the director an audit report in which the certified public accountant, or public accountant, shall express an unqualified or qualified opinion or, if appropriate, disclaim an opinion on the statements taken as a whole, in accordance with standards for the accounting profession established by the rules and regulations of the State Board of Accountancy, except that the preparation of statements without audit will not constitute compliance with this section.

(a) The examination and audit shall disclose:

(1) Whether or not accurate, current books of account are maintained by the licensee as required by this chapter and the regulations of the director adopted pursuant to this chapter.

(2) An opinion on compliance by the licensee with accounting procedures required by this chapter and the regulations of the director adopted pursuant to this chapter.

(3) A balance sheet of the general account and customer trust accounts of the licensee and a profit and loss statement of the licensed collection agency.

(4) The data required by Section 6915 applicable to the close of the licensee's business on June 30.

(b) The audit provided for in this section shall not require verification of a debtor's work cards or files.

(c) Neither the licensee or the accountant retained to perform an audit under the provisions of this section shall be required to submit an audit of a scope enlarged beyond that specified in this section or performed to standards more stringent than those specified in this section.

SEC. 4. Section 6915.2 is added to said code, to read:

6915.2. Every licensee shall advise the director on or before January 15, 1964, or at the time of filing an application for an original license if such application is filed after January 15, 1964, of the date of the close of the licensee's fiscal year and whether the audits required by Section 6915.1 will be performed as of the close of the fiscal year or as of June 30 of each year. Thereafter any licensee who desires to change the annual date on which his audit as required by Section 6915.1 shall be performed shall request permission for such change from the director who shall grant or deny such permission within 30 days of the receipt by the director of such request.

SEC. 5. Section 6915.3 is added to said code, to read:

6915.3. Each audit shall contain a declaration, which shall be signed by the licensee, stating that under penalty of perjury he has examined the audit and to the best of his knowledge and belief it is true and accurate. If the audit is not true and accurate in any respect, the licensee shall set forth the exceptions.

SEC. 6. Section 6915.4 is added to said code, to read:

6915.4. The provisions of Sections 6915 and 6915.1 shall not preclude the director from inspecting, examining, or investigating the business, including the books, accounts, records, and files used therein by the licensee, on such basis and on such occasion as shall be necessary to insure compliances with this chapter and any rule or regulation adopted by the director pursuant to this chapter. For the purposes of this provision, the director shall have free access to the offices and places of

business, books, accounts, records, papers, files, safes, and vaults of all licensees. No charge shall be assessed to the licensee for any inspection, examination, or investigation made under the provisions of this section.

SEC. 7. Section 6915.5 is added to said code, to read:

6915.5. The director may destroy all financial statements which have been on file for a period of at least four years.

The information contained in the financial statement shall be confidential and not a public record, but, where relevant, shall be admissible in evidence in any administrative hearing or judicial action or proceeding.

SEC. 8. Section 6916 of said code is amended to read:

6916. If the financial statement is not filed within the time required, the director shall make written demand therefor by registered mail, with return receipt requested, addressed to the licensee's place of business of record, and if the statement or report is not filed within thirty (30) days after the date of such demand the license of such licensee shall be forthwith revoked.

A financial statement or a report of an examination and audit filed subsequent to its due date and prior to expiration of the 30-day period following written demand therefor shall be accompanied by the delinquency fee provided by Article 12. If the delinquency fee is not paid before the expiration of the 30-day period, the license shall be forthwith revoked.

SEC. 9. Section 6956.1 of said code is amended to read:

6956 1. Commencing June 1, 1964, and through May 31, 1965, the original license fee required by this chapter shall be in the amount of four hundred dollars ($400) and the continuation fee shall be in the following amounts:

(a) For licensees with less than four (4) employees, two hundred dollars ($200).

(b) For licensees with more than three (3) employees but less than eight (8) employees, two hundred fifty dollars ($250).

(c) For licensees with more than seven (7) employees, three hundred dollars ($300).

For purposes of this section the number of employees shall be determined as of March 31, 1964, and the term "employees" shall exclude every individual having an ownership interest in the licensed business, and his spouse. Commencing June 1, 1965, the original license fee and the continuation fee shall be in the amounts prescribed by Section 6956.

SEC. 10. Section 9 of this act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

SEC. 11. Sections 1 to 8, inclusive, of this act shall become operative on June 1, 1964.

CHAPTER 1816

An act to add Article 8 (commencing with Section 19220) to Chapter 6, Part 2, Division 5, Title 2 of, to add Sections 18546 and 18547 to, and to amend Section 19142 of, the Government Code, relating to state civil service.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Article 8 (commencing with Section 19220) is added to Chapter 6, Part 2, Division 5, Title 2 of the Government Code, to read:

Article 8. Career Executive Assignments

19220. It is the purpose of this article to encourage the development and effective use in the civil service of well-qualified and carefully selected executives In order to carry out this purpose the board shall establish by rule a system of merit personnel administration specifically suited to the training, selection, placement and motivation of managerial personnel. For the purpose of administering this system there is established herewith a category of civil service appointment called "career executive assignments." The board may designate positions of a high administrative and policy influencing character for inclusion in or removal from this category, except that the board shall not so designate a position in which there is an incumbent already appointed under the provisions of this part governing employees other than career executives.

19221. The provisions of Chapters 3 through 8 of Part 2 governing the selection, classification, salary, tenure and other conditions of employment of employees in the regular civil service shall not apply in administering managerial personnel through a merit system utilizing "career executive assignments" unless such application is provided by board rule. The provisions of this part relating to punitive actions shall apply to employees serving in career executive assignments, except that termination of a career executive assignment as provided for in Section 19222 is not a punitive action. With reference to termination of career executive assignments, the board rules shall, as a minimum, afford an employee a right of appeal to the board for restoration of his assignment when he alleges that his termination was for reasons prohibited in Chapter 10 of this part.

19222. Eligibility for appointment to positions in the career executive assignment category shall be established as a result of competitive examination of persons with permanent status in the civil service who meet such minimum qualifications as the board may determine are requisite to the performance of high administrative and policy influencing functions.

No person employed in a career executive assignment shall be deemed to acquire as a result of such service any rights to or status in positions governed by the provisions of this part relating to the civil service other than the category of career executive assignment; however, an employee shall, if he so desires, at the termination of his appointment to a career executive assignment, be reinstated to a position in his former class in which he had permanent civil service status.

SEC. 2. Section 18546 is added to said code, to read:

18546. "Career executive" means an employee appointed from an employment list established for the express purpose of providing a list of persons with permanent status in the civil service who are available for career executive assignments, in which selection, classification, salary, tenure, and other conditions of employment may be varied from those prevailing under Chapters 3 through 8 of Part 2 for other employees in the state civil service.

SEC. 3. Section 18547 is added to said code, to read:

18547. "Career executive assignment" means an appointment to a high administrative and policy influencing position within the state civil service in which the incumbent's primary responsibility is the managing of a major function or the rendering of management advice to top-level administrative authority. Such a position can be established only in the top managerial levels of state service and is typified by broad responsibility for policy implementation and extensive participation in policy evolvement. Assignment by appointment to such a position does not confer any rights or status in the position other than provided in Article 8 (commencing with Section 19220) of Chapter 6 of this part.

SEC. 4. Section 19142 of said code is amended to read:

19142. Every person accepts and holds a position in the state civil service subject to reinstatement of another person thereto:

(a) In accordance with Section 19141, or return following rejection under the provisions of Section 19364 or Section 19369, or

(b) From leave of absence, or

(c) By the board or by order of a court of competent jurisdiction, or

(d) From a career executive appointment.

The status of the person displaced shall be determined by the board, but he shall not be deprived of his earned position on the employment list from which he was certified.

The reinstatement of a person under the provisions of Section 19390 or following a leave of absence granted under Section 19402 does not effect a displacement under this section. Upon reinstatement of such a person any necessary separations are effected under the provisions of this part governing layoff and demotion.

CHAPTER 1817

An act to amend Sections 12205, 1223, 12301.1, 12305 and 12400 of, repeal Section 12300.3 of, and add Sections 12200.3, 12300.1, 12300.3, 12300.4, 12300.5, 12300.6, 12301.4, 12301.5, 12307.3, 12307 4 and 12312 to, the Financial Code, relating to check sellers and cashers.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 12200.3 is added to the Financial Code, to read:

12200.3. No licensee under this division shall engage in the business of selling checks, drafts, or money orders, or other commercial paper serving the same purpose or receiving money for the purpose of paying bills, invoices, or accounts of an obligor (except as business agent, or special or general prorater) or accepting money for the purpose of forwarding it to others in payment of bills at any location outside of the State of California nor shall any such licensee have agencies engaging in any such business at any location outside of the State of California.

SEC. 2. Section 12205 of said code is amended to read:

12205. A licensee who does not qualify to make use of agencies in the conduct of its business at all times shall maintain assets of at least ten thousand dollars ($10,000) in excess of its liabilities, of which assets at least five thousand dollars ($5,000) shall be liquid assets. A licensee is qualified to make use of agencies in the conduct of its business if at all times it shall have paid-in capital of at least one hundred thousand dollars ($100,000) and it shall maintain assets at one hundred thousand dollars ($100,000) in excess of its liabilities, of which assets at least twenty-five thousand dollars ($25,000) shall be liquid assets. The commissioner may determine by general rule what assets are liquid assets within the meaning of this section and may determine by specific ruling that a particular asset is or is not a liquid asset within the meaning of this section.

SEC. 3. Section 12223 of said code is amended to read:

12223. The commissioner may require a licensee engaging in the business of selling checks or receiving money for the purpose of paying bills, invoices, or accounts of an obligor, or one who accepts money for the purpose of forwarding it to others in payment of utility bills except as an authorized agent for a utility company, in addition to the bond provided in Section 12206, to obtain an adequate fidelity bond for each officer, employee, or agent having access to funds collected by or for the licensee or having authority to draw against such funds if in his opinion such a bond is necessary for the protection of the public.

In lieu of providing such bond for a licensee's agents, a licensee may deposit with the commissioner security in an amount not less than ten thousand dollars ($10,000) nor more than fifty thousand dollars ($50,000), as the commissioner may determine, for the protection of the public against loss suffered through embezzlement by any agent having access to funds collected by or for the licensee or having authority to draw against such funds, or from mysterious disappearance, holdup or burglary. Such security may only be in the form of cash, lawful money of the United States or bearer bonds issued by the United States or the State of California or investment certificates issued by insured savings and loan associations licensed to do business in the State of California.

Such security shall be deposited with the commissioner and may be sold by the commissioner at public auction if it becomes necessary so to do in order to satisfy the requirements of this section. Notice of the sale shall be served upon the licensee who placed the security personally or by mail. If by mail, service shall be addressed to the licensee at its address as it appears in the records of the commissioner. Bearer bonds of the United States or the State of California without a prevailing market price must be sold at public auction. Such bonds having a prevailing market price may be sold at private sale at a price not lower than the prevailing market price thereof. Upon any sale any surplus above the amounts due shall be returned to the licensee, and licensee shall deposit with the commissioner additional security sufficient to meet the amount required by the commissioner.

SEC. 4. Section 12300.1 is added to said code, to read:

12300.1. Licensees shall observe reasonable precautions against theft or alteration of checks, drafts or money orders, and against burglary or holdup.

SEC. 5. Section 12300.3 of said code is repealed.

SEC. 6. Section 12300.3 is added to said code, to read:

12300.3. All funds received by a licensee or its agents from the sale of checks, drafts, money orders, or other commercial paper serving the same purpose and for the purpose of paying bills, invoices, or accounts of an obligor, equal in amount to the face value of such instruments or equal to the amount to be paid, shall constitute trust funds owned by and belonging to the person from whom they were received or a licensee who has paid the checks, drafts, money orders or other commercial paper serving the same purpose, for which the funds of such persons have been received by the agent but not transmitted to such licensee or deposited in the trust account of such licensee. If a licensee or an agent of a licensee shall commingle such funds with those of his own, all assets of such agent shall be impressed with a trust in favor of said purchaser or the licensee in an amount equal to the aggregate funds received or which should have been received by the agent from such sale. Such trust shall continue until an amount equal to said funds

is separated from those of the agent and transmitted to the licensee or deposited in the trust account of licensee. An amount equal to all such trust funds shall be deposited in a bank or banks in an account or accounts in the name of the licensee designated "trust account," or by some other appropriate name indicating that the funds are not the funds of the licensee or of its officers, employees, or agents. Such funds, or, in the event of the commingling of such funds by licensee or its agent with those of the licensee or its agent, an amount of funds of such licensee or of its agent equal thereto, shall constitute trust funds as herein provided and shall not be subject to attachment, levy of execution or sequestration by order of court except by a payee, or bona fide assignee, or bona fide holder in due course of a check, draft, or money order sold by a licensee, or except by an obligor for whom a licensee is acting as an agent in paying bills. Funds in said account, together with funds and checks on hand and in the hands of agents held for the account of the licensee, at all times shall be at least equal to the aggregate liability of the licensee on account of checks sold and bills, invoices, and accounts accepted for payment.

Nothing in this law shall be construed to prevent a purchaser, a holder in due course, the payee of a check, draft or money order sold by the licensee in the usual course of his business, or an obligor for whom the licensee is acting as an agent in paying bills of the obligor, from taking any legal action necessary to enforce any claims which said purchaser, holder in due course, payee, or obligor may desire to take including the right to levy attachment or execution.

In the event a license under this law shall be suspended or terminated the licensee shall immediately deposit in said trust account an amount which with funds therein contained shall be equal to the outstanding checks sold and bills unpaid.

SEC. 7. Section 12300.4 is added to said code, to read:

12300.4. Prior to such separation and transmittal to the licensee or deposit by its agent such funds received by said agent may be used by said agent for the sole purpose only of the making of change or cashing of checks in the normal course of its business. All such funds received by said agent to the date of deposit or transmittal as required below or an amount equal to such funds must be separated from those of the agent and transmitted to, or deposited in the trust account of, the licensee not less than every third business day. If an agent owns or operates, either directly or indirectly, more than two locations for the sale of checks, drafts, money orders, or other commercial paper serving the same purpose and/or for the receipt of money for the purpose of paying bills, invoices or accounts of an obligor, and handles trust funds in any three-day period equal to or in excess of securities to be deposited as provided in Section 12223, said agent shall transmit to, or deposit in the trust account of, the licensee directly from each such location of such agent such funds not later than the end

of the next business day following receipt; such funds to be in form of cash or checks cashed in the normal course of business only.

Where the total amount of such funds held by an agent does not exceed one thousand dollars ($1,000) in a calendar week, the commissioner may, in his discretion, by written order permit the agent to transmit or deposit such funds in periods in excess of 3 days but not more than 10 days.

If, after reasonable notice from licensee, an agent shall fail to transmit or deposit the funds, or an amount equal thereto, or to report to the licensee, as herein provided without just cause, or if an agent shall use any of such funds, directly or indirectly, for any purpose other than is permitted herein, licensee shall immediately terminate such agency and within five (5) days thereafter notify the commissioner in writing of the reason for such termination, setting forth the name and address of the agency location. No agent so terminated shall be permitted to become an agent of the licensee or any other licensee except as provided in Section 12301.4 of the Financial Code.

SEC. 8. Section 12300 5 is added to said code, to read:

12300.5. An amount equal to all such funds received by a licensee shall be separated from the funds of the licensee and deposited in its trust account not later than the end of the next business day following receipt by such licensee. All such funds shall thereafter remain in such trust account and may be used for no purpose other than paying bills of said persons, or paying checks, drafts, money orders, or other commercial paper sold by the licensee except as otherwise provided in Section 12300.6.

SEC. 9. Section 12300.6 is added to said code, to read:

12300.6. Prior to separation and deposit by the licensee such funds may only be used by the licensee for the making of change or the cashing of checks in the normal course of its business, and then only to the extent of the amount of the bond which has been filed under Section 12206.

After separation and deposit such funds also may be used by a licensee for the cashing of checks in the normal course of its business, and then only to the extent of the amount of the bond which has been filed with the commissioner containing the provisions and conditions set forth in Sections 12207 through 12213, inclusive, of this code.

SEC. 10. Section 12301.1 of said code is amended to read:

12301.1. A licensee within 10 days after establishing a mobile unit, a branch office or agency location shall notify the commissioner in writing and shall furnish the commissioner with the name and address of each such branch office or agency location and the California state registration number or other identification of the mobile unit and the area in which it proposes to operate such mobile unit and such other information as the commissioner may require so that he may be continuously advised of every location at which checks, drafts, or

money orders of the licensee are being sold or issued. Within five days after the termination of a mobile unit, a branch office or agency location a licensee shall inform the commissioner of the name and address of the branch office or agency location terminated and the California state registration number or other identification of the mobile unit terminated, together with a statement of the reasons for the termination.

SEC. 11. Section 12301.4 is added to said code, to read:

12301.4. A licensee shall terminate and cancel any agency immediately upon instruction from the commissioner and when it has been established (a) that the agent has refused to permit the examination of its books, accounts, records, and files; (b) that an examination has revealed a shortage in its accounts relating to the sale of checks; (c) that the agent after specific instruction to do so has failed to remit to the licensee or deposit in its trust account within the time specified in Section 12300.4 funds received from the sale of checks, drafts, money orders, or other commercial paper serving the same purpose or funds received for the purpose of paying bills, invoices, or accounts of an obligor; (d) that the agency has violated any provision of this chapter. No agency terminated and canceled by a licensee pursuant to or for the reasons set forth in this section shall be re-established by said licensee or established by any other licensee until after the written consent of the commissioner is given to the establishment or re-establishment of such agency. If the licensee or the agent requests a hearing with respect to such termination, the commissioner shall thereupon hold a hearing within 10 days after receiving such request. If the commissioner finds that the violations were purely technical and do not substantially affect the agent's ability to perform his duties as such agent, or if the commissioner finds that such violations did not occur, the commissioner shall issue an order vacating his said notice to the licensee.

SEC. 12. Section 12301.5 is added to said code, to read:

12301.5. No agent of a licensee shall issue or cause to be issued any check, draft, or money order, or other commercial paper serving the same purpose which is drawn upon the trust account of a licensee without concurrently receiving in full, in cash, or by check, draft, or money order from a third party believed to be valid, the principal amount thereof.

SEC. 13. Section 12305 of said code is amended to read:

12305. For the purpose of discovering violations of this division the commissioner may at any time investigate the business and examine the books, accounts, records, and files used therein, of any licensee, of any agent, and of any person who the commissioner has reason to believe is engaging in the business defined in this division.

SEC. 14. Section 12307.3 is added to said code, to read:

12307.3. Whenever as a result of an examination or report it appears to the commissioner that:

(a) The capital of any licensee is impaired;

(b) Any licensee is conducting its business in such an unsafe or injurious manner as to render its further operations hazardous to the public;

(c) Any licensee has suspended payment of its trust obligations;

(d) Any licensee has refused to submit its books, papers, and affairs to the inspection of an examiner of the Division of Corporations;

(e) Any officer of any licensee refuses to be examined under oath touching the concerns of such licensee;

(f) Any licensee neglects or refuses to comply with any order of the commissioner made pursuant to this division unless the enforcement of such order is restrained in a proceeding brought by such licensee; the commissioner may forthwith take possession of the property and business of such licensee and retain possession until such licensee resumes business or its affairs be finally liquidated as herein provided. Such licensee, with the consent of the commissioner, may resume business upon such terms as he may prescribe.

SEC. 15. Section 12307.4 is added to said code, to read:

12307.4. Whenever the commissioner has taken possession of the property and business of a licensee he may petition the superior court for the appointment of a receiver to liquidate the affairs of the licensee. During the time that the commissioner retains possession of the property and business of a licensee he shall have the same powers and authority with reference to such licensee as is vested in him with respect to industrial loan companies and such licensee shall likewise have the same rights to hearings and judicial review as are granted to industrial loan companies.

SEC. 16. Section 12312 is added to said code, to read:

12312. An agreement between one licensed to engage in the business of selling or cashing checks, drafts, money orders, or other commercial paper serving the same purpose, and one undertaking to act in that business as an agent of the licensee, shall be in writing.

Such a licensee shall not pay such an agent any compensation as consideration for becoming an agent, other than that specified in their written agency agreement, in any manner, directly or indirectly, or by any method, practice or device whatsoever.

The commissioner may order any licensee to desist from any conduct which he shall find to be a violation of the foregoing provisions of this section.

SEC. 17. Section 12400 of said code is amended to read:

12400. The commissioner may, upon reasonable opportunity to be heard, suspend or revoke any license issued pursuant to this division, if he finds that:

(a) The licensee has failed to pay the annual license fee provided by this division.

(b) The licensee has failed to report within 10 days the establishment of a mobile unit, branch office, or agency location,

or has failed upon demand of the commissioner pursuant to Section 12301.4 of this code to terminate and cancel any agency.

(c) The licensee has violated any provision of this division or any rule or regulation made by the commissioner under and with the authority of this division.

(d) Any fact or condition exists which, if it had existed at the time of the original application for such license, reasonably would have warranted the commissioner in refusing originally to issue such license.

SEC. 18. The Legislature declares that the amendments of, and additions to, the Financial Code effected by this act are to implement the recommendations contained in Volume 15, Number 26, of the Final Report of the Assembly Interim Committee on Finance and Insurance, January 31, 1963.

CHAPTER 1818

An act to amend Sections 74002, 74003, 74004, 74005 and 74006 of, and to add Section 74007 to, the Government Code, relating to salaries of municipal court attachés.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 74002 of the Government Code is amended to read:

74002. There shall be one clerk for each court who shall receive a monthly salary as provided by the following range numbers of Section 74005: for the Anaheim-Fullerton and the Santa Ana-Orange Municipal Courts, Range Number 47; for the Huntington Beach-Seal Beach and the Newport Beach Municipal Courts, Range Number 46; for the Laguna Beach-San Clemente Judicial District Municipal Court, Range Number 45.

SEC. 2. Section 74003 of said code is amended to read:

74003. There shall be one marshal for each court who shall receive a monthly salary as provided by the following range numbers of Section 74005:

For the Anaheim-Fullerton Municipal Court	48
For the Santa Ana-Orange Municipal Court	47
For the Huntington Beach-Seal Beach Municipal Court	46
For the Newport Beach Municipal Court	46
For the Laguna Beach-San Clemente Municipal Court	45

SEC. 3. Section 74004 of said code is amended to read:

74004. (a) The number of positions within each job classification which may be filled by appointment by the clerk and

the marshal, respectively, of each such court, and the number of the salary range set forth in Section 74005 which constitutes the compensation for each job classification, shall be as shown in the table below, in which the various municipal courts are designated by column headings from left to right in the same order as that in which their judicial districts are named in Section 74000:

Title of job classification	Applicable salary range number	Number of positions authorized in each court				
		A-F	SA-O	HB-SB	NB	LB-SC
Appointed by the clerk:						
Chief deputy clerk II	43	1	1	0	0	0
Chief deputy clerk I	42	0	0	1	1	1
Deputy clerk VI	40	3	3	0	0	0
Deputy clerk V	39	0	0	3	3	0
Deputy clerk IV	38	9	7	3	3	2
Deputy clerk III	36	2	2	1	1	1
Deputy clerk II	33	9	8	5	5	2
Deputy clerk I	32	26	17	6	11	2
Appointed by the marshal:						
Lieutenant	44	1	0	0	0	0
Sergeant	42	3	2	1	1	0
Deputy marshal II	39	14	10	6	7	4
Deputy marshal I	38	8	4	2	2	1
Chief clerk II	39	1	1	0	0	0
Chief clerk I	38	0	0	1	1	1
Clerk III	35	2	1	1	1	0
Clerk II	33	5	3	2	2	1
Clerk I	32	4	3	1	1	1

(b) The duties to be performed by persons employed in the respective job classifications listed above shall include the following, plus such additional duties as may be assigned by the appointing authorities:

Those appointed by the clerk:

Chief deputy clerk II: assistant to the clerk in the Anaheim-Fullerton and Santa Ana-Orange courts.

Chief deputy clerk I: assistant to the clerk in the Huntington Beach-Seal Beach, Newport Beach and Laguna Beach-San Clemente courts.

Deputy clerk VI: division head in the Anaheim-Fullerton and Santa Ana-Orange courts.

Deputy clerk V: division head in the Huntington Beach-Seal Beach and Newport Beach courts.

Deputy clerk IV: courtroom clerk; civil process clerk.

Deputy clerk III: bookkeeper; assistant division head in the Santa Ana-Orange and Anaheim-Fullerton courts.

Deputy clerk II: cashier, stenographer, calendar clerk; small claims clerk; minute clerk.

Deputy clerk I: general clerical duties.

Those appointed by the marshal:

Lieutenant: assistant to the marshal.

Sergeant: supervision of deputy marshals.

Deputy marshal II: field deputy.

Deputy marshal I: bailiff.

Chief clerk II: supervision of all clerical work in the Anaheim-Fullerton and Santa Ana-Orange marshal's office.

Chief clerk I: supervision of all clerical work in the Huntington Beach-Seal Beach and, Newport Beach and Laguna Beach-San Clemente marshal's office.

Clerk III: bookkeeper, supervision of a clerical unit.

Clerk II: counter; processing of writs.

Clerk I: general clerical duties.

(c) All persons appointed to clerical positions by the clerk and marshal, respectively, shall have successfully passed the written clerical examination required for the County of Orange classification of clerk II.

SEC. 4. *Section 74005 of said code is amended to read:*

74005. The schedule of monthly salary ranges referred to in Sections 74002, 74003 and 74004 is as follows:

Range number	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
32	$319	$337	$355	$375	$395	$417	$440
33	337	355	375	395	417	440	464
34	355	375	395	417	440	464	489
35	375	395	417	440	464	489	516
36	395	417	440	464	489	516	545
37	417	440	464	489	516	545	575
38	440	464	489	516	545	575	608
39	464	489	516	545	575	608	641
40	489	516	545	575	608	641	677
41	516	545	575	608	641	677	715
42	545	575	608	641	677	715	755
43	575	608	641	677	715	755	797
44	608	641	677	715	755	797	842
45	641	677	715	755	797	842	889
46	677	715	755	797	842	889	940
47	715	755	797	842	889	940	992
48	755	797	842	889	940	992	1,048
49	797	842	889	940	992	1,048	1,107
50	842	889	940	992	1,048	1,107	1,170
51	889	940	992	1,048	1,107	1,170	1,236

If the board of supervisors adopts a biweekly method of payment for county employees, the following indicated biweekly salaries shall be deemed equivalent to the respective monthly salaries:

Monthly salary	Biweekly salary
$319	$146.40
337	155.20
355	163.20
375	172.80
395	181.60
417	192.00
440	202.40
464	213.60
489	224.80
516	237.60
545	250.04
575	264.00
608	279.20
641	294.40
677	311.20
715	328 80
755	347.20
797	366.40
842	387.20
889	408.80
940	432.00
992	456.00
1,048	481.60
1,107	508.80
1,170	537.60
1,236	568.00

(a) The initial hiring rate for each position shall be step 1 provided for such position by this section. If, however, it is difficult to secure qualified personnel at such rate or if a person of unusual qualifications is employed, the appointing authority, with the approval of a majority of the judges, or in the event of an equal division of the judges, of the judge senior in service, and of the board of supervisors, may employ such person at one of the higher salary steps provided for the position.

(b) Administration of the salary plan provided by this article (commencing with Section 74000), including the determination of the anniversary dates for entitlement to salary increments, increases within range, salary on promotion, transfer or demotion, salary on position reclassification, and all other relevant matters, shall be in accordance with the provisions of the ordinances of the County of Orange relating to the administration of the county salary plan for county em-

ployees generally, except that the allocation of job classifications to step 6 and to step 7 of any of the monthly salary ranges set forth in Section 74005 shall be only upon specific approval by the board of supervisors and Section 72001 shall not be applicable to the positions authorized by this article.

(c) The officers and attachés of the municipal court shall be entitled to the same vacation, leaves of absence, compensation during absence from duty for injuries arising out of and in the course of employment, and other similar benefits and privileges as are now or may hereafter be granted to employees of the County of Orange by the ordinances of the county.

(d) Notwithstanding any other provisions of law, the salary of municipal court employees may, upon approval of the board of supervisors, be increased or decreased within the limits set forth in this section in order to provide compensation that is comparable to county employees of similar qualifications and experience, holding equal or comparable positions in the Orange County classified service as the comparability is determined by the board of supervisors.

SEC. 5. Section 74006 of said code is amended to read:

74006. Upon the effective date of this article, the incumbent attachés and employees shall each succeed to and be assigned to the positions provided by this article (commencing with Section 74000), the duties of which are comparable to the positions formerly held by such attachés and employees. The appointing authority, with the approval of the majority of the judges in each court, or in the event there is an equal division of judges in any court, with the approval of the judge senior in service therein, shall determine the position to which each incumbent attaché or employee shall be assigned.

Each of the incumbent officers, attachés, and employees shall retain the same salary, in the new salary range made applicable to his position in this article, as he occupied in the superseded salary range or position.

Notwithstanding any other provisions of law, incumbent officers, attachés and employees whose positions are reclassified by this article shall receive a salary not lower than the superseded salary and further salary increases of those persons shall be in accordance with provisions of the ordinances of the County of Orange relating to the administration of the county salary plan for county employees generally.

SEC. 6. Section 74007 is added to said code, to read:

74007. The positions relating to the clerk, marshal, deputy clerks and deputy marshals for the Laguna Beach-San Clemente Judicial District shall not become operative until such time as a municipal court is established in the Laguna Beach-San Clemente Judicial District.

CHAPTER 1819

An act to add Article 8 (commencing with Section 10249) to Chapter 3 of Part 1 of Division 4 of the Business and Professions Code, relating to real property securities.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Article 8 (commencing with Section 10249) is added to Chapter 3 of Part 1 of Division 4 of the Business and Professions Code, to read:

Article 8. Out-of-state Land Promotions

10249. No person acting as a principal or agent shall in this State sell or lease or offer for sale or lease lots or parcels in a subdivision situate outside of this State except as provided in this article.

10249.1. The term "subdivision" as used in Section 10249 means improved or unimproved land or lands divided or proposed to be divided for the purpose of sale or lease, whether immediate or future, into five or more lots or parcels.

10249.2. The sale or lease, or the offering for sale or lease of lots or parcels in a subdivision situated outside of this State shall be governed by the provisions of Article 6, of Chapter 3 of this part and of Chapter 1 of Part 2 of the Division 4 of this code, insofar as applicable.

The Real Estate Commissioner may adopt regulations reasonably necessary to enforce the provisions of this article.

SEC. 2. The offering of subdivision land to residents of the State of California which is situated in distant and inaccessible areas of the United States and foreign countries where standards of subdivision development have not been established by local authorities, as in California, has created an opportunity for the exploitation of California residents. Our citizens who are denied immediate access to examine the property are placed in the position of an investor in securities where the risks are clearly beyond the control of the individual and dependent upon the managers of the capital investment or the developers of the real estate promotion. The Legislature therefore finds that this type of an investment requires the protection and supervision of laws designed to protect security investors.

CHAPTER 1820

An act to amend Section 1205 of the Penal Code, relating to fines for public offenses.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1205 of the Penal Code is amended to read:

1205. A judgment that the defendant pay a fine, with or without other punishment, may also direct that he be imprisoned until the fine is satisfied and may further direct that such imprisonment begin at and continue after the expiration of any imprisonment imposed as a part of the punishment or of any other imprisonment to which he may theretofore have been sentenced. Every such judgment must specify the extent of the imprisonment for nonpayment of the fine, which must not be more than one day for each five dollars ($5) of the fine, nor exceed in any case the term for which the defendant might be sentenced to imprisonment for the offense of which he has been convicted. A defendant held in custody for nonpayment of a fine shall be entitled to credit on the fine for each day he is so held in custody, at the rate specified in the judgment. When the defendant has been convicted of a misdemeanor, a judgment that the defendant pay a fine may also direct that he pay the fine within a limited time or in installments on specified dates and that in default of payment as therein stipulated he be imprisoned in the discretion of the court either until the defaulted installment is satisfied or until the fine is satisfied in full; but unless such direction is given in the judgment, the fine shall be payable forthwith.

Except as otherwise provided in case of fines imposed as conditions of probation, the defendant must pay the fine to the clerk of the court, or to the judge thereof if there is no clerk, unless the defendant is taken into custody for nonpayment of the fine, in which event payments made while he is in custody shall be made to the officer who holds him in custody and all amounts so paid shall be forthwith paid over by such officer to the court which rendered the judgment. The clerk shall report to the court every default in payment of a fine or any part thereof, or if there is no clerk, the court shall take notice of such default. If time has been given for payment of a fine or it has been made payable in installments, the court shall, upon any default in payment immediately order the arrest of the defendant and order him to show cause why he should not be imprisoned until the fine or installment thereof, as the case may be, is satisfied in full. If the fine, or installment, is payable forthwith and it is not so paid, the court shall without further proceedings, immediately commit the defend-

ant to the custody of the proper officer to be held in custody until the fine or installment thereof, as the case may be, is satisfied in full. The provisions of this section shall apply to any violation of any of the codes or statutes of the State of California punishable by a fine or by a fine and imprisonment.

CHAPTER 1821

An act to amend Section 22030 of the Elections Code, relating to consolidation of election precincts.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 22030 of the Elections Code is amended to read:

22030. The election board conducting local, special, or consolidated elections may, for the purpose of the election, divide the territory within which the election is to be held into special election or consolidated election precincts by consolidating existing precincts, or otherwise, subject to the provisions of Section 1568, and may change and alter the precincts for such elections as often as occasion requires. Not more than three existing precincts may be consolidated into one special election or consolidated election precinct, and no consolidated precinct shall be formed containing more than 600 voters. The polling place used for a consolidated precinct shall be located within the boundaries of the consolidated precinct.

CHAPTER 1822

An act to amend Section 87 of the Agricultural Code, and to amend Section 87 of the Agricultural Code as proposed by Senate Bill No. 1024, relating to fairs.

[Approved by Governor July 17, 1963 Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 87 of the Agricultural Code is amended to read:

87. The board of directors may, with the approval of the Department of Finance:

(a) Fix the term of office, the amount of bond, salary and prescribe the duties of the secretary and of the treasurer.

(b) Manage the affairs of the association.

(c) Make all necessary bylaws, rules and regulations for the government of the association.

(d) Arrange for and conduct or cause or by contract permit to be conducted by any other individual, institution, corporation or association, upon its property at such time as they may deem advisable, any activity, notwithstanding other provisions of the code.

(e) Delegate, as it may deem advisable, to its officers or employees any of the powers vested in the board under subdivisions (b) and (d) of this section. Any such delegation of powers may be revoked at any time.

An agricultural association shall not lease its racetrack, for running races of horses, to any private person, firm or corporation except to a national or international exposition or its affiliated corporations or associations for the period of time now permitted by law for fairs. The provisions of this subdivision shall not apply to existing leases or extensions or renewals thereof nor to the negotiating and issuing of a new lease to any private person, firm, or corporation by an agricultural association that is leasing its racetrack for running races of horses, on the effective date of the amendment to this section enacted at the 1963 Regular Session of the Legislature, if such new lease contains terms more favorable to the association and the new lease is approved by the California Horse Racing Board.

SEC. 2. Section 87 of said code, as proposed by Senate Bill No. 1024, is amended to read:

87. The board of directors may, with the approval of the Department of Agriculture:

(a) Fix the term of office, the amount of bond, salary and prescribe the duties of the secretary and of the treasurer.

(b) Manage the affairs of the association.

(c) Make all necessary bylaws, rules and regulations for the government of the association.

(d) With the approval of the Department of General Services, arrange for and conduct or cause or by contract permit to be conducted by any other individual, institution, corporation or association, upon its property at such time as they may deem advisable, any activity, notwithstanding other provisions of the code.

(e) Delegate, as it may deem advisable, to its officers or employees any of the powers vested in the board under subdivisions (b) and (d) of this section. Any such delegation of powers may be revoked at any time.

An agricultural association shall not lease its racetrack, for running races of horses, to any private person, firm or corporation except to a national or international exposition or its affiliated corporations or associations for the period of time now permitted by law for fairs. The provisions of this subdivision shall not apply to existing leases or extensions or renewals thereof nor to the negotiating and issuing of a new lease to any private person, firm, or corporation by an agri-

cultural association that is leasing its racetrack for running races of horses, on the effective date of the amendment to this section enacted at the 1963 Regular Session of the Legislature, if such new lease (1) contains terms more favorable to the association, (2) is approved by the California Horse Racing Board, and (3) is not to become effective until at least three years after it is signed.

SEC. 3. Section 2 of this act shall become operative only if Senate Bill No. 1024 is enacted by the Legislature at its 1963 Regular Session and becomes operative, and in such case at the same time as Senate Bill No 1024 becomes operative; at which time Section 1 of this act is repealed.

SEC. 4. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

CHAPTER 1823

An act to add Chapter 4 (commencing with Section 17800) to Part 3 of Division 7 of the Business and Professions Code, relating to marriage, family and child counseling services and making an appropriation therefor.

[Approved by Governor July 17, 1963 Filed with Secretary of State July 19, 1963]

The people of the State of California do enact as follows:

SECTION 1. Chapter 4 (commencing with Section 17800) is added to Part 3 of Division 7 of the Business and Professions Code, to read:

CHAPTER 4. MARRIAGE, FAMILY AND CHILD COUNSELORS

Article 1. Regulation

17800. After January 1, 1964, no person who engages in the business of marriage, family, or child counseling shall advertise the performance of that service without a license as provided in this chapter. For the purposes of this chapter, "person" includes personnel of an agency who actually engage in performing marriage, family or child counseling.

The provisions of this chapter shall not apply to any priest, rabbi, or minister of the gospel of any religious denomination, nor to any person who is licensed to practice medicine or admitted to practice law in this State, nor any organization which is both a nonprofit and charitable organization.

17801. A person engages in the business of marriage, family, or child counseling who performs or offers to perform or holds himself out as able to perform such a service.

17802. "Advertise," as used in this chapter, includes, but not by way of limitation, the issuance of any card, sign, or device to any person, or the causing, permitting, or allowing of any sign or marking on or in any building or structure, or in any newspaper or magazine or in any directory, with or without any limiting qualification.

17803. A person desiring to advertise the performance of marriage, family, or child counseling services shall apply to the Director of Professional and Vocational Standards for a license and pay the license fee required by this chapter.

17804. To qualify for a license an applicant shall have all the following qualifications:

(a) At least a master's degree in marriage counseling, in social work, or in one of the behavioral sciences, including, but not limited to, sociology or psychology, obtained from a college or university accredited by the Western College Association, the Northwest Association of Secondary and Higher Schools, or an essentially equivalent accrediting agency as determined by the department.

(b) At least two years' experience, of a character approved by the director, under the direction of a person who holds the degree specified in subdivision (a) or at least two years' experience of a type which in the discretion of the director is equivalent to that obtained under the direction of such a person.

17805. The director shall issue a license to every applicant who qualifies under the chapter.

17806. The director may adopt such rules and regulations as may be necessary to enable him to carry into effect the provisions of this chapter. Such rules and regulations shall be adopted in accordance with Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

17807. The director may employ whatever additional personnel is necessary to carry out the provisions of this chapter.

Article 2. Denial, Suspension and Revocation

17820. The director may refuse to issue a license, or may suspend or revoke a license, for any of the following:

(a) Conviction of a felony, or of any offense involving moral turpitude, the record of conviction being conclusive evidence thereof.

(b) Securing a license by fraud or deceit practiced on the director.

17821. In addition to the grounds contained in Section 17820 the director shall revoke the license of any person, other than a physician and surgeon who uses or offers to use hypnosis or drugs, or a certified psychologist who uses or offers to use hypnosis, in the course of performing marriage, family, or child counseling services.

17822. A plea or verdict of guilty to a charge of a felony or of any offense involving moral turpitude as deemed to be a conviction within the meaning of this article. The director shall order the license suspended or revoked, or shall decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence.

17823. The proceedings conducted under this article shall be held in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Article 3. Penalties

17830. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor.

17831. In addition to other proceedings provided for in this chapter, whenever any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, an offense against this chapter, the superior court in and for the county wherein the acts or practices take place, or are about to take place, may issue an injunction, or other appropriate order, restraining such conduct on application of the director, the Attorney General, or the district attorney of the county.

The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

Article 4. Revenue

17840. Licenses issued under this chapter shall expire on December 31 of each odd-numbered year, if not renewed.

To renew an unexpired license, the holder thereof, on or before December 31 of each odd-numbered year, shall apply for a renewal on a form prescribed by the director and pay the renewal fee prescribed by this chapter.

17841. A license which has expired may be renewed at any time within five years after its expiration on filing and application for renewal on a form prescribed by the director and payment of the renewal fee in effect on the last preceding regular renewal date. If the license is renewed more than 30

days after its expiration, the licensee, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter.

Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license shall continue in effect through the date provided for in Section 17840 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

17842. A suspended license is subject to expiration and shall be renewed as provided in this article, but such renewal does not entitle the licensee, while it remans suspended and until it is reinstated, to engage in the activity to which the license relates, or in any other activity or conduct in violation of the order or judgment by which it was suspended.

17843. A revoked license is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the licensee shall, as a condition precedent to its reinstatement, pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

17844. A license which is not renewed within five years after its expiration may not be renewed, restored, reinstated, or reissued thereafter, but the licensee may apply for and obtain a new license if:

(a) No fact, circumstance, or condition exists which, if the license were issued, would justify its revocation or suspension,

(b) He pays all of the fees which would be required of him if he were then applying for a license for the first time.

17845. The director shall report each month to the State Controller the amount and source of all revenue received by him pursuant to this chapter and at the same time pay the entire amount thereof into the State Treasury for credit to the Marriage Counselors Fund, which fund is hereby created.

17846. The money paid into the Marriage Counselors Fund is continuously appropriated to the director for expenditure in the manner prescribed by law to defray the expenses of the director in carrying out and enforcing the provisions of this chapter.

17847. The amount of the fees prescribed by this chapter is that fixed by the following schedule:

(a) The license fee shall be ten dollars ($10).

(b) The renewal fee shall be ten dollars ($10).

(c) The delinquency fee shall be ten dollars ($10).

CHAPTER 1824

An act to amend Section 6363 of the Revenue and Taxation Code, relating to sales and use tax exemptions.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6363 of the Revenue and Taxation Code is amended to read:

6363. There are exempted from the taxes imposed by this part the gross receipts from the sale of, and the storage, use, or other consumption in this State of, meals and food products for human consumption served to the students or teachers of a school by public or private schools, school districts, student organizations, parent-teacher associations, and any blind person (as defined in Section 6905 of the Government Code) operating a restaurant or vending stand in an educational institution under Chapter 11 of Division 7 of Title 1 of the Government Code. The term "food products" as used in this section has the meaning ascribed to it in Section 6359 except that the term includes foods furnished, prepared, or served for consumption at tables, chairs, or counters, or from trays, glasses, dishes, or other tableware provided by the retailer.

CHAPTER 1825

An act to amend Section 28109 of the Government Code, relating to compensation for public service in San Mateo County.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 28109 of the Government Code is amended to read:

28109. In a county of the ninth class each supervisor shall receive as compensation for the services required of him by law or by virtue of his office twelve thousand dollars ($12,000) a year, and eight cents ($0.08) for each mile actually traveled when engaged in official business in the county. All other officers shall receive as compensation for the services required of them by law or by virtue of their offices the salaries and fees fixed pursuant to the charter of the county.

Each grand juror shall receive for each day's attendance, eight dollars ($8) and for each mile actually and necessarily traveled from his residence to the county seat, in going only, twenty cents ($0.20) to be allowed but once during each session the juror is required to attend. Each grand juror shall receive for each day's attendance at any committee meeting or session called by a grand jury committee chairman, five dollars ($5).

CHAPTER 1826

An act to amend Section 5285 of, to add Section 5138 to, and to add Article 5.5 (commencing with Section 5245) to Chapter 7, Division 2 of, the Public Utilities Code, relating to household goods carriers.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 5138 is added to the Public Utilities Code, to read:

5138. The commission shall establish rules and regulations governing the notification of shippers of any delay in the delivery of goods beyond the date agreed to by the carrier and the shipper, if any, at the time the service was undertaken. All household goods carriers shall observe such rules and regulations and the failure so to do is unlawful.

SEC. 2. Article 5.5 (commencing with Section 5245) is added to Chapter 7 of Division 2 of said code, to read:

Article 5.5. Estimates

5245. The commission shall establish rules and regulations controlling the estimates given by a household goods carrier to a shipper of the charges it would make to perform services covered by this chapter. All household goods carriers shall observe such rules and regulations and the failure so to do is unlawful. The commission shall make such rules and regulations as are necessary to the application and enforcement of rules and regulations established pursuant to this section.

SEC. 3. Section 5285 of said code is amended to read:

5285. The permit of any household goods carrier may, upon application of the holder thereof, be amended or revoked in whole or in part or may, upon complaint or on the commission's own initiative, after notice and hearing, be suspended, changed or revoked, in whole or in part, for willful failure to comply with any provision of this chapter or with any lawful order, rule or regulation of the commission promulgated thereunder or with any term, condition, or limitation of such permit. The right to operate under any household goods carrier permit may be suspended by the commission upon reasonable notice of not less than 15 days to the holder without hearing or other proceedings, for failure to comply, and until compliance, with the provisions of Section 5161 or with any lawful order, rule or regulation of the commission promulgated thereunder.

As an alternative to the cancellation, revocation, or suspension of an operating permit or permits, the commission may impose upon the holder of such permit or permits a fine of not exceeding five thousand dollars ($5,000). All fines collected shall be deposited at least once each month in the State Treasury to the credit of the General Fund.

CHAPTER 1827

An act authorizing the Director of Parks and Recreation to sell or exchange certain state lands within Van Damme Beach State Park.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963]

The people of the State of California do enact as follows:

SECTION 1. The Director of Parks and Recreation, with the approval of the Department of Finance, is authorized to sell or exchange all the right, title and interest of the State in and to all that certain real property situated in the County of Mendocino, State of California, more particularly described as follows:

All that portion of the South half of Section Two (2) Township Sixteen (16) North, Range Seventeen (17) West, Mount Diablo Base and Meridian, which lies North of the North line of the existing County road through said section, known as Comptche Road.

Excepting therefrom that portion thereof conveyed by W. B. Coombs and S. W. Coombs to A. P. Jones by deed dated April 8th, 1915, recorded in Liber 134 of Deeds, page 441, Mendocino County Records, described as follows, to wit: Beginning at a point 10.38 chains East of the quarter section corner between Sections Two (2) and Three (3) in Township Sixteen (16) North, Range Seventeen (17) West, of Mount Diablo Base and Meridian, thence running South 20 chains; thence East 20 chains; thence North 20 chains to the line running East and West through the center of aforesaid Section Two (2) and thence West 20 chains to the point of beginning.

SEC. 2. The sale or exchange authorized by this act shall be made only if the Director of Parks and Recreation finds:

(a) That the state property to be conveyed is no longer needed for park purposes.

(b) That in the event of an exchange, the property to be conveyed to the State is comparable in value to that which is to be conveyed by the State.

(c) That the sale or exchange will be made upon such terms and conditions as will be for the best interests of the State.

SEC. 3. There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land and to the State of California or persons authorized by the State of California the right to prospect for, mine and remove such deposits from said property.

CHAPTER 1828

An act to amend Section 4 of, and to add Section 8 to, Chapter 214 of the Statutes of 1937, and to amend Section 1 of Chapter 1835 of the Statutes of 1961, relating to conveyances in trust of tide and submerged lands to the City of Pittsburg.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 4 of Chapter 214 of the Statutes of 1937 is amended to read:

Sec. 4. The City of Pittsburg may lease upon such terms as it shall deem advisable, for a term not exceeding 99 years, any of such land or any wharves, docks or piers constructed thereon, and all such leases so executed shall reserve to the Council of the City of Pittsburg the right and privilege, by ordinance, to annul, change or modify such leases as in its judgment may seem proper subject to the terms and conditions therefor contained in such leases, respectively.

SEC. 1.5. Section 8 is added to Chapter 214 of the Statutes of 1937, to read:

Sec. 8. The lands herein described shall have been, or shall be, within 10 years from the effective date of this section, substantially improved by the City of Pittsburg without expense to the State, and if the State Lands Commission determines that the city has failed to improve said lands as herein required, all right, title and interest of the city in and to said lands shall cease and said lands shall revert and rest in the State.

SEC. 2. Section 1 of Chapter 1835 of the Statutes of 1961 is amended to read:

Section 1. There is hereby granted to the City of Pittsburg, a municipal corporation in the County of Contra Costa, State of California, and to its successors, all of the right, title, and interest of the State of California, held by said State by virtue of its sovereignty in and to all of the tide and submerged lands, whether filled or unfilled, situated within the boundaries of the City of Pittsburg as such boundaries exist on the effective date of this act, except those certain described tide and submerged lands previously conveyed to the City of Pittsburg pursuant to Chapter 214 of the Statutes of 1937, to be forever held by said city, and its successors, in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That said lands shall be used by said city, and its successors, only for the establishment, improvement and conduct of a harbor, including an airport or aviation facilities, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures, facilities and appliances necessary or convenient for the promotion

and accommodation of commerce and navigation by air as well as by water and for public recreation purposes, and for the establishment, improvement and conduct of utilities, facilities, structures, buildings, works and appliances necessary or convenient for the promotion and accommodation of public recreation, and said city, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said city, or its successors, may grant franchises thereon for limited periods (but in no event exceeding 99 years), for wharves and other public uses and purposes and may lease said lands, or any part thereof, for limited periods (but in no event exceeding 99 years), for purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce and navigation at said harbor, and collect and retain rents from such leases.

Nothing contained in this paragraph (a) shall be deemed to affect the validity or term of any franchise granted by said city under the Franchise Act of 1937 and any such franchise shall be effective with respect to said lands.

(b) That said lands shall be improved by said city without expense to the State, and shall always remain available for public use for all purposes of commerce and navigation, and the State of California shall have at all times, the right to use, without charge, all wharves, docks, piers, slips, quays, and other improvements and facilities constructed on said lands, or any part thereof, for any vessel or other water or aircraft, or railroad, owned or operated by the State of California.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures, appliances or facilities mentioned in paragraph (a), no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors.

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purposes.

(e) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land.

(f) The lands herein described are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled

thereto for the value of his interest in the improvements taken or the damages to such interest.

(g) The lands herein granted are held upon the express condition that within 10 years from the effective date of this act, said lands shall be substantially improved by the city without expense to the State by the construction of a small craft harbor as approved by the Division of Small Craft Harbors, and if during said 10-year period the State Lands Commission determines that the city has failed to improve said lands as herein required, all right, title, and interest of said city in and to all lands granted by this act shall cease, and title to said lands shall revert to the State.

CHAPTER 1829

An act to add Section 13402.5 to the Government Code, relating to state purchases of motor vehicles.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 13402.5 is added to the Government Code, to read:

13402.5. In establishing bid specifications for the purchase of motor vehicles and in determining the lowest responsible bidder, consideration may be given by the State to the probable resale value of such vehicles as determined by recognized published used car marketing guides and other established historical evidence of future used motor vehicle value or, in lieu thereof, by contractual guarantee of the apparent low bidder that the resale value of the vehicle will be no less in proportion to bid price than any other comparable vehicle complying with specifications for which a bid was received.

CHAPTER 1830

An act to amend Section 384a and to amend and renumber Sections 384b and 384c of, and to add Sections 384b, 384c, 384d, 384e, and 384f to, the Penal Code, relating to transportation of trees, shrubs or boughs.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 384a of the Penal Code is amended to read:

384a. Every person who within the State of California willfully or negligently cuts, destroys, mutilates, or removes

any tree or shrub, or fern or herb or bulb or cactus or flower, or huckleberry or redwood greens, or portion of any tree or shrub, or fern or herb or bulb or cactus or flower, or huckleberry or redwood greens, growing upon state or county highway rights-of-way, or who removes leaf mold thereon; provided, however, that the provisions of this section shall not be construed to apply to any employee of the State or of any political subdivision thereof engaged in work upon any state, county or public road or highway while performing such work under the supervision of the State or of any political subdivision thereof, and every person who willfully or negligently cuts, destroys, mutilates or removes any tree or shrub, or fern or herb or bulb or cactus or flower, or huckleberry or redwood greens, or portions of any tree or shrub, or fern or herb or bulb or cactus or flower, or huckleberry or redwood greens, growing upon public land or upon land not his own, or leaf mold on the surface of public land, or upon land not his own, without a written permit from the owner of the land signed by such owner or his authorized agent, and every person who knowingly sells, offers, or exposes for sale, or transports for sale, any tree or shrub, or fern or herb or bulb or cactus or flower, or huckleberry or redwood greens, or portion of any tree or shrub, or fern or herb or bulb or cactus or flower, or huckleberry or redwood greens, or leaf mold, so cut or removed from state or county highway rights-of-way, or removed from public land or from land not owned by the person who cut or removed the same without the written permit from the owner of the land, signed by such owner or his authorized agent, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars ($500) or by imprisonment in a county jail for not more than six months or by both such fine and imprisonment.

The written permit required under this section shall be signed by the landowner, or his authorized agent, and acknowledged before a notary public, or other person authorized by law to take acknowledgments. The permit shall contain the number and species of trees and amount of shrubs or ferns or herbs or bulbs or cacti or flowers, or huckleberry or redwood greens, or portions of any tree or shrub and shall contain the legal description of the real property as usually found in deeds and conveyances of the land on which cutting or removal, or both, shall take place. One copy of such permit shall be filed in the office of the sheriff of the county in which the land described in the permit is located. The permit shall be filed prior to commencement of cutting of the trees or shrub or fern or herb or bulb or cactus or flower or huckleberry or redwood green or portions of any tree or shrub authorized by the permit. The permit required by this section need not be notarized or filed with the office of the sheriff of the county

where trees are to be removed when 5 (five) or less trees or 5 (five) or less pounds of shrubs or boughs are to be cut or removed.

Any county or state firewarden, or personnel of the California Division of Forestry as designated by the State Forester, and personnel of the United States Forest Service as designated by the Regional Forester, Region 5, of the United States Forest Service, or any peace officer of the State of California, shall have full power to enforce the provisions hereof and to confiscate any and all such shrubs, trees, ferns or herbs or bulbs or cacti or flowers, or huckleberry or redwood greens or leaf mold, or parts thereof unlawfully cut or removed or knowingly sold, offered or exposed or transported for sale as hereinbefore provided.

The provisions of this section shall not be construed to apply to any native tree or shrub, or fern or herb or bulb or cactus or flower, or greens declared by law to be a public nuisance.

The provisions of this section shall not be deemed to apply to the necessary cutting or trimming of any such trees, shrubs, or ferns or herbs or bulbs or cacti or flowers, or greens if done for the purpose of protecting or maintaining an electric power line or telephone line or other property of a public utility.

The provisions of this section do not apply to persons engaged in logging operations, or in suppressing fires.

SEC. 2. Section 384b is added to said code, to read:

384b. For the purposes of Sections 384c through 384f, inclusive, unless the context otherwise requires, the definitions contained in this section shall govern the construction of such sections. "Person" shall include an employee with wages as his sole compensation and "permit" means a cutting permit as required by Section 384a of this code.

(a) "Tree" means any evergreen tree or top thereof cut and removed from the place where grown without having the limbs and foliage removed.

(b) "Shrub" means any toyon or Christmas red-berry shrub or any part thereof cut and removed from the place where grown without having the limbs and foliage removed.

(c) "Bough" means any limb or foliage removed from an evergreen tree.

(d) "Peace officer" means any county or state firewarden, personnel of the California Division of Forestry as designated by the State Forester and personnel of the U S. Forest Service as designated by the Regional Forester, Region 5 of the U.S. Forest Service, or any peace officer of the State of California.

SEC. 3. Section 384c is added to said code, to read:

384c. Persons purchasing trees, shrubs or boughs from harvesters thereof shall not transport more than five trees or

more than five pounds of shrubs or boughs on the public roads or highways without obtaining from the seller of such trees, shrubs or boughs and having validated as provided in Section 384d a transportation tag for each load of such trees, shrubs or boughs.

Persons who harvest trees, shrubs or boughs from their own land or the land of another shall, before transporting on the public roads or highways or selling or consigning for removal and transportation over the public roads and highways more than five trees or more than five pounds of shrubs or boughs, file with the sheriff of each county in which such trees, shrubs or boughs are to be harvested an application for transportation tags and obtain a supply of such transportation tags sufficient to provide one tag for each load of trees, shrubs or boughs to be so transported or sold.

No person shall knowingly make any false statement on any application for such transportation tags and the application shall contain, but is not limited to the following information:

(a) The name and address of the applicant.

(b) The amount and species of trees, shrubs or boughs to be transported.

(c) The name of the county from which the trees, shrubs or boughs are to be removed.

(d) A legal description of the real property from which the trees and shrubs or boughs are to be removed.

(e) The name or names of the owner of the real property from which the trees, shrubs, or boughs are to be removed.

(f) The applicant's timber operator permit number.

(g) The destination of such trees, shrubs or boughs.

(h) The proposed date or dates of such transportation.

Every applicant shall, at the time of application, show to the sheriff his cutting permit or proof of ownership of the trees, shrubs or boughs. The application forms and transportation tags shall be printed and distributed by the State of California, Department of Justice, to the sheriff of each county.

SEC. 4. Section 384d is added to said code, to read:

384d. Upon proper application, the county sheriff's office shall issue to persons who harvest trees, shrubs or boughs within the county sufficient transportation tags stamped with the county seal and identified by the applicant's timber operator permit number to enable the person transporting any of the trees, shrubs or boughs harvested within the county by the applicant to have a tag accompany each and every load of such trees, shrubs or boughs. Harvesters of trees, shrubs or boughs, when selling from stockpile location, shall furnish to the purchaser of trees, shrubs or boughs a bill of sale and a transportation tag for each load or part thereof bearing the

harvesters timber operator permit number and other information as hereinafter required.

The purchaser of cut trees, shrubs or boughs or the harvester when transporting his own trees, shrubs or boughs shall have the transportation tag validated in the county of purchase or harvest of cut trees, shrubs, or boughs or by the nearest peace officer in an adjacent county when the transportation route used does not pass an office of a peace officer in the county of purchase or harvest. The validated transportation tag or tags shall remain with the load to the marketing area.

The transportation tags shall be in two parts; one to be retained by the transporting party; one to be retained by the validating peace officer and forwarded to the county sheriff. The transportation tags will be validated without fee and each shall contain the following information: name and address of the person obtaining and using the tag; number or amount of each species of trees, shrubs and boughs in the load; make, model and license number of the transporting vehicle; the county of origin and county of destination; date and validating signature and title of a peace officer.

SEC. 5. Section 384e is added to said code, to read:

384e. (a) The transportation tag described in Section 384d shall be presented to any peace officer upon demand.

(b) Failure to produce a transportation tag properly filled out and validated upon demand of any peace officer shall constitute sufficient grounds to hold in protective custody the entire load of trees, shrubs or boughs, until proof of legal right to transport is furnished.

SEC. 6. Section 384f is added to said code, to read:

384f. Any person violating any of the provisions of Sections 384b through 384f shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars ($500) or by imprisonment in the county jail not exceeding six months or by both such fine and imprisonment.

SEC. 7. Section 384b of said code is amended and renumbered to read:

384g. Every person who attaches a burning candle or other burning material to a balloon and then releases the balloon with the material attached into the air is guilty of a misdemeanor.

SEC. 8. Section 384c of said code is amended and renumbered to read:

384h. Every person who willfully or negligently, while hunting upon the inclosed lands of another, kills, maims, or wounds an animal, the property of another, is guilty of a misdemeanor.

CHAPTER 1831

An act to add Section 9727.1 to the Revenue and Taxation Code, relating to the motor vehicle transportation license tax.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 9727.1 is added to the Revenue and Taxation Code, to read:

9727.1. The provisions of Sections 9726 and 9727 shall not be applicable with respect to any trailer or semitrailer which is duly registered in a governmental jurisdiction outside this State and, while operated in this State, is drawn by a motor vehicle power unit for which has been obtained and upon which is displayed the special number plate or emblem as required by Sections 9726 and 9727 or the prorate registration identification in lieu thereof.

CHAPTER 1832

An act to add Section 2370 to, and to amend Section 2369, as proposed to be added by Senate Bill 718, of, the Education Code, relating to transfer of territory between unified school districts.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 2369, as proposed to be added by Senate Bill 718, of the Education Code is amended to read:

2369. After hearing all persons interested in the petition the board of supervisors shall grant or deny the petition or it shall require an election held on the question. If the board grants the petition it shall determine whether all or only a part of the territory petitioned for shall be transferred. If the board requires an election to be held it shall determine whether the election shall be in the whole elementary or unified district from which the territory would be transferred or whether the election shall be only in the territory proposed to be transferred. The county superintendent of schools shall call, hold, and conduct the election in the manner prescribed in Division 4 of this code.

SEC. 2. Section 2370 is added to Division 5 of the Education Code, as added by Senate Bill No. 718, to read:

2370. In the case of a petition to transfer territory from a unified district formed under Chapter 10 (commencing with

Section 3101) of this division to a contiguous unified district, the county superintendent of schools shall within 30 days after receiving notice from the State Board of Education that it approves the transfer, call, hold and conduct, in the manner prescribed in Division 4 of this code, an election in the unified school district from which the territory is to be transferred. The ballots at the election shall contain the words "For Transfer—Yes," and "For Transfer—No."

In the event that such a petition is accompanied by an agreement to the transfer signed by a majority of the members of the governing board of each district affected by the transfer of the territory the procedure shall be the same as that set forth in this article for transfers of territory from elementary districts.

CHAPTER 1833

An act to amend Sections 5132, 5133, 5225, 5231.1, 5232, 5232.1 and 5233 of, and to add Section 5198 to, the Streets and Highways Code, relating to the construction of improvements in streets.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 5132 of the Streets and Highways Code is amended to read:

5132. The resolution of intention shall be sufficient if it states in general terms the class or kinds of work contemplated, such as grading, paving, sewering and other work, and gives in general the location of the proposed work and refers to plans, profiles, detailed drawings and specifications or such of them as may be suitable or proper for the full and detailed description of the proposed work, and if it refers to any agreement entered into pursuant to Section 5103. The resolution of intention shall contain also a notice of the day, hour and place when and where any and all persons having any objections to the proposed work or work and acquisition may appear before the legislative body and show cause why the proposed work or work and acquisition should not be carried out in accordance with the resolution of intention; said notice shall be omitted if the hearing of objections is not required as provided hereunder. The hearing of objections shall not be less than 15 nor more than 60 days from the date of the passage of the resolution.

The hearing of objections shall not be required if the legislative body, when considering passage of the resolution of intention, finds and determines by a four-fifth's vote of all members thereof, that all of the owners of lots or lands liable to

be assessed, or their agents (who shall make oath that they are such agents), have signed and filed a petition waiving said hearing, with the clerk, on or before the fifth day prior to the day that the resolution of intention is to be considered for passage, declaring that they do not have any objections to the proposed work or work and acquisition, the extent of the district to be assessed, or any agreement entered into pursuant to Section 5103 or any other objections, and requesting that the hearing of objections shall not be required.

SEC. 2. Section 5133 of said code is amended to read:

5133. The clerk shall cause the resolution of intention to be published. The first publication shall be made not less than 10 days prior to the date of public hearing stated in said resolution. If the hearing of objections is not required, the first publication shall be within 10 days after the date of passage of the resolution.

SEC. 3. Section 5198 is added to said code, to read:

5198. This chapter shall not apply if the hearing of objections is not required pursuant to Section 5132

SEC. 4. Section 5225 of said code is amended to read:

5225. If no protests or objections in writing have been delivered to the clerk up to the hour set for the hearing thereon or if protests have been found by the legislative body to be insufficient, or have been overruled, or if protests against the extent of the proposed district have been heard and denied, immediately thereupon the legislative body shall acquire jurisdiction to order the proposed work to be done.

If the hearing of objections is not required, pursuant to Section 5132, immediately upon passage of the resolution of intention the legislative body shall acquire jurisdiction to order the proposed work to be done.

SEC. 5. Section 5232 of said code is amended to read:

5232. Before ordering any changes made, the legislative body shall adopt a resolution briefly describing the changes proposed to be made, stating the amount of the estimated increase or decrease in the cost of the work by reason of said proposed changes and giving notice of a time and place when and where any interested person having any objection to the changes proposed to be made may appear before the legislative body and show cause why said changes should not be ordered; said notice shall be omitted if the hearing of objections is not required as provided hereunder Said resolution may describe said changes by referring to maps, plats, plans, profiles, detailed drawings or specifications on file in the office of the clerk or engineer, which shall indicate the changes proposed to be made and which shall govern for all details thereof. The resolution shall be published pursuant to Section 6061 of the Government Code, at least 10 days prior to the date of the hearing.

The hearing of objections shall not be required if the legislative body, when considering passage of the resolution, finds and determines by a four-fifth's vote of all members thereof, that all of the owners of lots or lands liable to be assessed, or their agents (who shall make oath that they are such agents), have signed and filed a petition waiving said hearing, with the clerk, on or before the fifth day prior to the day that the resolution is considered for passage, declaring that they do not have any objections to the proposed changes and requesting that the hearing of objections shall not be required.

SEC. 6. Section 5233 of said code is amended to read:

5233. Written objections to the proposed changes may be filed with the clerk by any interested person at any time not later than the time set for the hearing. The legislative body shall hear and pass upon such objections at the time appointed, or at any time to which the hearing thereof may be adjourned, and its decision thereon shall be final and conclusive. If no written objections to said changes have been delivered to the clerk up to the hour set for hearing thereon, or if said objections have been heard and found by the legislative body to be insufficient or have been overruled or denied, immediately thereupon the legislative body by an affirmative vote of four-fifths of its members shall acquire jurisdiction to order said changes made. If the hearing of objections is not required, pursuant to Section 5232, immediately upon passage of the resolution the legislative body shall acquire jurisdiction to order said changes made. The decisions and determinations of the legislative body ordering such changes shall be final and conclusive upon all persons entitled to appeal thereupon to the legislative body.

SEC. 7. Section 5231.1 of said code, as added by Chapter 416 of the Statutes of 1963, is amended to read:

5231.1. At the hearing on the resolution of intention, the legislative body, without further notice and hearing, may order any changes, as defined in Sections 5230 and 5231, except changes to include additional territory in the assessment district. Any changes to include additional territory and all changes after the hearing on the resolution of intention shall be ordered only as provided in this chapter.

SEC. 8. Section 5232 1 of said code, as added by Chapter 416 of the Statutes of 1963, is amended to read:

5232.1. If said resolution proposes to include additional territory in the assessment district, at least 15 days prior to the hearing fixed therein, the clerk shall mail a copy of such resolution to all persons owning real property within said additional territory whose names and addresses appear on the last equalized assessment roll or as known to the clerk. This section shall not apply if the hearing of objections is not required pursuant to Section 5232.

CHAPTER 1834

An act to amend Sections 5024, 5130 and 5700 of the Streets and Highways Code, relating to the construction of improvements in streets.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 5024 of the Streets and Highways Code is amended to read:

5024. "Incidental expense" includes:

(a) The compensation of the engineer for work done by him, and attorney's fees for services in proceedings pursuant to this division;

(b) The cost of printing and advertising provided for in this division, including the treasurer's estimated cost of printing, servicing and collecting any bonds to be issued to represent or be secured by unpaid assessments;

(c) The compensation of the person appointed by the superintendent of streets to take charge of and superintend any of the work;

(d) The expenses of making the assessment, and of the collection of assessments by the superintendent of streets when directed by ordinance to receive payments pursuant to Section 5396 of this division, and of preparing and typing the resolutions, notices and other papers and proceedings for any work authorized by this division;

(e) The expenses of making any analysis and tests to determine that the work and any materials or appliances incorporated therein comply with the specifications;

(f) All costs and expenses incurred in carrying out the investigations and making the reports required by the provisions of the "Special Assessment Investigation, Limitation and Majority Protest Act of 1931";

(g) The cost of title searching, description writing, salaries of right-of-way agent, appraisal fees, partial reconveyance fees, surveys and sketches incident to securing rights-of-way for any work authorized by this division;

(h) Any other expenses incidental to the construction, completion, and inspection of the work in the manner provided for in this division;

(i) The cost of relocating or altering any public utility facilities as required by the improvement in those cases where such cost is the legal obligation of the city; and

(j) In a county having a population of 4,000,000 or over, the cost of purchasing plans prepared by a registered civil engineer engaged by owners.

All demands for incidental expenses shall be presented to the street superintendent, by an itemized bill, duly verified by the demandant.

SEC. 2. Section 5130 of said code is amended to read:

SEC. 2. Section 5130 of said code is amended to read:

5130. Before ordering any work to be done under this division the legislative body shall require, except as provided hereunder, the engineer to furnish it with plans and specifications therefor together with careful estimates of the costs and expenses of such work.

In a county having a population of 4,000,000 or over an owner or owners of lots or lands liable to be assessed for work may engage a registered civil engineer, registered pursuant to Chapter 7, Division 3 of the Business and Professions Code, to prepare the plans for any work to be done under this division. The legislative body may purchase said plans for use in proceedings under this division and may establish rules, regulations and procedures to be followed by registered civil engineers engaged by owners in preparing plans, submitting them to and obtaining their approval by the engineer and for the time, manner and determination of the amount to be paid for such plans; provided, however, that the amount paid for plans shall not exceed 8% of the engineer's estimate of the cost of work shown on the plans and that no payment shall be made for any plans which have not been approved by the engineer. The amount paid for any plans and any fee required to be paid, pursuant to the aforesaid rules and regulations, may be paid out of the city treasury and shall be charged against the district as an incidental expense.

SEC. 3. Section 5700 of this code is amended to read:

5700. The engineer or where there is no engineer, an engineer of work shall be the proper officer to do the surveying and other engineering work necessary to be done under this division, and to survey and measure the work to be done under contracts for grading, macadamizing, or improving streets and other work done under this division, and to estimate the costs and expenses thereof, and perform such other duties under this division as may be directed by the legislative body. Every certificate signed by him in his official capacity shall be prima facie evidence in all courts in this State of the truth of the contents. He shall also keep a record of all surveys made under the provisions of this division, as in other cases.

In a county having a population of 4,000,000 or over, a registered civil engineer, registered pursuant to Chapter 7, Division 3 of the Business and Professions Code, shall be the proper person to do any work required to prepare plans pursuant to Section 5130.

CHAPTER 1835

An act to amend Sections 19431, 19440, and 19488 of, to repeal Sections 19435, 19436, 19437, 19438, 19481, and 19511 of, and to add Sections 19435, 19436, 19437, 19464, and 19574 to, the Business and Professions Code, relating to horse-racing.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 19431 of the Business and Professions Code is amended to read:

19431. The board shall establish and maintain a general office for the transaction of its business at a place to be determined by the board. The board may establish any branch office for the transaction of its business at a place to be determined by it. The board may hold meetings at any other place when the convenience of the members of the board requires.

All meetings of the board shall be open and public, and all persons shall be permitted to attend any meeting of the board, except that the board need not hold such meetings to deliberate or vote on action to be taken by it. A public record of every vote shall be maintained at the board's general office.

A majority of the board constitutes a quorum for the transaction of its business or the exercise of any of its powers.

SEC. 2. Section 19435 of said code is repealed.

SEC. 3. Section 19435 is added to said code, to read:

19435. The board, its secretary, or the stewards, may issue subpoenas for the attendance of witnesses or the production of any records, books, memoranda, documents, or other papers or things, as is necessary to enable any of them to effectually discharge its or his duties, and may administer oaths or affirmations as necessary in connection therewith.

SEC. 4. Section 19436 of said code is repealed.

SEC. 5. Section 19436 is added to said code, to read:

19436. Any person subpoenaed who fails to appear at the time and place specified in answer to the subpoena and to bring any papers or things specified in the subpoena, or who upon such appearance, refuses to testify, or produce such records or things, is guilty of a misdemeanor.

SEC. 6. Section 19437 of said code is repealed.

SEC. 7. Section 19437 is added to said code, to read:

19437. Any person who testifies falsely under oath in any proceeding before, or any investigation by the board, its secre-

tary, or the stewards, shall be guilty of a felony and shall be punished in the same manner prescribed by the Penal Code for the punishment of perjury.

SEC. 8. Section 19438 of said code is repealed.

SEC. 9. Section 19440 of said code is amended to read:

19440. The board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter.

The board may delegate to stewards such of its powers and duties as is necessary to carry out fully and effectuate the purposes of this chapter. Any decision or action of the stewards may be reviewed or reconsidered by the board at its option.

SEC. 10. Section 19464 is added to said code, to read:

19464. No application for a horse owner's license or for a license to conduct a race meeting shall be granted unless the applicant's liability for workmen's compensation is secured in accordance with Division 4 (commencing with Section 3700) of the Labor Code. Any termination of security for such liability during the period of a license shall result in the immediate automatic suspension of the license during the period of such termination and also shall be a ground for revocation of such license.

SEC. 11. Section 19481 of said code is repealed.

SEC. 12. Section 19488 of said code is amended to read:

19488. Every license issued under this article shall specify the following:

(a) The name of the person to whom it is issued.

(b) The track where the horseracing meeting to which it relates is to be held or conducted.

(c) The days and hours of the day when the meeting will be permitted.

(d) The number and types of races to be run on each day of the meeting.

The license shall also recite the payment to and receipt by the board of the deposit to secure payment of the license fee required by this article.

SEC. 13. Section 19511 of said code is repealed.

SEC. 14. Section 19574 is added to said code, to read:

19574. Any person who is excluded or ejected from an inclosure pursuant to a rule or rules promulgated pursuant to the provisions of Section 19572 is guilty of a misdemeanor if he thereafter enters the inclosure of any association during its horserace meeting without having first obtained a determination by the board that the rule or rules pursuant to which he was excluded or ejected does not or should not apply to him.

CHAPTER 1836

An act to amend Sections 779.2, 779.4, 779.6, 779.8, 779.13, 779.16, and 10203.5 of, and to add Section 779.12a to, the Insurance Code, relating to credit life and credit disability insurance.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 779.2 of the Insurance Code is amended to read:

779.2. All life insurance and all disability insurance sold in connection with loans or other credit transactions shall be subject to the provisions of this article, except (a) such insurance sold in connection with a loan or other credit transaction of more than five years duration, and (b) such insurance where its issuance is an isolated transaction on the part of the insurer not related to an agreement or a plan or regular course of conduct for insuring debtors of the creditor. Nothing in this article shall be construed to relieve any person from compliance with any other applicable law of this State.

For the purpose of this article:

(1) "Credit life insurance" means insurance on the life of a debtor pursuant to or in connection with a specific loan or other credit transaction, exclusive of any such insurance procured at no expense to the debtor. Insurance shall be deemed procured at no expense to the debtor unless the cost of the credit transaction to the debtor varies depending on whether or not the insurance is procured;

(2) "Credit disability insurance" means insurance on a debtor to provide indemnity for payments becoming due on a specific loan or other credit transaction while the debtor is disabled as defined in the policy;

(3) "Creditor" means the lender of money or vendor or lessor of goods, services, property, rights or privileges, for which payment is arranged through a credit transaction or any successor to the right, title or interest of any such lender, vendor or lessor, and an affiliate, associate or subsidiary of any of them or any director, officer or employee of any of them or any other person in any way associated with any of them;

(4) "Debtor" means a borrower of money or a purchaser or lessee of goods, services, property, rights or privileges for which payment is arranged through a credit transaction;

(5) "Indebtedness" means the total amount payable by a debtor to a creditor in connection with a loan or other credit transaction.

SEC. 2. Section 779.4 of said code is amended to read:

779.4. The amount of credit life insurance and credit disability insurance shall not exceed the following:

(a) Credit Life Insurance. The initial amount of credit life insurance shall not exceed the total amount repayable under the contract of indebtedness and, where an indebtedness is repayable in substantially equal installments, the amount of insurance shall at no time exceed the scheduled or actual amount of unpaid indebtedness whichever is greater. In the case of revolving loan or revolving charge accounts the insurance shall not at any time exceed the unpaid indebtedness.

Notwithstanding the provisions of the above paragraph, the amount of insurance on agricultural or horticultural loan commitments may be equal to the amount of the loan commitment.

(b) Credit Disability Insurance. The total amount of periodic indemnity payable by credit disability insurance in the event of disability, as defined in the policy, shall not exceed the aggregate of the periodic scheduled unpaid installments of indebtedness, and the amount of each periodic indemnity shall not exceed the original indebtedness divided by the number of periodic installments.

SEC. 3. Section 779.6 of the Insurance Code is amended to read:

779.6. Notwithstanding the provisions of Section 10203.5, all credit life insurance and credit disability insurance subject to this article shall be evidenced by an individual policy, or in the case of group insurance by a certificate of insurance, which individual policy or group certificate of insurance shall be delivered to the debtor.

Each individual policy or group certificate of credit life insurance or of credit disability insurance or any combination thereof shall, in addition to other requirements of law, set forth the name and home office address of the insurer, the identity by name or otherwise of the person or persons insured the premium or amount of payment, if any, by the debtor separately for credit life insurance and credit disability insurance, a description of the coverage including the amount and term thereof, and any exceptions, limitations or restrictions, and shall state that the benefits shall be paid to the creditor holding the indebtedness to reduce or extinguish the unpaid indebtedness and, wherever the amount of insurance may exceed the unpaid indebtedness, that any such excess shall be payable to a beneficiary, other than the creditor, named by the debtor or to his estate. Said individual policy or group certificate of insurance shall be delivered to the insured debtor at the time the insurance commences except as hereinafter provided.

Notwithstanding the provisions of the above paragraph, a certificate issued under a group policy in cases where the debtor obligates himself to pay the insurance premium or payment periodically with the debt payments on the decreasing amount of the insurance or where the indebtedness is a revolving loan or revolving charge account the rate of insurance premium or payment per unit of coverage may be set forth in lieu of "the premium or amount of payment, if any, by the debtor".

SEC. 4. Section 779.8 of the Insurance Code is amended to read:

779.8. All policies, certificates of insurance, notices of proposed insurance, applications for insurance, endorsements and riders delivered or issued for delivery in this State and the schedules of premium rates pertaining thereto shall be filed with commissioner

SEC. 5. Section 779.12a is added to the Insurance Code, to read:

779.12a. If a group policy of credit life insurance or credit disability insurance (1) has been delivered in this State before September 18, 1959, or (2) has been or is delivered in another state before or after such date, the insurer shall be required to file only the group certificate and notice of proposed insurance delivered or issued for delivery in this State as specified in Sections 779.6 and 779.7 of this article, and such forms shall be approved by the commissioner if, (a) they conform with the requirements specified in said Sections 779.6 and 779.7; (b) they are accompanied by a certification in a form satisfactory to the commissioner that the substance of such forms are in substantial conformity with the master policy; and (c) the schedules of premium rates applicable to the insurance evidenced by any such certificate or notice are not in excess of the insurer's schedules of premium rates filed with the commissioner; provided, however, the premium rate in effect on existing group policies may be continued until the first policy anniversary date following October 1, 1963.

SEC. 6 Section 779.13 of the Insurance Code is amended to read:

779.13. Any insurer may revise its schedules of premium rates from time to time, and shall file such revised schedules with the commissioner. No insurer shall issue any credit life insurance policy or credit disability insurance policy for which the premium rate exceeds that determined by the schedules of such insurer as then on file with the commissioner.

SEC. 7. Section 779.16 of the Insurance Code is amended to read:

779.16. The amount charged to a debtor for any credit life or credit disability insurance shall not exceed the premium

rates filed with the commissioner for the coverage provided or the premiums charged by the insurer, as computed at the time the charge to the debtor is determined, whichever is less.

SEC. 8. Section 10203.5 of the Insurance Code is amended to read:

10203.5. (a) Life insurance conforming to all the following conditions is another form of group life insurance:

(1) Covering one of the following groups:

(A) All members are or become borrowers from one financial institution, including subsidiary or affiliated persons, under an agreement to repay the sum borrowed.

(B) All members are or become purchasers of merchandise or other property (exclusive of securities, investment certificates and bank deposits) under an agreement to pay the balance of the purchase price.

(2) The group numbers not less than 100 new entrants yearly.

(3) The amount insured on any one borrower or purchaser does not exceed:

(A) The amount of the loan commitment in the case of an agricultural or horticultural loan commitment (as defined in Section 10203.55) repayable in one sum or in irregular installments within a period not in excess of 18 months from the initial date of the loan commitment, or ten thousand dollars ($10,000), whichever is less, and

(B) In all other cases the balance of the indebtedness to the institution or vendor, or ten thousand dollars ($10,000), whichever is less, on any one life.

(4) The repayment or payment of purchase price is to be made, under the agreement of loan or purchase; in substantially equal installments over a period not exceeding 32 years; or in payments or installments in accordance with the usual terms of the creditor in the case of a revolving loan or revolving charge account; or in one sum or irregular installments within a period not in excess of 18 months from the initial date of the commitment on an agricultural or horticultural loan.

(5) The policy is issued upon application of and made payable to the institution, vendor, or a creditor to whom such vendor may transfer title to the indebtedness, as beneficiary, and the premiums are paid by or through the institution, vendor, or such creditor.

(b) A policy of insurance conforming to the provisions of this section is not subject to the provisions of Section 10209 or 10213.

CHAPTER 1837

An act to amend Sections 5871, 5872, 5873, 5875, 5876, 5877, 5878, 5880, 5881 and 5890 of the Streets and Highways Code, relating to the construction of sidewalks or curbs.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 5871 of the Streets and Highways Code is amended to read:

5871. This chapter shall apply to the construction of sidewalks, gutters, pavements, driveways, and curbs and, the installation of storm and sanitary drainage facilities and parkway trees in front of properties in any block where a sidewalk, gutter, pavement, driveway, the installation of storm and sanitary sewer drainage facilities and parkway trees, or curb or all of them have been constructed theretofore in front of properties in said block constituting more than fifty percent (50%) of the front footage of said block or where the owners of more than 60 percent of the front footage of the block, as shown by the last equalized assessment roll of the city, file a petition with the city clerk requesting the installation of any such improvements or where a petition signed by the owners of more than sixty percent (60%) of the front footage of any part of an unimproved portion or portions of a block has been filed with the city clerk requesting the installation of such improvements in front of said part.

This chapter shall not apply to driveway construction in front of a vacant lot, or in front of an unimproved property, unless requested by the owner.

As used in this chapter, "sidewalks or curbs" includes "gutters," "driveways," "pavement" to the centerline of the street, "full pavement" in alleys, "storm and sanitary drainage facilities," "parkway trees," and "superintendent of streets" includes any other person or persons who may be designated by the legislative body to perform any of the duties of the superintendent of streets set forth in this chapter.

"Fronting" and "facing" as used in this chapter means "abutting" in the case of property adjoining an alley improvement.

SEC. 1.3. Section 5872 of said code is amended to read:

5872. This chapter constitutes a separate and alternative procedure for performing the work specified herein, and except as otherwise provided in this chapter, no other provision of this division, excepting definitions, shall apply to proceedings insti-

tuted hereunder. The "Special Assessment Investigation, Limitation and Majority Protest Act of 1931" shall not apply to any proceedings taken under this chapter.

SEC. 1.4. Section 5873 of said code, as added by Chapter 416 of the Statutes of 1963, is amended to read:

5873. As used in this chapter, "cost," "construction cost," or variants thereof, means and includes both the actual cost of construction of the work and any incidental expenses, as defined in Section 5024.

SEC. 2. Section 5875 of said code is amended to read:

5875. The owners of lots or portions of lots fronting on any public street or place when that street or place has been improved by the construction of sidewalks or curbs for a total frontage of more than fifty percent (50%) on one side of such street or place in any block, or where a petition signed by the owners of more than sixty percent (60%) of the front footage of the block has been filed with the city clerk requesting the installation of such improvements, or where a petition signed by the owners of more than sixty percent (60%) of the front footage of any part of an unimproved portion or portions of a block has been filed with the city clerk requesting the installation of such improvements in front of said part, shall have the duty of constructing or causing the construction of sidewalks or curbs in front of their properties upon notice so to do by the superintendent of streets.

SEC. 3. Section 5876 of said code is amended to read:

5876. When the superintendent of streets finds that sidewalks or curbs have been constructed, or that their construction has been guaranteed to his satisfaction, in front of properties constituting more than fifty percent (50%) of the frontage in any block, or where a petition signed by the owners of more than sixty percent (60%) of the front footage of the block has been filed with the city clerk requesting the installation of such improvements, or where a petition signed by the owners of more than sixty percent (60%) of the front footage of any part of an unimproved portion or portions of a block has been filed with the city clerk requesting the installation of such improvements in front of said part, said superintendent of streets may, and upon the instructions of the legislative body of the city shall, notify the owner or person in possession of the property fronting on that portion of the street in such block in which no sidewalks or curbs have been constructed theretofore, to construct or cause to be constructed sidewalks or curbs in front of his property.

SEC. 4. Section 5877 of said code is amended to read:

5877. Notice to construct may be given by delivering a written notice personally to the owner or to the person in posses-

sion of the property facing upon the sidewalks or curbs to be constructed or by mailing a postal card, postage prepaid, to the person in possession of such property, or to the owner thereof at his last known address as the same appears on the last equalized assessment rolls of such city or to the name and address of the person owning such property as shown in the records of the office of the clerk.

SEC. 5. Section 5878 of said code is amended to read:

5878. The postal card shall contain a notice to construct the sidewalks or curbs as the case may be, and the superintendent of streets shall, immediately upon the mailing of the notice, cause a copy thereof, printed on a card of not less than 8 inches by 10 inches in size, to be posted in a conspicuous place on the property.

SEC. 6. Section 5880 of said code is amended to read:

5880. If the construction is not commenced and prosecuted to completion with due diligence, as required by the notice or by the legislative body after the hearing required by Section 5878.1 of this chapter, the superintendent of streets shall forthwith construct the sidewalks or curbs.

SEC. 7. Section 5881 of said code is amended to read:

5881. Upon the completion of the construction, the superintendent of streets shall cause notice of the cost of the construction to be given in the manner specified in this article for the giving of notice to construct, which notice shall specify the day, hour and place when the legislative body will hear and pass upon a report by the superintendent of streets of the cost of the construction, together with any objections or protests, if any, which may be raised by any property owner liable to be assessed for the cost of such construction and any other interested persons. In no case shall the hearing provided for in this section be sooner than 10 days after giving of notice.

The cost of the construction may include a proportionate share, as determined by the legislative body, of the cost of improvements constructed in a place other than in front of a parcel of property which are required for the proper functioning of the improvements in front of the parcel.

SEC. 8. Section 5890 of said code is amended to read:

5890. The cost of the construction may be assessed by the legislative body against the parcel of property fronting upon the sidewalks or curbs so constructed, and such cost so assessed, if not paid within five days after its confirmation by the legislative body, shall constitute a special assessment against that parcel of property, and shall be a lien on the property for the amount thereof from the time of recordation of the notice of lien, which lien shall continue until the assessment and all interest thereon is paid, or until it is discharged of record.

CHAPTER 1838

An act to add Sections 5654, 5654.1 and 5702 to, and to amend Section 7153 of, and to repeal Section 7168 of, the Financial Code, relating to savings and loan associations.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 5654 is added to the Financial Code, to read:

5654. The board of directors of every association shall adopt emergency bylaws and any necessary amendments thereto to provide for continuity of management and temporary alternative office locations. Such bylaws shall be operative during a national emergency declared by the President of the United States or the person performing his functions, or in the event of an attack on the United States or a nuclear, atomic or other disaster making it impossible or impracticable for an association to conduct its business in strict accord with applicable provisions of law, its bylaws or its charter.

SEC. 2. Section 5654.1 is added to said code, to read:

5654.1. The commissioner may promulgate, amend, supplement, and revoke, in whole or in part, rules and regulations to provide for the continuity of the management and business of an association in the event the board of directors of any association has failed to adopt emergency bylaws as provided in Section 5654.

SEC. 3. Section 5702 is added to said code, to read:

5702. The commissioner may, without a hearing, approve temporary alternative office locations for use in accordance with emergency bylaws adopted under the authority of Section 5654. The approval of a temporary alternative office location shall be valid until revoked by the commissioner.

SEC. 4. Section 7153 of said code is amended to read:

7153. An association may make amortized loans upon the security of residential real property, the principal improvements on which consist of a dwelling or dwellings for not more than four families other than as described in Section 7153.1, in an amount not in excess of 80 percent of the appraised value of such real property if the appraised value does not exceed forty thousand dollars ($40,000), or not in excess of 80 percent of the first forty thousand dollars ($40,000) of such appraised value if it exceeds forty thousand dollars ($40,000) plus 70 percent of the remainder of such appraised value.

Residential real property includes a residential unit, designed for one-family occupancy, within a cluster-type residential project, in which the fee interest in such real property is coupled with an undivided interest in common in a portion of the remaining real property on which such project is lo-

cated, and binding contracts have been entered into for the bona fide sale of not less than the majority of the residential units in the project.

SEC. 5. Section 7168 of said code is repealed.

CHAPTER 1839

An act to amend Sections 3543, 3947 and 5132 of the Public Utilities Code, relating to carrier identification.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 3543 of the Public Utilities Code is amended to read:

3543. No highway carrier shall operate any motor vehicle over any public highway unless there is displayed on the vehicle a distinctive license plate in the form prescribed by the commission, showing the classification to which the carrier belongs. No such license plate shall be issued by the commission until a permit under this chapter, or a certificate of public convenience and necessity under Part 1 of Division 1 has been issued to the carrier. The identifying symbols displayed by highway carriers subject to the Interstate Commerce Commission Order Ex Parte No. MC-41, Identification of Motor Carrier Vehicles, November 17, 1954, effective January 3, 1955, shall serve in lieu of the display requirements of this section, provided such identifying symbols have been recorded by the highway carrier with the commission.

SEC. 2. Section 3947 of said code is amended to read:

3947. Each carrier shall display on each vehicle operated by it an identification symbol in such form and in accordance with such rules as the commission prescribes. The identifying symbols displayed by carriers subject to the Interstate Commerce Commission Order Ex Parte No. MC-41, Identification of Motor Carrier Vehicles, November 17, 1954, effective January 3, 1955, shall serve in lieu of the display requirements of this section, provided such identifying symbols have been recorded by the city carrier with the commission.

SEC. 3. Section 5132 of said code is amended to read:

5132. Each household goods carrier shall display on each vehicle operated by it an identification symbol in such form and in accordance with such rules and regulations as the commission may prescribe. The identifying symbols displayed by carriers subject to the Interstate Commerce Commission Order Ex Parte No. MC-41, Identification of Motor Carrier Vehicles, November 17, 1954, effective January 3, 1955, shall serve in lieu of the display requirements of this section, provided such identifying symbols have been recorded by the household goods carrier with the commission.

CHAPTER 1840

An act to add Section 13991 to the Revenue and Taxation Code, relating to inheritance tax.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 13991 is added to the Revenue and Taxation Code, to read:

13991. Any net loss, not compensated for by insurance or otherwise, which shall occur as to any property included in any transfer subject to this part made by the decedent, shall be deductible from the appraised value of such property, subject to the following limitations:

(a) Such loss shall have been caused by fire, earthquake, landslide or other casualty.

(b) The cause of such loss, as specified in subsection (a) of this section, shall have occurred after the date of death of the decedent but prior to the date of the making of the order fixing tax, or prior to one year from the date of death, whichever is earlier.

CHAPTER 1841

An act to add Sections 1005 and 3169.1 to the Education Code, relating to school districts.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1005 is added to the Education Code, to read:

1005. The governing board of any school district having more than one school may appoint an advisory committee of not less than three nor more than five members from each school to advise the governing board concerning the needs of that school. The members of such advisory committees shall serve at the pleasure of the governing board.

SEC. 2. Section 3169.1 is added to said code, to read:

3169.1. Funds for secretarial and stenographic services for county committee may be allowed by the board of supervisors, and shall be paid out of the county general fund.

CHAPTER 1842

An act to amend Sections 70047, 70056, 73342 and 73347 of the Government Code, relating to court reporters and fees.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 70047 of the Government Code is amended to read:

70047. In a county with a population of over 295,000 and under 500,000, as determined on the basis of the 1950 federal decennial census each regular official reporter shall be paid an annual salary of ten thousand eighty dollars ($10,080), and each pro tempore official reporter shall be paid thirty-seven dollars ($37) a day for the days he actually is on duty under order of the court.

During the hours which the court is open for the transaction of judicial business, the regular official reporter shall perform the duties required by law. When not engaged in the performance of any other duty imposed upon him by law, he shall render stenographic or clerical assistance to the judge of the court to which he is assigned as such judge may direct.

SEC. 2. Section 70056 of said code is amended to read:

70056. In a county with a population of over 295,000 and under 500,000, the fee required by Section 70053 shall be eight dollars ($8).

SEC. 3. Section 73342 of said code is amended to read:

73342. Official reporters shall be appointed by the judges of each municipal court district pursuant to the provisions of Section 72194 and shall serve at the pleasure of the judges.

In lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court, they shall receive a salary of eight hundred forty dollars ($840) a month, which shall be a charge against the general fund of the county.

SEC. 5. Section 73347 of said code is amended to read:

73347. In any civil action or proceeding, in addition to the fees required by Article 2 (commencing with Section 72050) of Chapter 8 of Title 8, a fee of seven dollars ($7) shall be paid to the clerk of the court by each party or jointly by parties appearing jointly, once only in any such action or proceeding, in the following instances:

(a) Upon the filing of a complaint or other first paper.

(b) Upon the filing of the answer or other first paper on behalf of any party (or parties appearing jointly) other than the plaintiff.

(c) Upon the filing of papers transmitted from one court on the transfer of a civil action or special proceeding. The fees so required shall be taxed as costs in favor of the party paying the same and to whom costs are awarded by the judgment of the court. All fees collected under the provisions of this section shall be transmitted to the county treasurer in the same manner as fees collected under Article 2 of Chapter 8 of Title 8.

CHAPTER 1843

An act to add Section 621 to the Revenue and Taxation Code, relating to assessment rolls.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 621 is added to the Revenue and Taxation Code, to read:

621. In counties of more than 4 million population the assessor, with the approval of the board of supervisors, may give the information required by Section 619, as an alternative to giving the information by United States mail, by having published lists of assessments in newspapers. For this purpose he may divide the county into publication areas not to exceed five in number. Within such areas the assessment listings may be grouped by assessment map books, by post office zones or by such other arrangements as may be determined by the assessor as most likely to give notice to assessees and as practicable for publication in local newspapers. The complete assessment data of one such area may be printed in one year, and for other areas in successive years as directed by him until the full county is covered. Each year at least all changes of assessment listings for all the areas shall be printed, together with a notice that no changes were made with regard to properties not on the list of changes, so that all changes will be on a current basis for the entire county. Newspapers for the publications shall be selected as they are for publication of the delinquent tax lists and the rate paid for the advertising shall be the same.

Neither the failure of the assessee to receive this information nor the failure of the assessor to so inform the assessee shall in any way affect the validity of any assessment or the validity of any taxes levied pursuant thereto.

CHAPTER 1844

An act to amend Sections 21801, 21802, 21803 and 21804 of the Vehicle Code, relating to right-of-way rules of the road.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 21801 of the Vehicle Code is amended to read:

21801. (a) The driver of a vehicle intending to turn to the left at an intersection shall yield the right-of-way to all vehicles which have approached or are approaching the intersection from the opposite direction and which are so close as to constitute a hazard at any time during the turning movement and shall continue to yield the right-of-way to such approaching vehicles until such time as the left turn can be made with reasonable safety.

(b) A driver having so yielded and having given a signal when and as required by this code may turn left and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right-of-way.

SEC. 2. Section 21802 of said code is amended to read:

21802. (a) The driver of any vehicle shall stop at the entrance to a through highway and shall yield the right-of-way to other vehicles which have entered the intersection from the through highway or which are approaching so closely on the through highway as to constitute an immediate hazard and shall continue to yield the right-of-way to such approaching vehicles until such time as he can proceed with reasonable safety.

(b) A driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection on the through highway shall yield the right-of-way to the vehicle so about to enter or cross the through highway.

(c) The driver of any vehicle shall stop in obedience to a flashing red signal or a stop sign within an intersection and after such stop shall yield the right-of-way to other vehicles on that part of any roadway protected by any stop sign or flashing red signal which are so close as to constitute an immediate hazard and shall continue to yield the right-of-way to such approaching vehicles until such time as he can proceed with reasonable safety.

(d) A driver having yielded may proceed and the drivers of all other vehicles approaching on that part of the roadway protected by the flashing red signal or stop sign shall yield the right-of-way to the vehicle about to enter or cross the protected part of the roadway.

SEC. 3. Section 21803 of said code is amended to read:

21803. (a) The driver of any vehicle upon approaching any yield right-of-way sign shall yield the right-of-way to other

vehicles which have entered the intersection from an intersecting street or which are approaching so closely on the intersecting street as to constitute an immediate hazard and shall continue to yield the right-of-way to such approaching vehicles until such time as he can proceed with reasonable safety.

(b) A driver, having so yielded, may then proceed and the drivers of all other vehicles approaching the intersection on the intersecting roadway shall yield the right-of-way to him.

SEC. 4. Section 21804 of said code is amended to read:

21804. (a) The driver of a vehicle about to enter or cross a highway from any private property, or private road or driveway or from an alley shall yield the right-of-way to all vehicles approaching on the highway.

(b) The driver of a vehicle intending to turn to the left into an alley, private road, driveway, or any private property shall yield the right-of-way to all vehicles which are approaching from the opposite direction and which are so close as to constitute a hazard at any time during the turning movement and shall continue to yield the right-of-way to such approaching vehicles until such time as the left turn can be made with reasonable safety.

(c) A driver having yielded as required by subdivision (b) and having given a signal when and as required by this code may turn left and the drivers of all other vehicles approaching from said opposite direction shall yield the right-of-way.

CHAPTER 1845

An act to amend Section 32221 of the Health and Safety Code, relating to hospital districts.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 32221 of the Health and Safety Code is amended to read:

32221. The board of directors may establish a fund for capital outlays; provided, that no part of said fund except such part as received through gifts, donations, devises, or bequests, or from sources other than the tax levy specified by Section 32202, shall be used for acquisition of additional patient bed capacity by lease or purchase of any hospital buildings or facilities or for new construction of additional patient bed capacity for an existing hospital in excess of one hundred fifty thousand dollars ($150,000) over a period of four years (other than remodeling, alteration or conversion of existing facilities) unless a majority of the district electors voting at an election held for that purpose approve such new construction proposal. If such fund is established, it shall include in

the estimate required to be furnished to the board of supervisors a statement of the amount to be included in the annual assessment for this purpose. The amount to be raised shall be included in the tax limitation prescribed by Section 32203.

Notwithstanding the provisions of this section, nothing in this article shall limit the power of a district formed after June 1, 1961, which, prior to the adoption hereof, has not operated a hospital or established a fund for capital outlay, to lease, leaseback, lease with option to purchase or lease with provision for title to vest in the district on termination, hospital buildings or facilities with rentals to be paid from revenues and taxes, subject to the limitation prescribed by Section 32203, provided any such lease is entered into prior to June 1, 1964.

CHAPTER 1846

An act to amend Section 11300 of the Vehicle Code, relating to lamp and brake testing stations.

[Approved by Governor July 17, 1963 Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 11300 of the Vehicle Code is amended to read:

11300. The Department of the California Highway Patrol shall designate, furnish instructions to, and supervise official stations for adjusting lamps or brakes upon vehicles to conform with the provisions of this code. The department shall prescribe the qualifications of any station as a condition to designating the station as an official station and further shall suspend or revoke such designation upon determining that the business of the station is improperly conducted.

CHAPTER 1847

An act relating to the pending case of United States of America v. Anchor Oil Corporation, et al., United States District Court for the Southern District of California, Central Division, No. 800-58 HW Civil and in connection therewith authorizing a settlement thereof by defendants State of California and City of Long Beach; prescribing the terms of such settlement insofar as it relates to the defendants State of California and City of Long Beach; authorizing the Attorney General, on behalf of the State, and the City of Long Beach, each to effectuate such settlement for these defendants; authorizing the City of Long Beach to use a designated portion of its revenues from tide and submerged

lands, and to withhold a similar amount from such revenues otherwise due or to become due to the State, and to pay each of these sums to the United States; authorizing, as a part of said settlement, the City of Long Beach as trustee of certain tide and submerged lands, and the State of California as the owner of the State's reversionary interest therein, to transfer by deed or condemnation certain lands to the United States of America excepting therefrom the mineral estate, and authorizing the preparation and execution of the necessary instrument or instruments to accomplish such transfers or conveyances; authorizing the City of Long Beach to take action to maintain underground fluid pressures; authorizing the waiver of possible claims for indemnification against the City of Long Beach's drilling and operating contractors; and authorizing the State and the City of Long Beach to execute and exchange with codefendants in the Anchor case mutual releases from liability for damages attributable to subsidence.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Legislative Recitals

It is hereby found and determined:

(a) In August 1958, the United States filed the case of United States v. Anchor Oil Corp., et al. (hereinafter referred to as the Anchor case) No. 800-58 HW in the United States District Court for the Southern District of California, Central Division, naming as defendants the City of Long Beach, the State of California, and numerous past and present private producers of oil and gas from the Wilmington Oil Field. Therein, plaintiff sought an injunction against further oil production from the Wilmington Oil Field unless and until such field was adequately repressured. In said case the United States also seeks to recover approximately $54,000,000 in damages to the Long Beach Naval Shipyard and other federal installations in or near Long Beach Harbor. It is the plaintiff's claim that such damages resulted from subsidence allegedly attributable to oil production. The United States further contends that each of the defendants is jointly and severally liable for the claimed damages.

(b) Defendants State of California and City of Long Beach specifically deny any legal liability to the plaintiff United States in the Anchor case. These defendants do not admit, indeed they specifically deny, any causal relationship between any subsidence damages and oil production.

(c) It is in the public interest that the Anchor case now pending between governmental entities, to wit: the United States of America, the State of California, and the City of Long Beach, be terminated, and that possible contingent lia-

bility for substantial damages against the State and the city be removed. There is great uncertainty as to the ultimate disposition of the respective claims of the parties in the Anchor case and the determination of their rights cannot be made except by extensive, complicated, prolonged and costly litigation, in the absence of a negotiated settlement. So long as the amount of liability, if any, to be borne by the defendants State of California and City of Long Beach remains contingent and uncertain, substantial state and municipal funds are likely to remain idle. A disposition of the Anchor litigation by negotiated settlement will permit the early utilization of such moneys for proper and urgently needed public purposes and will avoid the public detriment incidental to protracted litigation between the United States of America and the State of California together with one of its major municipalities.

(d) Settlement of the Anchor case also is deemed to be in the public interest of this State and the City of Long Beach, and in the interest of national defense, in that such disposition is calculated to induce the retention of the Long Beach Naval Shipyard in its present location, and to encourage further expansion and enlarged operation of such facility.

SEC. 2. Settlement Terms

To effectuate a settlement of the Anchor case, and to enable the defendants State of California and City of Long Beach to obtain a dismissal, with prejudice of the plaintiff's claims therein, the following authorizations are hereby given:

(a) The State of California and the City of Long Beach each is authorized to pay the sum of one million two hundred thousand dollars ($1,200,000) to the United States of America; if, and only if, the private defendants in the Anchor case also contribute and pay over to the United States an additional sum of three million six hundred thousand dollars ($3,600,000), thereby making a total cash settlement of six million dollars ($6,000,000) from all defendants to be paid to the plaintiff. Notwithstanding any provision of Chapter 29, Statutes of 1956, First Extraordinary Session, the City of Long Beach hereby is authorized: (1) to use one million two hundred thousand dollars ($1,200,000) of its revenues from tide and submerged lands in payment of its share of the aforementioned cash settlement; and (2) to withhold a similar sum of one million two hundred thousand dollars ($1,200,000) from oil and dry gas revenues from tide and submerged lands otherwise due or to become due to the State, and to remit this amount to the United States in payment of the State's share of the aforementioned cash settlement.

(b) Defendants State of California and City of Long Beach are authorized to dismiss, with prejudice, their counterclaims heretofore asserted in the Anchor case.

(c) The City of Long Beach is authorized to accept a nominal consideration as just compensation from the United States, upon condemnation by the United States, of fee simple title

to an area not to exceed the hereinafter described tide and submerged lands now occupied by the Long Beach Naval Shipyard and United States Naval Station and located seaward of that portion of the shipyard and naval station which was acquired by the United States in the 1940 condemnation case of "United States of America v. 333.6 Acres of Land, etc.," case No. 1102-BH-Civil, United States District Court for the Southern District of California, Central Division. The condemnation decree shall reserve to the City of Long Beach, in trust for the State of California, the entire mineral estate, including the oil, gas and other hydrocarbon substances therein contained, together with the right to withdraw and recover said minerals; provided, however, that the lands so transferred shall be free and clear of all easements or rights to use the surface of the same for the purposes of exploring, mining, and/or removing oil, and other minerals therefrom. The tide and submerged lands herein authorized to be conveyed, or condemned, are in the City of Long Beach, County of Los Angeles, State of California, are part of the tide and submerged lands heretofore conveyed in trust to the City of Long Beach by the State of California, and are more specifically described as follows:

Beginning at the northeast corner of that certain land known as Parcel No. 2 taken in eminent domain by the United States from the City of Long Beach in that certain condemnation action entitled United States of America vs. 333 6 Acres of Land, etc., No. 1102 BH-Civil, filed in the District Court of the United States for the Southern District of California, Central Division; thence South 19° 16′ 25″ East to the southeast corner of Parcel No. 2 which is the true point of beginning of this description;

Thence South 19° 16′ 25″ East 834.61 feet more or less to a point distant South 19° 16′ 25″ East 1699.61 feet from northeast corner of Parcel No. 2;

Thence South 19° 10′ 45″ East 100.00 feet;

Thence South 70° 43′ 01″ West 150 00 feet;

Thence South 19° 10′ 45″ East 1603.55 feet;

Thence South 36° 07′ 59″ East 3537.36 feet;

Thence South 70° 43′ 01″ West 4705.28 feet;

Thence North 79° 16′ 25″ West 3266.51 feet;

Thence North 49° 16′ 25″ West 755.50 feet to the boundary line between the City of Long Beach and the City of Los Angeles;

Thence North 19° 16′ 25″ West along the boundary line between the City of Long Beach and the City of Los Angeles to the southwest corner of Parcel No. 2;

Thence along the south boundary of Parcel No. 2 to the true point of beginning.

The approximate acreage of the above described area is 951.

The State Lands Commission is hereby authorized and empowered to convey to the United States of America, following condemnation by the United States for a nominal consideration, the reversionary and possessory right, title and interest of the State of California in and to an area not to exceed the above described tide and submerged lands lying within the city limits of the City of Long Beach, County of Los Angeles, State of California, which property is a part of the tide and submerged lands heretofore conveyed in trust to the City of Long Beach by the State of California. Such conveyance by the State shall provide that the lands so transferred shall be free and clear of all easements or rights to use the surface of the same for the purposes of exploring, mining, and/or removing oil and other minerals therefrom, but shall be made upon and subject to the condition that all oil, gas and other mineral deposits and oil, gas and other mineral rights of and appertaining to the lands conveyed shall be reserved to the State of California and its grantee, the City of Long Beach. The conveyance by the State hereby authorized shall be made simultaneously with the dismissal, with prejudice, of the claims of the United States of America in the Anchor case as against the defendants State of California and the City of Long Beach. The State's deed or other instrument necessary to pass the said title to the United States of America shall be in the name and by the authority of the people of the State of California and, upon receipt of a resolution of the State Lands Commission and a report from the Attorney General each approving such conveyance, shall be executed by the Governor, countersigned by the Secretary of State and sealed with the Great Seal of the State

(d) The City of Long Beach is authorized to accept a nominal consideration as just compensation from the United States, upon condemnation by the United States, of fee simple determinable title to the following tide and submerged lands, consisting of a portion of Pier E, hereinafter referred to as the Pier E lands, situate in the City of Long Beach, County of Los Angeles, State of California, and more particularly described as follows:

The northeast corner of that certain land known as Parcel No. 2 taken in eminent domain by the United States from the City of Long Beach in that certain condemnation action entitled United States of America vs. 333.6 Acres of Land, etc., No. 1102 BH-Civil, filed in the District Court of the United States for the Southern District of California, Central Division, is the true point of beginning;

Thence North 19° 16′ 25″ West 80 00 feet;
Thence North 66° 32′ 34″ East 43.56 feet;
Thence South 75° 27′ 54″ East 164.01 feet;
Thence North 66° 32′ 34″ East 830.31 feet;
Thence South 23° 36′ 46″ East 1483.13 feet;
Thence South 00° 03′ 27″ East 575.63 feet;

Thence South 19° 09′ 20″ East 684.72 feet;
Thence North 70° 50′ 40″ East 77.97 feet;
Thence South 19° 09′ 20″ East 450.48 feet;
Thence North 70° 49′ 39″ East 200.22 feet;
Thence South 54° 37′ 59″ East 368.34 feet;
Thence South 70° 49′ 51″ West 1572.40 feet;
Thence North 19° 10′ 45″ West 1603.55 feet;
Thence North 70° 43′ 01″ East 150.00 feet;
Thence North 19° 10′ 45″ West 100.00 feet;
Thence North 19° 16′ 25″ West 1699.61 feet;
to the point of beginning.

The approximate acreage of the above described area is 88, for so long as said lands shall be used as part of the Long Beach Naval Shipyard or for purposes of national defense, or other federal purposes, and for no other uses or purposes whatsoever; provided that said lands shall not be leased or otherwise disposed of to private persons or entities for uses not substantially involving a federal function. In the event said lands or any portion thereof, are used for any other than the above specified purposes, or are not used for such specified purposes for a period in excess of two years, or if said lands or any portion thereof are determined by the United States to be no longer necessary for use as a naval shipyard or for purposes of national defense, or other federal purposes, then title to said lands or such portions thereof shall automatically revert to the grantor City of Long Beach, in trust for the State of California; provided, however, that no reversion for nonuse shall occur within 10 years immediately following the United States' acquisition of title to the Pier E lands or, as to lands included within present leases within 10 years after expiration of such leases; provided further that substantial use of said Pier E lands shall preserve the right to use all of such lands except as proper federal officials may from time to time determine unused portions to be excess to the federal need. The condemnation decree shall reserve to the City of Long Beach in trust for the State of California the entire mineral estate, including the oil, gas and other hydrocarbon substances therein contained, together with the right to withdraw and recover said minerals; provided that the city's right to occupy and use the surface of the Pier E lands shall be limited to so much of the surface thereof as reasonably may be required for operation and maintenance of its presently existing oil wells, water injection wells and oil production and water injection facilities on said lands, and the city shall have the right to drill, install, operate and maintain, at surface sites on the Pier E lands acceptable to the United States, such new oil or water injection wells or facilities as reasonably may be necessary. The tide and submerged lands herein authorized to be conveyed, or condemned, are part of the tide and submerged lands heretofore conveyed in trust to the City of Long Beach by the State of California.

The State Lands Commission is hereby authorized and empowered to convey to the United States of America, following condemnation by the United States for a nominal consideration, the reversionary and possessory right, title and interest of the State of California in and to the above described tide and submerged lands, lying within the city limits of the City of Long Beach, County of Los Angeles, State of California, which property, designated as the Pier E lands, is a part of the tide and submerged lands heretofore conveyed in trust to the City of Long Beach by the State of California. This conveyance of the State's interest in the Pier E lands also shall be for so long as said lands shall be used as part of the Long Beach Naval Shipyard or for purposes of national defense, or other federal purposes, and for no other uses or purposes whatsoever; provided that said lands shall not be leased or otherwise disposed of to private persons or entities for uses not substantially involving a federal function. In the event said lands or any portion thereof, are used for any other than the above-specified purposes, or are not used for such specified purposes for a period in excess of two years, or if said lands or any portion thereof are determined by the United States to be no longer necessary for use as a naval shipyard or for purposes of national defense, or other federal purposes, then title to said lands or such portions thereof shall automatically revert to the grantor City of Long Beach, in trust for the State of California; provided, however, that no reversion for nonuse shall occur within 10 years immediately following the United States' acquisition of title to the Pier E lands or, as to lands included within present leases within 10 years after expiration of such leases; provided further that substantial use of said Pier E lands shall preserve the right to use all of such lands except as proper federal officials may from time to time determine unused portions to be excess to the federal need. The conveyance by the State shall be made upon and subject to the condition that the entire mineral estate, including the oil, gas and other hydrocarbon substances therein contained, together with the right to withdraw and recover said minerals, shall be reserved to the State of California and its grantee, the City of Long Beach; provided that the city's right to occupy and use the surface of the Pier E lands shall be limited to so much of the surface thereof as reasonably may be required for operation and maintenance of its presently existing oil wells, water injection wells and oil production and water injection facilities on said lands, and the city shall have the right to drill, install, operate and maintain, at surface sites on the Pier E lands acceptable to the United States, such new oil or water injection wells or facilities as reasonably may be necessary. The conveyance by the State hereby authorized shall be made simultaneously with the dismissal, with prejudice, of the claim of the United States of America as against the defendants State of California and the City of Long Beach in the Anchor case. The State's deed or

other instrument necessary to pass the said title to the United States of America shall be in the name and by the authority of the people of the State of California and, upon receipt of a resolution of the State Lands Commission and a report from the Attorney General each approving such conveyance, shall be executed by the Governor, countersigned by the Secretary of State and sealed with the Great Seal of the State.

The city is authorized to bind itself, by contract, stipulated judgment, or other instrument, providing that in the event the title of the United States government to the Pier E lands shall be terminated, in whole or in part, the city may, within six months following said termination, purchase from the plaintiff, at the then fair market value, any or all of the facilities and other improvements heretofore or hereafter constructed by the plaintiff, or under its authority, on such Pier E lands. Any such facilities or improvements which are not so purchased by the city may be removed from the premises by the plaintiff within 18 months after termination or, in its discretion, may be abandoned by it without liability for such abandonment. The plaintiff shall not be obligated to restore any portion of said Pier E lands to their condition at the time of acquisition by the plaintiff.

The city shall retain its present ownership and possession of and access to the water injection plant and all oil production and water injection facilities and connecting pipelines that are located on Pier E as long as they remain in use. When the water injection plant and other facilities and pipelines are no longer maintained in use, the city shall take all necessary steps to cause them to be removed promptly from the area without cost to the United States.

(e) Although the State of California and the City of Long Beach deny any causal relationship between subsidence and oil production, in order to effect a settlement of the Anchor case, the city is authorized to bind itself, by contract, stipulated judgment or other instrument, to take every appropriate action reasonably directed toward arresting and preventing subsidence of the ground surface at the Long Beach Naval Shipyard and the United States Naval Station including, but not limited to, making all reasonable efforts to maintain and, if necessary, increase the underground fluid pressures, even to the extent of restoring original reservoir pressures, in the oil zones that the city owns beneath and adjacent to the shipyard and naval station during the remaining productive life of such zones. The city also is authorized to assume the following obligations: (1) to assure that the aforesaid city-owned oil zones are adequately repressured at the time production therefrom ceases; (2) to properly seal, plug and shut in all wells producing from the aforesaid city-owned oil zones at the time of their abandonment in order to avoid pressure loss; and (3) to make thereafter periodic tests to verify that adequate zonal pressures are being maintained, and if necessary to take all reasonable steps to restore stable pressures in said zones,

provided however, that the city shall not obligate itself to restore pressure dissipation attributable to tectonic movements or earthquakes. This authorization to maintain and increase underground pressure in the oil zones is in the interest of increasing the ultimate recovery of oil or gas from such lands, or the protection of oil or gas in such lands from unreasonable waste, or possibly arresting or ameliorating the subsidence of such lands and abutting lands without regard as to the causation thereof. Nothing herein contained shall limit or affect the rights, obligations and responsibilities of the State and the city pursuant to the provisions of Chapter 29, California Statutes of 1956, First Extraordinary Session.

SEC. 3. Authorization for Waivers and Releases

(a) The City of Long Beach is authorized to waive, and the State is authorized to join in such waiver of, any and all possible claims against its drilling and operating contractors for contribution, subrogation and indemnification (expressed or implied) under the city's respective drilling and operating contracts in the Wilmington Oil Field with respect to all moneys and other considerations paid by the city and the State to the plaintiff United States of America in the course of settlement of the Anchor case, for the reason that, at all times material to the Anchor case, said contractors operated in the manner prescribed by the city and without negligence; provided, however, that said municipal contractors waive any and all rights to seek reimbursement or recovery back from the city and the State, by way of contribution, subrogation and indemnification, or otherwise, for any amounts paid by said contractors to the United States in the course of settlement of said Anchor case.

(b) The State of California and the City of Long Beach may execute and exchange with codefendants in the Anchor case mutual releases from liability for damages attributable to subsidence.

SEC. 4. Authorization to Sign Stipulations and Agreements

The Attorney General of this State and the City of Long Beach are empowered to enter into such stipulations, agreements, or other assurances as may be necessary to effect the settlement herein authorized and approved.

CHAPTER 1848

An act to add Section 15806 of the Government Code, relating to the naming of state office buildings.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 15806 is added to the Government Code, to read:

15806. The state office building and garage in the City of Los Angeles, County of Los Angeles, bounded by First Street on the northerly side, Broadway Street on the easterly side, Second Street on the southerly side, and Hill Street on the westerly side, shall be named and shall be known hereafter as the Junípero Serra Building.

CHAPTER 1849

An act to add Section 36 to the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953), relating to the Marin County Flood Control and Water Conservation District.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 36 is added to the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953), to read:

Sec. 36. In addition to all other powers granted under this act, the district shall have the right to acquire, construct and complete any improvements authorized hereunder by special assessment proceedings. The Improvement Act of 1911 and the Improvement Act of 1915 are applicable to the district and the powers and duties conferred by those acts upon the boards, officers and agents of cities, shall be exercised by the governing board, officers and agents of the district, provided that the improvements authorized to be constructed or acquired by this section are limited to those permitted to be constructed or acquired by the district under the provisions of this act.

CHAPTER 1850

An act to add Section 5012.5 to the Streets and Highways Code, relating to the Improvement Act of 1911.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 5012.5 is added to the Streets and Highways Code, to read:

5012.5. In a city in which there is a superintendent of streets or street superintendent, the legislative body of the city may nevertheless appoint another person to perform the duties imposed upon the street superintendent by this division and all of the provisions of this division applicable to the street superintendent shall apply to the person so appointed.

CHAPTER 1851

An act to amend Section 12301 of the Elections Code, relating to the solicitation of political contributions.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 12301 of the Elections Code is amended to read:

12301. It is unlawful for any person which includes in any part of its name the name of any political party which was qualified to participate in the last preceding primary election, to directly or indirectly solicit funds for any purpose whatsoever upon the representation either express or implied that the funds are being solicited for the use of that political party unless that person shall have previously obtained the written consent of one of the following: National committeeman or committeewoman from California, chairman of the state central committee, executive committee of the state central committee, or executive committee of the county central committee of the party whose name is being used in the county in which the solicitation is to be made. If the county central committee of the party in that county does not have an executive committee, the written consent of the chairman and secretary of that county central committee is sufficient.

All persons soliciting funds in accordance with this section shall be furnished with adequate credentials bearing the name of the solicitor and a copy of the written consent which bears the signature of the person authorizing the solicitation.

CHAPTER 1852

An act to amend Sections 7351, 7653, 7654, and 8651 of, and to add Sections 7351.5 and 11005.1 to, and to add Part 5.5 (commencing with Section 11101) to Division 2 of, the Revenue and Taxation Code, to amend Section 9400 of, and to add Section 9401 to, the Vehicle Code, and to amend the heading of Chapter 1 (commencing with Section 2000) of Division 3, and Sections 195, 2004.5, 2104, 2107, 2107.5, 2110, 2117.5, and 2152 of, to add Sections 186.1, 186.2, 186.3, 186.4, 186.5, 186.6, 186.7, 186.8, and 2105 to, and to repeal Chapter 2 (commencing with Section 2050) of Division 3, and Sections 2000, 2001, 2002, 2003, 2004, 2005, 2105, 2106, 2110.5, 2111, 2113, 2114, 2115, 2116, and 2117 of, the Streets

and Highways Code, to provide a system of local transportation and for the financial support thereof, including the levying of taxes and fees therefor.

[Approved by Governor July 18, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 7351 of the Revenue and Taxation Code is amended to read:

7351. For the privilege of distributing motor vehicle fuel a license tax is hereby imposed upon distributors at the rate of six cents ($0.06) for each gallon of fuel distributed until October 1, 1963. On and after October 1, 1963, the rate shall be seven cents ($0.07) for each gallon of fuel distributed.

SEC. 2. Section 7351.5 is added to the Revenue and Taxation Code, to read:

7351.5. For the privilege of storing or using motor vehicle fuel as to the distribution of which a license tax not exceeding six cents ($0.06) per gallon has been imposed under Section 7351, every person, except a duly licensed distributor, owning one thousand (1,000) gallons or more thereof on October 1, 1963, shall pay a tax of one cent ($0.01) for each gallon of such fuel.

SEC. 3. Section 7653 of the Revenue and Taxation Code is amended to read:

7653. On or before November 1, 1963, each person subject to the tax imposed under Section 7351.5 shall prepare and file with the board on forms prescribed by the board a return showing the total number of gallons of motor vehicle fuel owned by him on October 1, 1963, as to the distribution of which a license tax not exceeding six cents ($0.06) per gallon has been imposed under Section 7351 and such other information as the board deems necessary for the proper administration of this part. The return must be accompanied by a remittance payable to the Controller in the amount of tax due.

SEC. 4. Section 7654 of the Revenue and Taxation Code is amended to read:

7654. All provisions, penalties and requirements in this part relating to license taxes payable by distributors, and provisions relative to payment of refunds, not inconsistent herewith, are applicable to the same force and extent with respect to taxes imposed under Section 7351.5.

SEC. 5. Section 8651 of the Revenue and Taxation Code is amended to read:

8651. An excise tax is hereby imposed at the rate of seven cents ($0.07) for each gallon of fuel used, except that with respect to liquefied petroleum gas an excise tax is hereby imposed at the rate of six cents ($0.06) for each gallon of

fuel used. On and after October 1, 1963, with respect to liquefied petroleum gas the rate shall be seven cents ($0.07) for each gallon of fuel used.

SEC. 8. Section 9400 of the Vehicle Code is amended to read:

9400. (1) In addition to any other registration fee there shall be paid the fees set forth in this section for the registration of commercial vehicles, except vehicles designed to transport property which are used exclusively to transport passengers without the owner thereof receiving compensation or profit for the transportation. Whenever a camper is temporarily attached to a motor vehicle designed to transport property, such motor vehicle shall be subject to the fees imposed by this section. The camper shall be deemed to be a load, and fees imposed by this section upon the motor vehicle shall be based upon the unladen weight of such motor vehicle, exclusive of the camper.

(a) For any electric vehicle designed, used, or maintained as described in this section, fees shall be paid for registration according to the following schedule:

Unladen weight	Fee
Less than 6,000 lbs.	$48
6,000 lbs. or more but less than 10,000 lbs.	96
10,000 lbs. or more	128

(b) For any motor vehicle having not more than two axles and designed, used or maintained as described in this section, other than an electric vehicle, fees shall be paid for registration according to the following schedule:

Unladen weight	Fee
3,000 lbs. to and including 4,000 lbs.	$14
4,001 lbs. to and including 5,000 lbs.	27
5,001 lbs. to and including 6,000 lbs.	40
6,001 lbs. to and including 7,000 lbs.	54
7,001 lbs. to and including 8,000 lbs.	67
8,001 lbs. to and including 9,000 lbs.	80
9,001 lbs. to and including 10,000 lbs.	94
10,001 lbs. to and including 11,000 lbs.	107
11,001 lbs. to and including 12,000 lbs.	120
12,001 lbs. to and including 13,000 lbs.	134
13,001 lbs. to and including 14,000 lbs.	147
14,001 lbs. and over	160

(c) For any motor vehicle having three or more axles or for any trailer, semitrailer, pole or pipe dolly, logging dolly, or other dolly designed, used or maintained as described in this section, other than an electric vehicle, fees shall be paid for registration according to the following schedule:

Unladen weight	Fee
2,000 lbs. to and including 3,000 lbs.	$11
3,001 lbs. to and including 4,000 lbs.	20
4,001 lbs. to and including 5,000 lbs.	40
5,001 lbs. to and including 6,000 lbs.	60
6,001 lbs. to and including 7,000 lbs.	80
7,001 lbs. to and including 8,000 lbs.	100
8,001 lbs. to and including 9,000 lbs.	120
9,001 lbs. to and including 10,000 lbs.	140
10,001 lbs. to and including 11,000 lbs.	160
11,001 lbs. to and including 12,000 lbs.	180
12,001 lbs. to and including 13,000 lbs.	200
13,001 lbs. to and including 14,000 lbs.	220
14,001 lbs. to and including 15,000 lbs.	240
15,001 lbs and over	267

(2) In addition to any other registration fee there may be paid the following fee for registration of any commercial motor vehicle with an unladen weight of less than 3,000 pounds —fee—$10.

(3) The weight fees set forth in this section shall apply to registration of all vehicles subject to payment of weight fees for the 1963 calendar year.

SEC 9. Section 9401 is added to the Vehicle Code, to read:

9401. (1) In addition to any other registration fee there shall be paid the fees set forth in this section for the registration of commercial vehicles, except vehicles designed to transport property which are used exclusively to transport passengers without the owner thereof receiving compensation or profit for the transportation. Whenever a camper is temporarily attached to a motor vehicle designed to transport property such motor vehicle shall be subject to the fees imposed by this section. The camper shall be deemed to be a load, and fees imposed by this section upon the motor vehicle shall be based upon the unladen weight of such motor vehicle, exclusive of the camper.

(a) For any electric vehicle designed, used, or maintained as described in this section, fees shall be paid for registration according to the following schedule:

Unladen weight	Fee
Less than 6,000 lbs.	$54
6,000 lbs. or more but less than 10,000 lbs.	108
10,000 lbs or more	145

(b) For any motor vehicle having not more than two axles and designed, used or maintained as described in this section, other than an electric vehicle, fees shall be paid for registration according to the following schedule:

Unladen weight	Fee
3,000 lbs. to and including 4,000 lbs.	$17
4,001 lbs. to and including 5,000 lbs.	32
5,001 lbs. to and including 6,000 lbs.	48
6,001 lbs. to and including 7,000 lbs.	64
7,001 lbs. to and including 8,000 lbs.	80
8,001 lbs. to and including 9,000 lbs.	95
9,001 lbs. to and including 10,000 lbs.	112
10,001 lbs. to and including 11,000 lbs.	127
11,001 lbs. to and including 12,000 lbs.	143
12,001 lbs. to and including 13,000 lbs.	159
13,001 lbs. to and including 14,000 lbs.	175
14,001 lbs. and over	190

(c) For any motor vehicle having three or more axles or for any trailer, semitrailer, pole or pipe dolly, logging dolly, or other dolly designed, used or maintained as described in this section, other than an electric vehicle, fees shall be paid for registration according to the following schedule:

Unladen weight	Fee
2,000 lbs. to and including 3,000 lbs.	$13
3,001 lbs. to and including 4,000 lbs.	24
4,001 lbs. to and including 5,000 lbs.	48
5,001 lbs. to and including 6,000 lbs.	71
6,001 lbs. to and including 7,000 lbs.	95
7,001 lbs. to and including 8,000 lbs.	119
8,001 lbs. to and including 9,000 lbs.	143
9,001 lbs. to and including 10,000 lbs.	167
10,001 lbs. to and including 11,000 lbs.	190
11,001 lbs. to and including 12,000 lbs.	214
12,001 lbs. to and including 13,000 lbs.	238
13,001 lbs. to and including 14,000 lbs.	262
14,001 lbs. to and including 15,000 lbs.	286
15,001 lbs. and over	318

(2) In addition to any other registration fee there may be paid the following fee for registration of any commercial motor vehicle with an unladen weight of less than 3,000 pounds—fee—$12.

(3) The weight fees set forth in this section shall apply to registration of all vehicles subject to payment of weight fees for the 1964 calendar year and thereafter, and all references in this code to Section 9400 shall, with respect to registration of all vehicles subject to payment of weight fees for the 1964 calendar year and thereafter, be deemed to refer to this section.

SEC. 10. Section 11005.1 is added to the Revenue and Taxation Code, to read:

11005.1. (a) Any city or city and county may expend any money received by it pursuant to Section 11005 for:

(1) Planning, acquiring, constructing, operating, or maintaining a rapid transit system itself or jointly with one or more other cities, counties, cities and counties, or public rapid transit districts, agencies, or authorities; or

(2) Making contributions to any public rapid transit district, agency, or authority exercising jurisdiction within the city or city and county for use in planning, acquiring, constructing, operating, or maintaining a rapid transit system.

(b) A county may expend such money in making contributions to any city or public rapid transit district, agency, or authority within the county for use in planning, acquiring, constructing, operating, or maintaining a rapid transit system.

SEC. 10.1. Part 5.5 (commencing with Section 11101) is added to Division 2 of the Revenue and Taxation Code, to read:

PART 5.5. LOCAL VEHICLE LICENSE FEES

11101. As used in this part, "department" means the Department of Motor Vehicles.

11102. The board of supervisors of a county may, by ordinance, adopt a vehicle license fee pursuant to this part.

11103. (a) A vehicle license fee ordinance adopted pursuant to this part may be repealed by action of the board of supervisors of the county.

(b) No vehicle license fee ordinance adopted pursuant to this part shall be effective for any calendar year prior to 1964, nor unless it is adopted at least three months prior to the first day of January for the year for which it is to be operative.

(c) A repeal of any vehicle license fee ordinance adopted pursuant to this part shall not be effective for any calendar year unless the board of supervisors takes action to repeal the ordinance at least six months prior to the first day of January for that year.

11104. The vehicle license fee ordinance adopted under this part shall be imposed for the privilege of operating upon the public highways in the county any vehicle of a type which is subject to registration under the Vehicle Code, and shall include provisions in substance as follows:

(a) A provision that the annual amount of the license fee shall be a sum equal to one-half of one percent (.5%) of the market value of the vehicle as determined by the department.

(b) Provisions identical to those contained in Part 5 (commencing with Section 10701) of Division 2 of this code, insofar as they relate to vehicle license fees, except that the name of the county as the taxing agency shall be substituted for that of the State.

(c) A provision that all amendments subsequent to the effective date of the enactment of Part 5 (commencing with Section 10701) of this code relating to vehicle license fees and

not inconsistent with this part, shall automatically become a part of the vehicle license fee ordinance of the county.

(d) A provision that the county contract prior to the effective date of the county vehicle license fee ordinance with the department to perform all functions incident to the administration or operation of the vehicle license fee ordinance of the county.

(e) A provision that the vehicle licensee fee ordinance shall become operative on the first day of January of the year next succeeding the year in which the ordinance is adopted.

(f) A provision that the total revenue derived from any vehicle license fee ordinance imposed pursuant to this part shall be distributed to the county for use exclusively for making contributions to any city or public rapid transit district, agency, or authority within the county for use in planning, acquiring, constructing, operating, or maintaining a rapid transit system.

11105. All vehicle license fees collected by the department pursuant to a contract with a county shall be transmitted by the department periodically as promptly as feasible, and the department shall charge the county for the department's services specified in this section and Section 11104 such amount as will reimburse the department for the actual additional cost to it in rendering the services.

11106. A person shall, for the purposes provided for in Section 11104, be presumed to be operating a vehicle on the public highways only in the county in which he resides, or, in the case of other than a natural person, only in the county in which the vehicle is principally garaged, and he shall be subject to a county vehicle license fee only in that county.

SEC. 10.2. Section 186.1 is added to the Streets and Highways Code, to read:

186.1. Out of the money received in the State Highway Fund each month during the 1963-1964 fiscal year, commencing with the month of January, 1964, an amount equal to the net revenue derived in the preceding calendar month from one and four one-hundredths cent ($0.0104) per gallon tax under the Motor Vehicle Fuel License Tax Law shall be allocated by the commission for the period commencing January 1, 1964, and ending June 30, 1964, to be apportioned monthly by the department among counties and cities for use exclusively for county road and city street purposes, as provided in this section.

Out of the money available each year, commencing with the 1964-1965 fiscal year, in the State Highway Fund, an amount equal to the net revenue derived from one and four one-hundredths cent ($0.0104) per gallon tax under the Motor Vehicle Fuel License Tax Law shall be allocated by the commission, to be apportioned monthly by the department among counties and cities for use exclusively for county road and city street purposes, as provided in this section.

The amounts available under this section shall be allocated and apportioned, as follows:

(a) Four hundred dollars ($400) per month shall be allocated and apportioned to each city and city and county and eight hundred dollars ($800) per month shall be allocated and apportioned to each county and city and county.

(b) The balance shall be allocated and apportioned, as follows:

(1) A base sum shall be computed for each county by using the same proportions of fee-paid and exempt vehicles as are established for purposes of apportionment of funds under subdivision (c) of Section 2104.

(2) For each county the percentage of the total assessed valuation of tangible property subject to local tax levies within the county which is represented by the assessed valuation of tangible property outside the incorporated cities of the county shall be applied to its base sum, and the resulting amount shall be apportioned to the county. The assessed valuation of taxable tangible property for purposes of this computation shall be that most recently used for countywide tax levies as reported to the department by the State Board of Equalization.

(3) The difference between the base sum for each county and the amount apportioned to the county shall be allocated to the cities of that county in the proportion that the population of each city bears to the total population of all cities in the county. Populations used for determining expenditure of moneys under Section 194 are to be used for purposes of this section.

No apportionments shall be made to any city or county pursuant to this section unless it has adopted a resolution stating that it approves the imposition of the additional highway users taxes and fees pursuant to the act enacted at the 1963 Regular Session adding this section to provide revenues for such apportionments and that it desires such apportionments to be made to it and has transmitted a copy of such resolution to the department. Any amounts which would otherwise have been apportioned to a city or county which has not adopted such a resolution shall be available for allocation and apportionment among the other counties and cities pursuant to this section.

SEC. 11. Section 186.2 is added to the Streets and Highways Code, to read:

186.2. Each county and any of its incorporated cities may enter into an agreement regarding the base sum established by paragraph (1) of subdivision (b) of Section 186.1, providing for expenditure of the amounts apportioned to the county and allocated for expenditure within the cities participating in the agreement upon selected roads and streets within the county and the cities participating in the agreement included in the select system of county roads and city streets for such county and cities established as provided in Section 186.3. Any such agreements shall be filed with the department.

After verification of the agreement or agreements by the department, the department shall make disposition of the apportionment to the county, and shall make disposition of the amounts to which each city participating in an agreement is entitled, in accordance with terms of the agreement.

SEC. 12. Section 186.3 is added to the Streets and Highways Code, to read:

186.3. Funds allocated and apportioned pursuant to Section 186 1 shall be expended exclusively for acquisition of rights-of-way for and construction of routes on the select system of county roads and city streets for such county or city established as provided in this section.

Until modified as provided in the following paragraph, the select system for each county shall consist of the roads designated as primary roads or secondary collector roads, and for each city shall consist of the streets designated as major arterials and collector streets, in the audited findings of the department as used in the preparation of the report made pursuant to Resolution Chapter No. 208 (Senate Concurrent Resolution No. 62) of the Statutes of 1959.

On or before October 1, 1964, each county and city eligible for allocation and apportionment of funds pursuant to Section 186.1 shall file a report and map or maps with the department indicating its select system of county roads or city streets, and on or before each October 1st thereafter each county and city may submit a supplemental report with map or maps recommending proposed additions or deletions to the system. Such submittals shall be reviewed and approved or modified by the commission on or before April 1, 1965, and each April 1st thereafter, and shall constitute the select system upon which funds allocated and apportioned to the subject counties or cities may be expended commencing with the ensuing fiscal year.

SEC. 13. Section 186.4 is added to the Streets and Highways Code, to read:

186.4. In selecting or revising the select system of county roads or city streets for a county or city each year, the county or city, and the commission in making its review and modification, if any, shall give consideration to the following criteria:

(a) The total mileage of the select system for any county or city shall not exceed 50 percent of the sum of state highway and locally maintained road or street mileage in the county or city less the state highway mileage in the county or city; except that this limit may be exceeded in the case of unusual circumstances reported by the county or city and determined by the commission to constitute sufficient cause for exceeding the limit.

(b) Any route included in the select system of county roads or city streets shall meet one or more of the following tests:

(1) It shall provide an important traffic connection to a route in the state highway system.

(2) It shall be an important traffic lateral between two or more routes in the state highway system.

(3) It shall afford substantial traffic relief to one or more routes in the state highway system.

Routes in the state highway system may be included in the select system for the purpose of providing for contributions to and processing of projects pursuant to co-operative agreements with the department.

Any route not qualifying, or only partially qualifying, under any one or more of the foregoing tests may be included in the select system for the county or city only upon a showing of cause by the county or city in its report and upon a determination by the commission that sufficient cause exists for the inclusion of the route in the system.

(c) A showing shall be made by the county or city in its report that every route included in its select system is coordinated with route selections of contiguous local jurisdictions and with routes in the state highway system.

(d) Notwithstanding any other provisions of this section, each county shall be entitled to include within its select system as many miles of county road as were included in its approved system of primary roads pursuant to Chapter 1 (commencing with Section 2000) of Division 3 on January 1, 1963, and each city shall be entitled to include within its select system as many miles of city streets as were included in its approved system of major city streets pursuant to Chapter 2 (commencing with Section 2050) of Division 3 on January 1, 1963.

SEC. 14. Section 186.5 is added to the Streets and Highways Code, to read:

186.5. During each fiscal year for which apportionments are expended pursuant to Section 186.3, the recipient of apportioned funds shall expend for construction and rights-of-way on its select system an additional amount, which additional amount shall be derived from sources other than the Highway Users Tax Fund or the State Highway Fund (the additional amounts hereby required shall hereinafter be referred to as "matching funds"), as follows:

(a) For the fiscal years 1963-64, 1964-65, 1965-66 and 1966-67, an amount equal to 50 percent of the apportionment expended pursuant to Section 186.3.

(b) For the fiscal year 1967-68, an amount equal to 66⅔ percent of such apportionment so expended.

(c) For the fiscal year 1968-69, an amount equal to 80 percent of such apportionment so expended.

(d) For the fiscal year 1969-70 and each fiscal year thereafter, an amount equal to such apportionment so expended.

Notwithstanding the above provisions, no matching funds shall be required with respect to apportionments received by the recipient pursuant to subdivision (a) of Section 186.1.

Within 15 days following the close of each fiscal year, the recipient of apportioned funds shall report and certify to the

department the amount of matching funds it has expended during the preceding year.

If the recipient of funds apportioned pursuant to Section 186.1 expends in any fiscal year more than the amount of matching funds required by this section, the excess matching fund expenditures may be carried forward as a credit toward matching funds required in the following 10 years.

In the event that any such recipient fails in any fiscal year to expend such matching funds as required by this section, the commission and the department shall withhold from future allocations and apportionments to such recipient the difference between the amount apportioned during said fiscal year and the amount which was properly matched from matching funds as required by this section. Amounts so withheld shall be available for allocation and apportionment among the other counties and cities pursuant to Section 186.1.

When funds apportioned pursuant to Section 186.1 are utilized on joint or co-operative projects between cities or between a city or cities and a county, the agreement or resolution authorizing the use of such funds on such joint or co-operative projects shall designate the agency or agencies which shall provide the matching funds required by this section.

If an agreement authorized by Section 186.2 is in effect, the ultimate recipient of apportioned funds pursuant to such agreement shall provide the matching funds required by this section.

SEC. 15. Section 186.6 is added to the Streets and Highways Code, to read:

186.6. Funds accruing to any county or city from the apportionments made pursuant to Section 186.1 may not be accumulated for more than two fiscal years following the fiscal year in which they were apportioned, and any funds not expended within such period shall revert to the State Highway Fund for redistribution among all counties and cities pursuant to Section 186.1.

Notwithstanding the above provision, any county or city may petition the department for permission to accumulate apportioned funds for more than two, but not to exceed five, years. The department shall grant such permission if the petition furnishes a specific plan, approved by the legislative body of the petitioner, for the expenditure of the funds and for the accumulation of the required matching funds.

In the event funds are accumulated pursuant to the provisions of this section, the matching requirement at the time such funds are expended shall be determined as if the funds had been expended during the year in which they were apportioned.

SEC. 16. Section 186.7 is added to the Streets and Highways Code, to read:

186.7. For the purposes of Sections 186.5 and 186.6:

(a) Funds used for the acquisition of rights-of-way shall be deemed to be expended when a right-of-way contract has

been entered into between the county or city and the owner of the property, or when just compensation has been made to or paid into a court for the owner.

(b) Funds used for construction or improvement of streets or highways shall be deemed to be expended when a contract has been awarded for the work or when day labor work has been performed.

(c) Funds expended by a subdivider, under the direction of a county or city, for the acquisition of rights-of-way or construction on the select system of the county or city shall be deemed to be expenditures made by the county or city.

SEC. 17. Section 186.8 is added to the Streets and Highways Code, to read:

186.8. Except as otherwise provided herein, projects on the select system utilizing funds allocated and apportioned under Section 186.1 and utilizing funds for matching as set forth in Section 186.5 shall be designed and constructed in accordance with the Engineering Standards and Instructions for County Roads and City Streets included in the report of the department on the California county road and city street deficiencies made pursuant to Senate Concurrent Resolution No. 62 (1959), Resolutions Chapter 208, Statutes of 1959. These standards may be revised at four-year intervals by the department with concurrence of a majority of the advisory committee of city, county and other officials appointed by the Legislature in accordance with Section 2156. Upon a showing by a city, county, or city and county of adequate cause for deviating from the aforementioned standards on a particular project the department may authorize such deviation.

Within 60 days following the close of each fiscal year each county, city, or city and county shall file with the department a report in a form prescribed by the department and certified by the local governing body showing its expenditures of funds during the preceding fiscal year pursuant to Sections 186.1 through 186.7. Such report shall include a breakdown by individual project showing funds apportioned under Section 186.1 and all other funds that have been expended for construction or rights-of-way on the select system. The department may prescribe such other categories for the report and may make such audits and such inspections of completed work or work in progress as it deems necessary to verify that the requirements of Sections 186.2 through 186.7, Section 195, Section 2105 and this section have been met. The department shall withhold funds from future apportionments under Section 186.1 in an amount equivalent to the value of any work which is found to be not in conformance with the requirements of said sections. Such funds withheld shall be released to the city or county upon a showing to the satisfaction of the department that the reasons for the withholding have been corrected. Upon the expiration of two years following a withholding of funds the amount withheld shall be returned to the fund from which it came, for reapportionment among the cities and counties

in accordance with the statutes; provided, that through appeal to and approval of the California Highway Commission for good cause the aforementioned two-year period may be extended for an additional period of not to exceed two years. The department shall summarize the reports and the results of its audits and inspections in an annual report to the Legislature.

SEC. 18. Section 195 of the Streets and Highways Code is amended to read:

195. Except as provided in Section 200, two-fifths of the moneys allocated under the provisions of Section 194 shall be expended for the construction of streets included in the select system within such city or city and county as established pursuant to the provisions of Section 186.3 of this code.

Three-fifths of the moneys allocated under the provisions of Section 194 shall be expended for the maintenance of the select system and of other streets within such city or city and county; provided, that, with the approval of the department, a portion of such moneys so allocated for maintenance may be expended for construction of streets included within the select system within such city or city and county.

Such expenditures shall be limited to that portion of the street available for use by vehicular traffic except that such funds may be expended for pedestrian underpasses or pedestrian overhead crossings and the installation and maintenance of traffic control devices, but such funds shall not be expended for street lighting, except where the illumination is required for the safety of persons using the said streets, or for the construction or maintenance of sidewalks, or, except as hereinbefore expressly authorized, for the construction or maintenance of any structure or facility in, over, or under the street which is not of direct and primary service in providing a way for vehicular traffic. Sidewalks may be constructed with such funds on bridges, and sidewalks may be constructed and trees may be planted to replace those removed or damaged by construction or improvement of the street.

SEC. 18.1. The heading of Chapter 1 (commencing with Section 2000) of Division 3 of the Streets and Highways Code is amended to read:

CHAPTER 1. THE COUNTY ROAD SYSTEM

SEC. 19. Section 2000 of the Streets and Highways Code is repealed.

SEC. 20. Section 2001 of the Streets and Highways Code is repealed.

SEC. 21. Section 2002 of the Streets and Highways Code is repealed.

SEC. 22. Section 2003 of the Streets and Highways Code is repealed.

SEC. 23. Section 2004 of the Streets and Highways Code is repealed.

SEC. 24. Section 2004.5 of the Streets and Highways Code is amended to read:

2004.5. Streets in any city which has not held an election of municipal officers within a period of 10 years preceding the date of the proposed inclusion shall be included in the road system of the county in which such city is located.

SEC. 25. Section 2005 of the Streets and Highways Code is repealed.

SEC. 25.5. Chapter 2 (commencing with Section 2050) of Division 3 of the Streets and Highways Code is repealed.

SEC. 26. Section 2104 of the Streets and Highways Code is amended to read:

2104. A sum equal to the net revenue derived from 1.625 cents ($0 01625) per gallon tax under the Motor Vehicle Fuel License Tax Law shall be apportioned among the counties, as follows:

(a) Each county shall be paid one thousand six hundred sixty-seven dollars ($1,667) during each calendar month, which amount shall be expended exclusively for engineering costs and administrative expenses in respect to county roads.

(b) The sum of one hundred thousand dollars ($100,000) per month shall be apportioned among eligible counties for snow removal and storm damage costs as provided for in Section 2110.

(c) Seventy-five percent (75%) of the funds payable under this section shall be apportioned among the several counties monthly in the respective proportions that the number of fee-paid and exempt vehicles registered in each county bears to the total number of fee-paid and exempt vehicles registered in the State during the 12 calendar months covered by the 12 verified statements of registrations last filed with the State Controller, as herein provided, prior to the making of such apportionment.

For purposes of apportionment under this subdivision, the Department of Motor Vehicles shall, as soon as possible after the last day of each calendar month, furnish to the State Controller a verified statement showing the number of fee-paid and exempt vehicles registered in each county and in the State during the preceding calendar month.

(d) Of the remaining moneys payable there shall be paid to each eligible county an amount monthly computed, as follows: The number of miles of maintained county road in each county shall be multiplied by forty-two dollars ($42); from the resultant amount there shall be deducted the amount received by each county under subdivision (c) of this section and the remainder, if any, shall be paid to each county.

(e) The remaining moneys payable after the foregoing apportionments shall be apportioned among the several counties in the same proportion as the moneys referred to in subdivision (c) of this section.

SEC. 27. Section 2105 of the Streets and Highways Code is repealed.

SEC. 28. Section 2105 is added to said code, to read:

2105. Not less than 20 percent of the funds received by each county under subdivisions (c), (d), and (e) of Section 2104 shall be expended for acquisition of rights of way for and construction of routes on the select system of county roads or city streets for such county established as provided in Section 186.3.

SEC. 29. Section 2106 of the Streets and Highways Code is repealed.

SEC. 29.5. Section 2107 of the Streets and Highways Code is amended to read:

2107. A sum equal to 72.5 percent of one cent ($0.00725) per gallon tax under the Motor Vehicle Fuel License Tax Law shall be transferred to the State Highway Fund for expenditure in cities as provided in Section 194.

SEC. 30. Section 2107.5 of said code is amended to read:

2107.5. In addition to the amounts transferred pursuant to Section 2107, a sum sufficient to provide for the annual allocation of the following amounts shall be transferred to the State Highway Fund during the month of July of each fiscal year for expenditure exclusively for engineering costs and administrative expenses in respect to city streets:

(a) For each city with a population of over 500,000 inhabitants	$20,000
(b) For each city with a population of 100,000 to 500,000 inhabitants	10,000
(c) For each city with a population of 50,000 to 99,999 inhabitants	7,500
(d) For each city with a population of 25,000 to 49,999 inhabitants	6,000
(e) For each city with a population of 20,000 to 24,999 inhabitants	5,000
(f) For each city with a population of 15,000 to 19,999 inhabitants	4,000
(g) For each city with a population of 10,000 to 14,999 inhabitants	3,000
(h) For each city with a population of 5,000 to 9,999 inhabitants	2,000
(i) For each city with a population of less than 5,000 inhabitants	1,000

For the purpose of this section the population in each city is that which exists on July 1st, of each fiscal year as determined by the last preceding decennial or special federal census. In the case of a city incorporated subsequent to the last census, or in the case of inhabited unincorporated territory being annexed to a city subsequent to the last census, the department shall ascertain the population of the city, or of the annexed territory, by multiplying the number of registered electors therein by three. In the case of uninhabited unincorporated territory being annexed to a city subsequent to the last census, the department shall ascertain the population of the annexed territory by multiplying the number of registered

electors therein by three two years after the completion of annexation proceedings. Any city incorporated after July 1st, of any fiscal year shall receive the full annual allocation prescribed in this section, such allocation to be made during the month succeeding the filing or certification of the incorporation by the Secretary of State.

Except as provided in this section, all other provisions of Sections 194 to 202, inclusive, shall be applicable to the expenditure of the amount transferred to the State Highway Fund pursuant to this section.

Any city under subdivision (h) or (i) above which has not expended all of the funds allocated to it thereunder within three years from the date of the allocation may expend the unexpended portion for the construction of streets included in the select system of city streets within such city as established pursuant to Sections 186.3 and 186.4.

SEC. 31. Section 2110 of the Streets and Highways Code is amended to read:

2110. The moneys payable to the counties under subdivision (b) of Section 2104 shall be apportioned among the several counties as follows:

(a) Seven hundred thousand dollars ($700,000) shall be apportioned for snow removal on county roads as follows:

(1) For the 1963-64 fiscal year, and for each fiscal year thereafter, the Controller shall compute percentages for the apportionment of such amount to the several counties in the State for snow removal on county roads and shall apportion such amount to the counties in the computed percentages. The percentage each county is to be apportioned during such fiscal year shall be derived by adding its snow removal expenditures for the three preceding fiscal years as to which the Controller has received snow removal expenditure reports pursuant to Section 2152, and dividing the sum by the total amount of snow removal expenditures by all counties in the State during said fiscal years.

(2) On or before the first day of March of each year, commencing with 1962, the Controller shall notify each county of the amount apportioned to it pursuant to this subdivision for expenditure for snow removal on county roads during the following fiscal year.

(b) The remaining five hundred thousand dollars ($500,000) shall be apportioned for heavy rainfall and storm damage on county roads to the following counties in the named percentages:

Alameda	2.629
Amador	.135
Butte	.161
Colusa	.339
Contra Costa	10.575
Del Norte	.251
Fresno	.639

Humboldt	4.935
Los Angeles	9.913
Marin	3.781
Mendocino	2.084
Monterey	3.701
Napa	1.950
Nevada	.718
Orange	.051
Placer	.085
Plumas	.897
Riverside	1.185
San Benito	1.070
San Bernardino	2.609
San Francisco	1.016
San Diego	2.760
San Luis Obispo	5.782
Santa Barbara	7.661
Santa Cruz	12.162
Sierra	.333
Siskiyou	.814
Sonoma	10.238
Trinity	2.137
Ventura	8.543
Yuba	.846

SEC. 32. Section 2110.5 of the Streets and Highways Code is repealed.

SEC. 33. Section 2111 of the Streets and Highways Code is repealed.

SEC. 34. Section 2113 of the Streets and Highways Code is repealed.

SEC. 35. Section 2114 of the Streets and Highways Code is repealed.

SEC. 36. Section 2115 of the Streets and Highways Code is repealed.

SEC. 37. Section 2116 of the Streets and Highways Code is repealed.

SEC. 38. Section 2117 of the Streets and Highways Code is repealed.

SEC. 39. Section 2117.5 of the Streets and Highways Code is amended to read:

2117.5. Notwithstanding any other provision of this chapter the board of supervisors of any county may, out of the moneys to be paid to it out of the Highway Users Tax Fund as provided in Section 2104, pay the principal and interest as it falls due on bonds issued by a boulevard district formed prior to March 15, 1922 or by an acquisition and improvement district organized under the provisions of the Acquisition and Improvement Act of 1925 and initiated by a resolution of intention adopted prior to January 1, 1933.

All payments of principal or interest on such bonds, issued by such acquisition and improvement districts, made, prior to authorization of such payments by this section, by counties from moneys distributed to them from the Highway Users Tax Fund are hereby validated, ratified, and confirmed.

This section shall apply only to bonds money from the issue of which is used only for purposes specified in Section 1 of Article XXVI of the Constitution.

SEC. 40. Section 2152 of the Streets and Highways Code is amended to read:

2152. The report shall contain the following:

(a) A detailed statement of all money available from all sources during the fiscal year covered by the report, including money made available by the United States, the State, the county or city, any other governmental agency, and money available from bond issues, special assessments, or from any other source whatever for expenditure for street or road purposes.

(b) A detailed statement of all expenditures during the fiscal year covered by the report for street or road purposes, including obligations incurred but not yet paid. The statement shall be broken down into expenditure categories, such as expenditures for rights-of-way or other property, new construction, reconstruction, widening, resurfacing, maintenance, repair, and acquisition and maintenance of equipment.

The State Controller, with the advice of the department, may prescribe such other expenditure categories and may require such detail as may be deemed necessary by him fully to disclose the nature and extent of all financial transactions by the county or city relating to streets or roads.

(c) A detailed statement of all expenditures during the fiscal year covered by the report for snow removal, including expenditures of money apportioned to the county pursuant to subdivision (a) of Section 2110. The statement shall include equipment costs in connection with snow removal on an hourly rental basis or on such other annual basis as the State Controller may require.

SEC. 41. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are severable.

SEC. 42 Sections 18.1 to 29, inclusive, and Sections 30 to 40, inclusive, of this act shall become operative on January 1, 1964.

SEC. 43. This act shall be known and may be cited as the Collier-Unruh Local Transportation Development Act.

CHAPTER 1853

An act to repeal Part 5 (commencing with Section 35700) of Division 24 of, and to add Part 5 (commencing with Section 35700) to Division 24 of, the Health and Safety Code, and to add Section 1419.5 to, and to amend Section 1414 of, the Labor Code, relating to discrimination in housing.

[Approved by Governor July 18, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Part 5 (commencing with Section 35700) of Division 24 of the Health and Safety Code is repealed.

SEC. 2. Part 5 (commencing with Section 35700) is added to Division 24 of the Health and Safety Code, to read:

PART 5. DISCRIMINATION IN HOUSING

CHAPTER 1. FINDINGS AND DECLARATION OF POLICY

35700. The practice of discrimination because of race, color, religion, national origin, or ancestry in housing accommodations is declared to be against public policy.

This part shall be deemed an exercise of the police power of the State for the protection of the welfare, health, and peace of the people of this State.

CHAPTER 2. DEFINITIONS

35710. When used in this part:

1. The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy and receivers or other fiduciaries.

2. The term "housing accommodation" includes any improved or unimproved real property, or portion thereof, which is used or occupied, or is intended, arranged or designed to be used or occupied, as the home, residence or sleeping place of one or more human beings, but shall not include any accommodations operated by a religious, fraternal, or charitable association or corporation not organized or operated for private profit; provided, that such accommodations are being used in furtherance of the primary purpose or purposes for which the association or corporation was formed.

3. The term "publicly assisted housing accommodation" includes any housing accommodation within the State:

(a) Which at the time of any alleged unlawful discrimination under Section 35720 is granted exemption in whole or in part from taxes levied by the State or any of its political subdivisions; provided, that nothing herein contained shall apply to any housing accommodations solely because the owner

thereof enjoys any type of tax exemption by virtue of his veteran status.

(b) Which is constructed on land sold below cost by the State or any of its political subdivisions or any agency thereof, pursuant to the Federal Housing Act of 1949.

(c) Which is constructed in whole or in part on property acquired or assembled by the State or any of its political subdivisions or any agency thereof through the power of condemnation or otherwise for the purpose of such construction.

(d) The acquisition or construction of which is, at the time of any alleged unlawful discrimination under Section 35720, financed in whole or in part by a loan, whether or not secured by a mortgage, the repayment of which is guaranteed or insured by the federal government or any agency thereof, or the State or any of its political subdivisions or any agency thereof.

4. The term "owner" includes the lessee, sublessee, assignee, managing agent, real estate broker or salesman, or any person having any legal or equitable right of ownership or possession or the right to rent or lease housing accommodations, and includes the State and any of its political subdivisions and any agency thereof.

5. The term "discriminate" includes to segregate or separate.

6. The term "multiple dwelling" means a dwelling which is occupied, as a rule, for permanent residence purposes and which is either rented, leased, let or hired out, to be occupied as the residence or home of three or more families living independently of each other. A "multiple dwelling" shall not be deemed to include a hospital, convent, monastery, public institution, or a building used wholly for commercial purposes except for not more than one janitor's apartment and not more than one housing accommodation occupied by not more than two families. The term "family" means either a person occupying a dwelling and maintaining a household, with not more than four boarders, roomers or lodgers, or two or more persons occupying a dwelling, living together and maintaining a common household, with not more than four boarders, roomers or lodgers. A "boarder," "roomer" or "lodger" residing with a family means a person living within the household who pays a consideration for such residence and does not occupy such space within the household as an incident of employment therein.

CHAPTER 3. DISCRIMINATION PROHIBITED

35720. It shall be unlawful:

1. For the owner of any publicly assisted housing accommodation which is in, or to be used for, a multiple dwelling, with knowledge of such assistance, to refuse to sell, rent or lease or otherwise to deny to or withhold from any person or group of persons such housing accommodation because of the race, color, religion, national origin, or ancestry of such person or persons.

2. For the owner of any publicly assisted housing accommodation which is in, or to be used for, a multiple dwelling, with knowledge of such assistance, to discriminate against any person because of the race, color, religion, national origin or ancestry of such person in the terms, conditions or privileges of any publicly assisted housing accommodations or in the furnishing of facilities or services in connection therewith.

3. For any owner of any publicly assisted housing accommodation which is in, or to be used for, a multiple dwelling, with knowledge of such assistance, to make or to cause to be made any written or oral inquiry concerning the race, color, religion, national origin or ancestry of a person seeking to purchase, rent or lease any publicly assisted housing accommodation for the purpose of violating any of the provisions of this part.

4. For the owner of any publicly assisted housing accommodation which is a single family dwelling occupied by the owner, with knowledge of such assistance, to commit any of the acts prohibited by subdivisions 1, 2, and 3.

5. For the owner of any dwelling, other than a dwelling containing not more than four units, to commit any of the acts prohibited by subdivisions 1, 2, and 3.

6. For any person subject to the provisions of Section 51 of the Civil Code, as that section applies to housing accommodations, as defined in this part, and to transactions relating to sales, rentals, leases, or acquisition of housing accommodations, as defined in this part, to discriminate against any person because of race, color, religion, national origin, or ancestry with reference thereto.

7. For any person, bank, mortgage company or other financial institution to whom application is made for financial assistance for the purchase, organization, or construction of any housing accommodation to discriminate against any person or group of persons because of the race, color, religion, national origin or ancestry of such person or persons, or of prospective occupants or tenants, in the terms, conditions or privileges relating to the obtaining or use of any such financial assistance.

8. For any person to aid, abet, incite, compel or coerce the doing of any of the acts or practices declared unlawful in this section, or to attempt to do so.

Chapter 4. Enforcement

35730. The State Fair Employment Practice Commission created by Section 1414 of the Labor Code is empowered to prevent violations of Section 35720, after a verified complaint has been filed with the commission pursuant to Section 35731.

35730.5. The commission, in connection with its functions under this part, shall have the following powers and duties:

(a) To meet and function at any place within the State.

(b) To appoint an attorney, and such clerks and other employees as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.

(c) To obtain upon request and utilize the services of all governmental departments and agencies.

(d) To adopt, promulgate, amend, and rescind suitable rules and regulations to carry out the provisions of this part.

(e) To receive, investigate and pass upon verified complaints alleging discrimination in housing accommodations, as defined in this part, because of race, religious creed, color, national origin or ancestry.

(f) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, examine any person under oath and, in connection therewith, to require the production of any books or papers at such hearings relating to any matter under investigation or in question before the commission.

(g) To create such advisory agencies and conciliation councils, local or otherwise, as in its judgment will aid in effectuating the purposes of this part, and may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination because of race, religious creed, color, national origin, or ancestry, and to foster, through community effort or otherwise, good will, co-operation, and conciliation among the groups and elements of the population of the State and to make recommendations to the commission for the development of policies and procedures in general. Such advisory agencies and conciliation councils shall be composed of representative citizens, serving without pay.

(h) To issue such publications and such results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of race, religious creed, color, national origin, or ancestry.

(i) To render annually to the Governor and biennially to the Legislature a written report of its activities and of its recommendations.

35731. Any person claiming to be aggrieved by an alleged violation of Section 35720 may file with the commission a verified complaint in writing which shall state the name and address of the person alleged to have committed the violation complained of, and which shall set forth the particulars thereof and contain such other information as may be required by the commission. However, no such complaint may be made or filed unless the person claiming to be aggrieved waives any and all rights or claims that he may have under Section 52 of the Civil Code and signs a written waiver to that effect.

No complaint may be filed after the expiration of 60 days from the date upon which the alleged violation occurred. This period may be extended for not to exceed 60 days following the expiration of the initial 60 days, if a person allegedly aggrieved by such violation first obtained knowledge of the facts

of such alleged violation after the expiration of the initial 60 days from date of its occurrence.

The State Fair Employment Practice Commission may thereupon proceed upon such complaint in the same manner and with the same powers as provided in Part 4 5 (commencing with Section 1410) of Division 2 of the Labor Code in the case of an unlawful employment practice, and the provisions of that part which are not inconsistent with this part as to the powers, duties and rights of the State Fair Employment Practice Commission, its chairman, members, attorneys or agents, the complainant, the respondent, the Attorney General and the superior court, shall apply to any proceeding under the provisions of this section. However, Section 1430 of the Labor Code shall not apply to this part, and the Attorney General may not make, sign, or file a complaint under this part.

35732. (a) If such verified complaint alleges facts, directly or upon information and belief, sufficient to constitute a violation of any of the provisions of Section 35720, the chairman of the commission shall designate one of the commissioners to make, with the assistance of the commission's staff, prompt investigation in connection therewith. If such commissioner determines after preliminary investigation that probable cause exists for believing the allegations of the complaint, he shall immediately endeavor to eliminate the alleged unlawful practice by conference, conciliation, and persuasion.

(b) If, after the preliminary investigation, probable cause does not exist for believing the allegations of the complaint, the assigned commissioner shall dismiss the complaint. Notice of dismissal shall be sent to the respondent and the complainant by registered mail—return receipt requested and the complainant then shall have 15 days from the receipt day to file an appeal to the dismissal.

If the assigned commissioner fails to eliminate such alleged unlawful practice and believes probable cause still exists, he may issue and serve in the name of the commission, a written accusation together with a copy of such complaint, as the same may have been amended, requiring the owner named in such accusation, hereinafter referred to as "respondent," to answer the charges of such accusation at a hearing.

The written accusation, hearings, and all matters pertaining thereto shall be in accordance with the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part 1, Division 3, Title 2 of the Government Code, and the commission shall have all the powers granted therein.

35733. After a verified complaint has been filed with the commission pursuant to Section 35731, and the preliminary investigation thereof has been carried out, or a 20-day period has elapsed from the filing of the verified complaint, if the preliminary investigation has not then been completed, an appropriate superior court may, upon the motion of the respondent, order the commission to give to the respondent,

within a specified time, a copy of any book, document, or paper, or any entries therein, in the possession or under the control of the commission, containing evidence relating to the merits of the verified complaint, or to a defense thereto. The commission shall comply with such an order.

35734. The commission, at any time after a complaint is filed with it and it has been determined that probable cause exists for believing that the allegations of the complaint are true and constitute a violation of this part, may bring an action in the superior court to enjoin the owner of the property from taking further action with respect to the rental, lease, or sale of the property until the commission has completed its investigation and made its determination; but a temporary restraining order obtained under this section shall not, in any event, be in effect for more than 20 days. In such action an order or judgment may be entered awarding such temporary restraining order or such preliminary or final injunction in accordance with Section 527 of the Code of Civil Procedure.

35735. All matters connected with any conference, conciliation, or persuasion efforts under this part are privileged and may not be received in evidence. The members of the commission and its staff shall not disclose to any person what has transpired in the course of such endeavors to conciliate. Every member of the commission or its staff who discloses information in violation of this section is guilty of a misdemeanor. Such disclosure by an employee subject to civil service shall be cause for disciplinary action under the State Civil Service Act.

35736. When an owner is contacted by the commission, a commissioner, or a member of the commission's staff, he shall be informed whether the contact is for the purpose of investigation or conference, conciliation, or persuasion; and if it is for conference, conciliation, or persuasion, he shall be informed that all matters relating thereto are privileged.

35737. The commission shall without undue delay cause a copy of the verified complaint that has been filed under the provisions of this part to be served upon or mailed to the owner alleged to have committed the violation complained of.

35738. If the commission finds that a respondent has engaged in any unlawful practice as defined in this part, the commission shall state its findings of fact and shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such practice and to take one of the following affirmative actions, as, in the judgment of the commission, will effectuate the purpose of this part:

(1) The sale or rental of the housing accommodation to the aggrieved person, if it is still available.

(2) The sale or rental of a like accommodation, if one is available, or the next vacancy in a like accommodation.

(3) The payment of damages to the aggrieved person in an amount not to exceed five hundred dollars ($500), if the com-

mission determines that neither of the remedies under (1) or (2) is available.

The commission may require a report of the manner of compliance.

If the commission finds that a respondent has not engaged in any practice which constitutes a violation of this part, the commission shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the said accusation as to such respondent. A copy of its order shall be delivered in all cases to the Attorney General and such other public officers as the commission deems proper.

Any order issued by the commission shall have printed on its face references to the provisions of the Administrative Procedure Act which prescribe the rights of appeal of any party to the proceeding to whose position the order is adverse.

Chapter 5. Miscellaneous

35740. Nothing contained in this part shall be deemed to repeal any of the provisions of any other law of this State relating to discrimination because of race, color, religion, national origin or ancestry.

35741. Nothing in this part shall be construed to affect the title or other interest of a person who purchases, leases, or takes an encumbrance on a housing accommodation in good faith and without knowledge that the owner or lessor of the property has violated any provision of this part.

35742. Nothing contained in this part shall be construed to prohibit selection based upon factors other than race, color, religion, national origin, or ancestry.

35743. As it is the intention of the Legislature to occupy the whole field of regulation encompassed by the provisions of this part, the regulation by law of discrimination in housing contained in this part shall be exclusive of all other laws banning discrimination in housing by any city, city and county, county, or other political subdivision of the State. Nothing contained in this part shall be construed to, in any manner or way, limit or restrict the application of Section 51 of the Civil Code.

35744. The provisions of this part shall be liberally construed for the purpose of effectuating the public policy contained herein.

Sec. 3. Section 1414 of the Labor Code is amended to read:

1414. There is in the Division of Fair Employment Practices the State Fair Employment Practice Commission. Such commission shall consist of seven members, to be known as commissioners, who shall be appointed by the Governor, by and with the advice and consent of the Senate, and one of whom shall be designated as chairman by the Governor. The term of office of each member of the commission shall be for four years; provided, however, that of the commissioners first

appointed two shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. The term of office of each member of the commission appointed pursuant to the 1963 amendments to this section shall also be for four years; provided, however, that of the two commissioners first appointed pursuant to the said amendments, one shall be appointed for a term which shall expire September 18, 1966, and one for a term which shall expire September 18, 1967.

SEC. 4. Section 1419.5 is added to the Labor Code, to read:

1419.5. The commission is empowered to prevent discrimination in housing as provided in Part 5 (commencing with Section 35700) of Division 24 of the Health and Safety Code.

SEC. 5. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

CHAPTER 1854

An act authorizing the Department of Water Resources to complete feasibility studies of, and prepare a feasibility report on, the proposed Agua Fria Project and making an appropriation therefor, declaring the urgency thereof, to take effect immediately

[Approved by Governor July 18, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. The Department of Water Resources is hereby authorized to complete feasibility studies of, and to prepare a feasibility report on, the proposed Agua Fria Project on Mariposa Creek in the County of Mariposa. The project feasibility report that is prepared pursuant to this authorization shall be delivered to the Legislature by the department by March 1, 1964.

SEC. 2. There is hereby appropriated from the General Fund the sum of seventy-eight thousand dollars ($78,000) to the Department of Water Resources for expenditure for the purpose of carrying out the objectives of Section 1 of this act; provided, that no expenditure of such sum shall be made by the department unless the Mariposa County Water Agency agrees in writing with the department by July 20, 1963, to repay to the department one-seventh of the cost of such feasi-

bility report, with such repayment to be made upon terms satisfactory to the department, after a project is constructed on the basis of such project feasibility report Any and all money received by the department from such repayment by the agency shall be deposited in the State Treasury to the credit of the General Fund.

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The proposed Agua Fria Project is urgently needed to stimulate the economic development of Mariposa County and to provide a satisfactory domestic water supply In order that the feasibility studies of the proposed project may be accomplished as soon as possible and that a feasibility report on the proposed project may be delivered to the Legislature at the 1964 Legislative Session, foundation drilling at the dam site of the proposed project must be accomplished during the summer of 1963. It is, therefore, necessary that this bill become effective immediately to provide immediate specific authority and funds for such studies and report.

CHAPTER 1855

An act to add Section 22820 to the Government Code, relating to Meyers-Geddes Act coverage.

[Approved by Governor July 18, 1963 Filed with Secretary of State July 19, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 22820 is added to the Government Code, to read:

22820. Notwithstanding any other provision of this chapter, the coverage of an employee terminating his state service by voluntary separation from state service, or dismissal from state service for cause, before he is eligible for retirement, shall extend until the end of the month following the month in which his state service is terminated.

This section shall be operative only as to those contracts for health benefits entered or renewed by the board subsequent to the effective date of this section as enacted at the 1963 Regular Session of the Legislature.

CHAPTER 1856

An act to amend Sections 1168 and 2900 of the Penal Code, relating to place of serving sentence for crime.

[Approved by Governor July 18, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 2900 of the Penal Code is amended to read:

2900. The term of imprisonment fixed by the judgment in a criminal action commences to run only upon the actual delivery of the defendant into the custody of the Director of Corrections at the place designated by the Director of Corrections as a place for the reception of persons convicted of felonies, and if thereafter, during such term, the defendant by any legal means is temporarily released from such imprisonment and subsequently returned thereto, the time during which he was at large must not be computed as part of such term; provided, however, that as an emergency measure, the Director of Corrections may direct that persons convicted of felonies may be received and detained in jails or other facilities and that the judgment will commence to run upon the actual delivery of the defendant into such place and that any persons previously received and confined for conviction of a felony may be, as an emergency, temporarily housed at such place and the time during which such person is there shall be computed as a part of the term of judgment.

The Department of Corrections may contract for the use of any facility of the State, or political subdivision thereof, to care for such persons received in accordance with this section.

In any case in which, pursuant to the agreement on detainers or other provision of law, a prisoner of another jurisdiction is, before completion of actual confinement in a penal or correctional institution of a jurisdiction other than the State of California, sentenced by a California court to a term of imprisonment for a violation of California law, and the judge of the California court orders that the California sentence shall run concurrently with the sentence which such person is already serving, the Director of Corrections shall designate the institution of the other jurisdiction as the place for reception of such person within the meaning of the preceding provisions of this section. He may also designate the place in California for reception of such person in the event that actual confinement under the prior sentence ends before the period of actual confinement required under the California sentence.

SEC. 2. Section 1168 of said code is amended to read:

1168. Every person convicted of a public offense, for which imprisonment in any reformatory or state prison is now prescribed by law shall, unless such convicted person be placed on probation, a new trial granted, or the imposing of sentence

suspended, be sentenced to be imprisoned in a state prison, but the court in imposing the sentence shall not fix the term or duration of the period of imprisonment.

When a defendant has been sentenced to be imprisoned in the state prison and has been committed to the custody of the Director of Corrections, if it is deemed warranted by the diagnostic study and recommendations approved pursuant to Section 5079, the court may recall the commitment previously ordered and release him under supervision as provided by Section 1203.

CHAPTER 1857

An act to amend Section 21403 of the Vehicle Code, relating to speed signs.

[Approved by Governor July 18, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 21403 of the Vehicle Code is amended to read:

21403. (a) Every speed restriction sign installed upon a highway on or after January 1, 1964, shall be rectangular in shape, except that the corners shall be slightly rounded and shall conform approximately to the specifications of this section. The minimum size of the sign measured through its center shall be 24 inches in width and 30 inches in height. The face of the sign shall be black with the words and figures specifying the applicable speed limit in white thereon. The top of the word "speed" shall be 3⅜ inches and the top of the word "limit" shall be 10 inches from the top edge of the sign. Each letter of the words "speed" and "limit" shall be 4 inches in height and of eight-tenths-inch stroke. The top of the figures shall be 2⅝ inches below the bottom of the word "limit". Each figure of the figures shall be 10 inches in height and 2-inch stroke. A white borderline of five-eighths-inch stroke shall parallel the outside edges of the sign. The outside edge of the borderline shall be three-eighths inch from the edges of the sign. All letters and figures on the sign shall from sunset to sunrise be illuminated or reflectorized. The sign may be made of larger dimensions in which event the size and stroke of letters, figures and lines shall be increased in the proper proportion.

(b) Any speed restriction sign erected to give notice of a speed limit declared by this code to be a maximum limit may include the word "maximum" and shall be made larger to the extent necessary to place the word "maximum" thereon.

(c) Speed restriction signs erected prior to January 1, 1964, shall conform either to the requirements set forth in subdivisions (a) and (b) above or to the statutory requirements in effect at the time the signs were erected.

CHAPTER 1858

An act to add Sections 6011.5, 6022, 6248, 6249, 6389, 6422 and 6454.5 to, the Revenue and Taxation Code, and to amend Sections 4000, 4451, 5600, 5900, and 11713 of, and to add Sections 4300.5 and 4750.5 to, the Vehicle Code, relating to sales and use taxes in respect to motor vehicles and to registration of motor vehicles, to take effect immediately.

[Approved by Governor July 18, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6011.5 is added to the Revenue and Taxation Code, to read:

6011.5. Except when a motor vehicle is purchased from a bona fide dealer outside this State, whenever the purchaser of a motor vehicle is required to pay use tax to the Department of Motor Vehicles, the sales price of the property shall be deemed to be its market value at the time of application for registration as that value is determined to measure the license fee imposed under Section 10751 of this code.

SEC. 2. Section 6022 is added to said code, to read:

6022. "Vehicle" and "motor vehicle," as used in this part, shall have the meanings ascribed to them in Sections 415 and 670 of the Vehicle Code.

SEC. 3. Section 6248 is added to said code, to read:

6248. On and after the effective date of this section there shall be a rebuttable presumption that any vehicle bought outside of this State which is brought into California within 90 days from the date of its purchase, and which is subject to registration under Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, was acquired for storage, use, or other consumption in this State.

SEC. 4. Section 6249 is added to said code, to read:

6249. A member of the armed services on active duty who purchases a vehicle prior to the effective date of his discharge shall not be subject to the presumption established by Section 6248. He shall not be deemed to have purchased the vehicle for storage, use or other consumption in this State unless at the time of purchase he intended to use it in this State, such intent resulting from his own determination, rather than from official orders received as a member of the armed services transferring him to this State.

SEC. 5. Section 6389 is added to said code, to read:

6389. There are exempted from the computation of the amount of the sales tax the gross receipts from sales of motor vehicles subject to registration under the Vehicle Code when the retailer is a person other than a dealer certificated under Section 11714 of the Vehicle Code, or a wrecker licensed under Sections 11500, 11501, 11502, and 11503 of that code, holding a valid seller's permit under Section 6068 of this code.

This exemption does not apply to the gross receipts from the sale of a motor vehicle whenever the purchaser is not required to register the motor vehicle under the Vehicle Code and the sale is one of a series of sales sufficient in number, scope and character to constitute an activity requiring the person making the sale to hold a seller's permit.

SEC. 6. Section 6422 is added to said code, to read:

6422. If a purchaser of a motor vehicle from a person other than a dealer certificated under Section 11714 of the Vehicle Code, or a wrecker licensed under Sections 11500, 11501, 11502, and 11503 of that code, holding a valid seller's permit under Section 6068 of this code, claims that no use tax is due from him under this part, he may submit to the board through the Department of Motor Vehicles the facts on which such claim is predicated, and if the board determines that no tax is due, it shall so certify to the Department of Motor Vehicles, which is then authorized to complete registration or transfer of registration of the motor vehicle without payment of the use tax.

SEC. 7. Section 6454.5 is added to said code, to read:

6454.5. (a) When a motor vehicle is sold at retail by a person other than a dealer certificated under Section 11714 of the Vehicle Code, or a wrecker licensed under Sections 11500, 11501, 11502, and 11503 of that code, holding a valid seller's permit under Section 6068 of this code, the retailer is not required to pay the tax with respect to the transaction, but the purchaser of the motor vehicle must pay the use tax to the Department of Motor Vehicles acting for and on behalf of the board pursuant to Section 4750.5 of the Vehicle Code.

(b) If the purchaser does not make timely application to that department, but is subject to penalty because of delinquency in effecting registration or transfer of registration of the motor vehicle, he then becomes liable also for penalty as specified in Section 6591 of this code, but no interest shall accrue.

SEC. 7.5. Section 4000 of the Vehicle Code is amended to read:

4000. (a) No person shall drive, move, or leave standing any motor vehicle, trailer, semitrailer, pole or pipe dolly, logging dolly, or auxiliary dolly upon a highway unless it is registered and the appropriate fees have been paid under this code.

No person shall drive, move, or leave standing any motor vehicle upon a highway which has been registered in violation of Chapter 3 (commencing at Section 24378) of Division 20 of the Health and Safety Code.

(b) The provisions of this section shall not apply, following payment of fees due for registration, during such time that registration and transfer is being withheld by the Department of Motor Vehicles pending the investigation of any use tax due or of any exemption claimed under the provisions of Section 6249 of the Revenue and Taxation Code or of Section 4750.5 of this code.

SEC. 8. Section 4300.5 is added to the Vehicle Code, to read:

4300.5. An application for registration under Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code of a motor vehicle previously registered outside of this State must be accompanied by payment of the amount required to be paid under Part 1 (commencing with Section 6001), Division 2 of the Revenue and Taxation Code with respect to the use of the motor vehicle by the applicant, provided, however, that no such payment of use tax need accompany an application for registration whenever the purchaser of a motor vehicle files a statement of intent to submit evidence of an exemption specified in Section 6249 of the Revenue and Taxation Code or in Section 4750.5 of this code within 30 days after making such application.

SEC. 8.5. Section 4451 of said code is amended to read:

4451. The certificate of ownership shall contain:

(a) Not less than the information required upon the face of the registration card.

(b) Provision for notice to the department of a transfer of the title or interest of the owner or legal owner.

(c) Provision for application for transfer of registration by the transferee.

(d) Certificates of ownership issued by the department for the year 1958 and subsequent years shall contain provision for a statement by the transferor, other than the legal owner, to the effect that the proposed transfer of title or other interest in the motor vehicle is not in violation of the provisions of Article 5 (commencing with Section 16100), Chapter 1, Division 7 of this code.

(e) Certificates of ownership issued by the department for the year 1965 and subsequent years shall contain provision for the certification required by Section 4750.5 of this code.

SEC. 9. Section 4750.5 is added to said code, to read:

4750.5. (a) The department shall withhold the registration or the transfer of registration of any motor vehicle sold at retail to any applicant by any person other than a dealer certificated under Section 11714 of this code or a wrecker licensed under Sections 11500, 11501, 11502, and 11503 of this code, holding a valid seller's permit under Section 6068 of the Revenue and Taxation Code, until the applicant pays to the department the use tax measured by the sales price of the motor vehicle as required by the Sales and Use Tax Law, together with penalty, if any, unless the State Board of Equalization finds that no use tax is due, or unless the applicant files with the department a certification of the person selling the motor vehicle to the applicant stating that the person had not made any other retail sale of a motor vehicle of a type subject to registration under the Vehicle Code during the preceding 12 months. If the applicant so desires, he may pay the use tax and penalty, if any, to the department so as to secure

immediate action upon his application for registration or transfer of registration, and thereafter he may apply through the Department of Motor Vehicles to the State Board of Equalization under the provisions of the Sales and Use Tax Law for a refund of the amount so paid.

(b) The department shall transmit to the State Board of Equalization all collections of use tax and penalty made under this section. This transmittal shall be made at least monthly, accompanied by a schedule in such form as the department and board may prescribe.

(c) The State Board of Equalization shall reimburse the department for its costs incurred in carrying out the provisions of this section. Such reimbursement shall be effected under agreement between the agencies, approved by the Department of Finance.

(d) In computing any use tax or penalty thereon under the provisions of this section dollar fractions shall be disregarded in the manner specified in Section 9559 of this code. Payment of tax and penalty on this basis shall be deemed full compliance with the requirements of the Sales and Use Tax Law insofar as they are applicable to the use of motor vehicles to which this section relates.

(e) In no event shall the registration or transfer of registration be withheld, nor shall any use tax be required to be paid by the transferee, in a transfer resulting from a gift, bequest, devise, or involuntary transfer, as upon repossession by a vendor under a conditional contract of sale, transfers involving chattel mortgage liens, subject to Chapter 3 (commencing with Section 6300) of this division nor to the transfer of any interest of a motor vehicle made pursuant to any valid and legal order of a court of competent jurisdiction.

(f) Notwithstanding the provisions of subdivision (a) of this section, no such payment of use tax need accompany an application for registration whenever the purchaser of a motor vehicle files a statement of intent to submit evidence of an exemption specified in Section 6249 of the Revenue and Taxation Code or in Section 4750 5 of this code within 30 days.

SEC. 10. Section 5600 of said code is amended to read:

5600. No transfer of the title or any interest in or to a vehicle registered under this code shall pass, and any attempted transfer shall not be effective, until the parties thereto have fulfilled either of the following requirements:

(a) The transferor has made proper endorsement and delivery of the certificate of ownership and delivery of the registration card to the transferee as provided in this code and the transferee has delivered to the department or has placed the certificate and card in the United States mail addressed to the department when and as required under this code with the proper transfer fee, together with the amount required to be paid under Part 1 (commencing with Section 6001), Division 2 of the Revenue and Taxation Code with respect to the use by

the transferee of the vehicle, if a motor vehicle, or submits a claim for exemption as provided in Section 6249 of the Revenue and Taxation Code or in Section 4750 of this code, and thereby makes application for a transfer of registration except as otherwise provided in Sections 5905, 5906, 5907, and 5908.

(b) The transferor has delivered to the department or has placed in the United States mail addressed to the department the appropriate documents for the registration or transfer of registration of the vehicle pursuant to the sale or transfer except as provided in Section 5602.

SEC. 11. Section 5900 of said code is amended to read:

5900. Whenever the owner of a vehicle registered under this code sells or transfers his title or interest in, and delivers the possession of, the vehicle to another, the owner shall immediately notify the department of the sale or transfer giving the date thereof, the name and address of the owner and of the transferee and of any person, other than the transferee, to whom possession of the vehicle was delivered or who participated in any manner in the sale or the negotiation thereof, and such description of the vehicle as may be required in the appropriate form provided for such purpose by the department.

SEC. 11.5. Section 11713 of said code is amended to read:

11713. It shall be unlawful and a violation of this code for the holder of any license issued under this article:

(a) To intentionally publish or circulate any advertising which is misleading or inaccurate in any material particular or which misrepresents any of the products sold or furnished by a licensed dealer.

(b) To advertise or offer for sale or exchange in any manner, any vehicle not actually for sale at the premises of such dealer or available to said dealer from the manufacturer or distributor of such vehicle at the time of the advertisement or offer.

(c) To fail within 48 hours in writing to withdraw any advertisement of a vehicle that has been sold or withdrawn from sale.

(d) To advertise or represent a vehicle as a new vehicle if said vehicle falls within the purview of Section 665 of this code.

(e) To knowingly purchase, sell or otherwise acquire or dispose of a stolen motor vehicle.

(f) To engage in the business for which licensee is licensed without having in force and effect a good and sufficient bond with corporate surety as hereinbefore provided.

(g) For any licensed dealer to engage in the business for which such dealer is licensed without at all times maintaining an established place of business as required by this code.

(h) To include as an added cost to the selling price of a vehicle, an amount for licensing or transfer of title of the vehicle, which amount is not due to the State unless such amount has in fact been paid by the dealer prior to such sale.

(i) To employ any person as a salesman who has not been licensed pursuant to Article 2 (commencing at Section 11800) of this chapter, and whose license is not displayed on the premises of the dealer as provided in Section 11804.

(j) To deliver, following sale of a new unregistered vehicle for operation on California highways, if such vehicle does not meet all of the equipment requirements of Division 12 of this code.

(k) To use or permit the use of the special plates assigned to him for any purpose other than permitted by Section 11715

(*l*) To advertise or otherwise represent, or knowingly to allow to be advertised or represented on his behalf or at his place of business, that no down payment is required in connection with the sale of a vehicle when a down payment is in fact required and the buyer is advised or induced to finance such down payment by a loan in addition to any other loan financing the remainder of the purchase price of the vehicle.

(m) To participate in the sale of a motor vehicle reported to the Department of Motor Vehicles under the provisions of Section 5900 of this code without making the return and payment of any sales tax due and required by Section 6451 of the Revenue and Taxation Code.

SEC. 12. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect, but shall not become operative until October 1, 1963

CHAPTER 1859

An act to add Section 8444 to the Elections Code, relating to county central committees.

[Approved by Governor July 18, 1963 Filed with Secretary of State July 19, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 8444 is added to the Elections Code, to read:

8444. The State Department of Finance shall permit any county central committee which desires to do so to hold meetings in a state building within the county, at least one of which meetings each month shall be without charge.

CHAPTER 1860

An act to amend Sections 19683 and 19685 of the Education Code, relating to allocations of state funds for housing and equipment for the education of exceptional children.

[Approved by Governor July 18, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 19683 of the Education Code is amended to read:

19683. Allocations under this article (Sections 19681 to 19689, inclusive) may be made in such amount as may be necessary, and in such manner as to distribute the available funds equitably among school districts, giving consideration to the needs of each district and the number of children within each district who are blind, partially seeing, aphasic, deaf, hard of hearing, mentally retarded, orthopedically handicapped or cerebral palsied.

In computing the number of such children there shall be included:

(a) The number of them residing in the district.

(b) The number of handicapped minors who are actually living within the district five or more days a week, although their legal residence may be outside the district and who are educated pursuant to Section 6805.

(c) The number of them who reside outside of the district, except those described in subdivision (b), and who are to be educated by the district, excluding mentally retarded minors within the provisions of Section 6902 who reside within a district having an average daily attendance of 900 or more and which does not meet the requirements of Section 19590 concerning outstanding bonded indebtedness.

SEC. 2. Section 19685 of said code is amended to read:

19685. With the approval of the county superintendent of schools, a school district may make application for an allocation under this article (Sections 19681 to 19689, inclusive). Facilities for which an apportionment is made under this section shall be made available for use by the county superintendent of schools until he ceases to conduct such classes therein or until the superintendent of schools of a county other than the county whose superintendent of schools approved the application made under this section acquires jurisdiction over the location of such facility, whichever first occurs. Not more than 50 percent of the amount of any apportionment made pursuant to this section shall be repaid. Repayments shall be made in the following manner: Ten percent of the amount of the apportionment shall be subject to repayment by the district to the extent, and in the manner prescribed in Article 1 (Sections 19551 to 19632, inclusive) of this chapter for ap-

portionments other than those made pursuant to Section 19577. Forty percent of the amount of the apportionment shall be repaid in full with interest by the district, in such annual amounts and over such period as the board may determine, not to exceed 20 years from the date the apportionment became final. The county board of supervisors of the county whose superintendent of schools conducts classes in such facility during any fiscal year shall at such time or times within such fiscal year as may be agreed upon between the county and the school district, but in any case not later than the end of such fiscal year, pay to the school district having the obligation to repay the apportionment made under this section for the construction of such facility, an amount equal to the amount the district is required to repay in said fiscal year with respect to the 40 percent of the amount of the apportionment described above.

The county board of supervisors may raise the amount required through a general tax levy or through a tuition charge not to exceed one hundred sixty dollars ($160) a year per pupil by the county superintendent of schools to the school districts of residence of pupils attending the facility other than the district having the obligation to repay or through a combination of these.

CHAPTER 1861

An act to add Sections 2953.1, 2953.2, 2953.3, 2953.4, and 2953.5 to, the Civil Code, relating to instruments setting forth security interests in real property.

[Approved by Governor July 18, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 2953.1 is added to the Civil Code, to read:

2953.1. As used in this section:

(a) "Real property security instrument" shall include any mortgage or trust deed or land contract in or on real property.

(b) "Subordination clause" shall mean a clause in a real property security instrument whereby the holder of the security interest under such instrument agrees that upon the occurrence of conditions or circumstances specified therein his security interest will become subordinate to or he will execute an agreement subordinating his interest to the lien of another real property security instrument which would otherwise be of lower priority than his lien or security interest.

(c) "Subordination agreement" shall mean a separate agreement or instrument whereby the holder of the security interest under a real property security instrument agrees that (1) his existing security interest is subordinate to, or (2)

upon the occurrence of conditions or circumstances specified in such separate agreement his security interest will become subordinate to, or (3) he will execute an agreement subordinating his interest to, the lien of another real property security instrument which would otherwise be of lower priority than his lien or security interest.

SEC. 2. Section 2953.2 is added to said code, to read:

2953.2. Every real property security instrument which contains or has attached a subordination clause shall contain:

(a) At the top of the real property security instrument there shall appear in at least 10-point bold type, or, if typewritten, in capital letters and underlined, the word "SUBORDINATED" followed by a description of the type of security instrument.

(b) A notice in at least eight-point bold type, or, if typewritten, in capital letters, shall appear immediately below the legend required by subdivision (a) of this section reading as follows: "NOTICE: This (insert description of real property security instrument) contains a subordination clause which may result in your security interest in the property becoming subject to and of lower priority than the lien of some other or later security instrument."

(c) If the terms of the subordination clause allow the obligor on the debt secured by the real property security instrument to obtain a loan, secured by another real property security instrument covering all or any part of the same parcel of real property, the proceeds of which may be used for any purpose or purposes other than defraying the costs for improvement of the land covered by the real property security instrument containing the subordination clause, a notice in at least eight-point bold type, or, if typewritten, in capital letters shall appear directly above the space reserved for the signature of the person whose security interest is to be subordinated, reading as follows: "NOTICE: This (insert description of real property security instrument) contains a subordination clause which allows the person obligated on your real property security instrument to obtain a loan a portion of which may be expended for other purposes than improvement of the land."

SEC. 3. Section 2953.3 is added to said code, to read:

2953.3. Every subordination agreement shall contain:

(a) At the top of the subordination agreement there shall appear in at least 10-point bold type, or, if typewritten, in capital letters and underlined, the words "SUBORDINATION AGREEMENT."

(b) A notice in at least eight-point bold type, or, if typewritten, in capital letters, shall appear immediately below the legend required by subdivision (a) of this section reading as follows:

"NOTICE: This subordination agreement ("may result" or "results" as appropriate) in your security interest in the property becoming subject to and of lower priority than the lien of some other or later security instrument."

(c) If the terms of the subordination agreement provide that the obligor on the debt secured by the real property security instrument may either obtain a loan, or obtain an agreement from the holder of the real property security which will allow him to obtain a loan, the proceeds of which may be used for any purpose or purposes other than defraying the actual contract costs for improvement of the land, covered by the real property security instrument which is, or is to become subordinated, a notice in at least eight-point bold type or, if typewritten, in capital letters, shall appear directly above the space reserved for the signature of the person whose security interest is to be subordinated, reading as follows: "NOTICE: This subordination agreement contains a provision which ("allows" or "may allow" as appropriate) the person obligated on your real property security to obtain a loan a portion of which may be expended for other purposes than improvement of the land."

SEC. 4. *Section 2953.4 is added to said code, to read:*

2953.4. (a) Any subordination clause and any subordination agreement which is executed after the effective date of this act and which does not substantially comply with the provisions of Section 2953.2 or Section 2953.3 shall be voidable upon the election of the person whose security interest is to be subordinated or his successor-in-interest exercised within two years of the date on which the instrument to which his security interest is subordinated is executed; provided that such power of avoidance shall not be exercisable by any person having actual knowledge of the existence and terms of the subordination clause or agreement.

(b) The person whose security interest was to be subordinated or his successor-in-interest shall exercise his election to void the subordination clause or subordination agreement provided by subdivision (a) of this section by recording a notice stating that the provisions of Civil Code Section 2953.2 or Civil Code Section 2953.3 have not been complied with, and that he is the holder of the security instrument which is or was to become subordinated and that he elects to avoid the effect of the subordination clause or subordination agreement.

(c) The provisions of this section may be waived by the subsequent execution and recordation by the holder of the security interest which is or may become subordinated, of a statement that he knows of the existence of the subordination clause or agreement and of its terms and that he waives the provisions of this section and the requirements of Sections 2953.1, 2953.2, and 2953.3.

SEC. 5. Section 2953.5 is added to said code, to read:

2953.5. (a) Sections 2953.1 through 2953.4 shall not apply to any subordination clause or subordination agreement which expressly states that the subordinating loan shall exceed twenty-five thousand dollars ($25,000).

(b) Sections 2953.1 through 2953.4 shall not apply to any subordination clause or subordination agreement which is exe-

cuted in connection with a loan which exceeds twenty-five thousand dollars ($25,000).

SEC. 6. This act shall become operative on January 2, 1964.

CHAPTER 1862

An act to add Section 13079 to the Government Code, relating to acceptance of federal loans for planning public works.

[Approved by Governor July 18, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 13079 is added to the Government Code, to read:

13079. With the consent of the Legislature, the director may make application for and accept loans of funds made available by the federal government or a federal department or agency to aid in financing the costs of engineering and architectural surveys, designs, plans, working drawings, specifications, or other action preliminary to and in preparation for the construction of public works authorized by the Legislature. Repayment of such loans shall be pursuant to appropriation by the Legislature.

CHAPTER 1863

An act to amend Sections 4456, 9801, 11705 and 11711 of, and to repeal Section 11707 of, the Vehicle Code, and to amend Section 10877 of, and to repeal Sections 10878, 10879 and 10880 of, the Revenue and Taxation Code, relating to payment of fees and penalties for the operation of motor vehicles and the remedies for the collection thereof.

[Approved by Governor July 18, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 4456 of the Vehicle Code is amended to read:

4456. (a) Dealers certificated under Section 11702 may be authorized under rules and regulations of the department to issue copies of the dealer's report of sale form distributed by the department. Vehicles upon which the copy of the report of sale is displayed may be operated without the registration card or plates provided for herein for a period not to exceed 10 days if a new vehicle, and not to exceed 20 days if a used vehicle upon condition that the fees and any penalties due for

registration of the vehicles are paid to the department within the 10- or 20-day period and that the report of sale and copy are used pursuant to subdivision (b) hereof and rules and regulations of the department. When the fees and any penalties have been paid within the specified 10- or 20-day period, the vehicle may be operated on the copy of the report of sale as provided herein until such time as the license plate or registration receipt have been received from the department.

(b) The rules and regulations issued by the department concerning the dealer's report of sale and copy shall provide for the copy and a device for identification purposes to be displayed on the vehicle sold by the dealer.

(c) The dealer shall, as a penalty to the State, forfeit three dollars ($3) for each report of sale or copy affixed by him to a vehicle other than that for which issued or used by him contrary to the provisions of this section or the regulations adopted pursuant thereto.

(d) The use by any dealer of a report of sale copy as provided herein shall obligate the dealer to pay the fees and penalties determined by the department to be due on the vehicle under Division 3 (commencing with Section 4000) of the Vehicle Code and Part 5 (commencing with Section 10701) Division 2 of the Revenue and Taxation Code and which have been advanced to the dealer by the customer either by cash, trade-in or under the provisions of a contract, and those penalties which have accrued because of failure of the dealer to make timely or proper application for his customer.

SEC. 2. Section 9801 of said code is amended to read:

9801. (a) The department shall collect the fee, or any penalty, or both, by seizure of the vehicle from the person or persons in possession thereof, if any, and by the sale of such vehicle to pay the fee, or any penalty, or both, plus costs incident to such seizure except as otherwise provided

(b) When a lien for the fee, or any penalty, or both, exists against more than one vehicle in possession of the same person or persons, the department may seize and sell a sufficient number of the vehicles to pay the fees, or penalties, or both, plus costs incident to such seizure, against all such vehicles.

(c) When the lien for the fee, or any penalty, or both, exists on a vehicle sold by a dealer, the department may withhold seizure and sale of the vehicle pending notification of the selling dealer and his bonding company of the dealer's liability under Section 4456 hereof and pursuant to the bond provided in Section 11710 hereof. The department may proceed with seizure and sale of the vehicle if the fee and any penalty is not paid within 30 days after due and proper notice to the dealer and his bonding company.

(d) The Department of the California Highway Patrol shall assist with the seizure and impounding of such vehicle.

SEC. 3. Section 11705 of said code is amended to read:

11705. The department after notice and hearing may suspend, revoke or refuse to renew the license and certificate issued to a dealer, transporter, or manufacturer, upon determining that any said person is not lawfully entitled thereto, has made or knowingly or negligently permitted any illegal use of the special plates issued to said person, used a false or fictitious name, knowingly made any false statements or concealed any material fact in any application for the registration of a vehicle or otherwise committed a fraud in such application, failed to deliver to a transferee lawfully entitled thereto a properly endorsed certificate of ownership, used duplicate dealers' reports of sale or copies contrary to the provisions of Section 4456, or has violated one or more of the terms and provisions of Division 3 (commencing at Section 4000), Division 4 (commencing at Section 10500), or Article 1 (commencing at Section 11700) of Chapter 4 of Division 5 of this code, or Part 5 (commencing with Section 10701), Division 2 of the Revenue and Taxation Code, or Sections 2981 or 2982 of the Civil Code, or has been convicted of a felony or a crime involving moral turpitude.

Every hearing as provided for in this section shall be pursuant to the provisions of Chapter 5 (commencing at Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 4 Section 11707 of said code is repealed.

SEC. 5. Section 11711 of said code is amended to read:

11711. (a) If any person shall suffer any loss or damage by reason of any fraud practiced on him or fraudulent representation made to him by a licensed dealer or one of such dealer's salesmen acting for the dealer, in his behalf, or within the scope of the employment of such salesman; provided, such person has possession of a written instrument furnished by the licensee, containing stipulated provisions and guarantees which the person believes have been violated by the licensee, or shall suffer any loss or damage by reason of the violation by such dealer or salesman of any of the provisions of Division 3 of this code, or if any person, other than a licensee, is not paid for a vehicle sold to and purchased by a licensee, such person shall have a right of action against such dealer, his said salesman, and the surety upon the dealer's bond, in an amount not to exceed the value of the vehicle purchased from or sold to the dealer.

(b) If the State or any political subdivision thereof shall suffer any loss or damage by reason of any fraud practiced on the State or fraudulent representation made to the State by a licensed dealer, or one of such dealer's representatives acting for the dealer, in his behalf, or within the scope of employment of such representatives, or shall suffer any loss or damage by reason of the violation of such dealer or representative of any of the provisions of Division 3 of this code, or Division 2, Part 5, of the Revenue and Taxation Code, the

State or any political subdivision thereof, through the department, shall have a right of action against such dealer, his representative, and the surety upon the dealer's bond in an amount not to exceed the value of the vehicles involved.

(c) The failure of a dealer upon demand to pay the fees and penalties determined to be due as provided in Section 4456 hereof is declared to be a violation of Division 3 (commencing with Section 4000) of this code, and Part 5 (commencing with Section 10701), Division 2 of the Revenue and Taxation Code and to constitute loss or damage to the State in the amounts of said fees and penalties determined to be due and not paid.

(d) The claims of the State under subdivision (b) of this section shall be satisfied first and entitled to preference over all claims under subdivision (a) hereof.

SEC. 6. Section 10877 of the Revenue and Taxation Code is amended to read:

10877. The department shall collect the fee and any penalty by seizure and sale of the vehicle as provided in Article 6 (commencing with Section 9800), Chapter 6, Division 3 of the Vehicle Code.

SEC. 7. Section 10878 of said code is repealed.

SEC. 8. Section 10879 of said code is repealed.

SEC. 9. Section 10880 of said code is repealed.

CHAPTER 1864

An act to amend Sections 2655 and 3254.5 of the Unemployment Insurance Code, relating to unemployment disability insurance.

[Approved by Governor July 18, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 2655 of the Unemployment Insurance Code is amended to read:

2655. An individual's "weekly benefit amount" shall be the amount appearing in column B in the table set forth in this subdivision on the line of which in column A of such table there appears the wage bracket containing the amount of wages paid to such individual for employment by employers during the quarter of his disability base period in which such wages were the highest.

A Amount of wages in highest quarter	B Weekly benefit amount
$75– $524.99	$25
525– 549.99	26
550– 574.99	27

A Amount of wages in highest quarter	B Weekly benefit amount
575– 599.99	28
600– 624.99	29
625– 649.99	30
650– 674.99	31
675– 699.99	32
700– 724.99	33
725– 749.99	34
750– 774.99	35
775– 799.99	36
800– 824.99	37
825– 849.99	38
850– 874.99	39
875– 899.99	40
900– 924.99	41
925– 949.99	42
950– 974.99	43
975– 999.99	44
1,000– 1,024.99	45
1,025– 1,049.99	46
1,050– 1,074.99	47
1,075– 1,099.99	48
1,100– 1,124.99	49
1,125– 1,149.99	50
1,150– 1,174.99	51
1,175– 1,199.99	52
1,200– 1,224.99	53
1,225– 1,249.99	54
1,250– 1,274.99	55
1,275– 1,299.99	56
1,300– 1,324.99	57
1,325– 1,349.99	58
1,350– 1,374.99	59
1,375– 1,399.99	60
1,400– 1,424.99	61
1,425– 1,449.99	62
1,450– 1,474.99	63
1,475– 1,499.99	64
1,500– 1,524.99	65
1,525– 1,549.99	66
1,550– 1,574.99	67
1,575– 1,599.99	68
1,600– 1,624.99	69
1,625 and over	70

SEC. 1.5. Section 3254.5 of said code is amended to read:

3254.5. A voluntary plan in force and effect at the time a successor employing unit acquires the organization, trade, or business, or substantially all the assets thereof, or a distinct

and severable portion of such organization, trade, or business, and continues its operation without substantial reduction of personnel resulting from such acquisition, shall not terminate without specific request for cancellation thereof. The successor employing unit and the insurer shall be deemed to have consented to the provisions of the plan unless written request for cancellation, effective as of the date of acquisition, is transmitted to the director, by the employer or the insurer, within 30 days after the acquisition date, or within 30 days after notification from the director that the plan is to continue, whichever is later. Unless the plan is terminated as of the date of acquisition by the successor employer or the insurer, a written request for cancellation shall be effective only on the anniversary of the effective date of the plan next occurring on or after the date of acquisition, except that the plan may be terminated on the operative date of any law increasing the benefit amounts provided by Sections 2653, 2655, and 2801, if notice of the termination of the plan is transmitted to the director not less than 30 days prior to the operative date of such law. If the plan is not terminated on such 30 days notice because of the enactment of a law increasing benefits, the plan shall be amended to conform to such increase on the operative date of the increase. Promptly upon notice of change in ownership any insurer of such a plan shall prepare and issue policy forms and amendments as required, unless the plan is canceled. Nothing herein contained shall prevent future cancellation of any such plans on an anniversary of the effective date of the plan upon 30 days notice, except that the plan may be terminated on the operative date of any law increasing the benefit amounts provided by Sections 2653, 2655, and 2801, if notice of the termination of the plan is transmitted to the director not less than 30 days prior to the operative date of such law. If the plan is not terminated on such 30 days notice because of the enactment of a law increasing benefits, the plan shall be amended to conform to such increase on the operative date of the increase.

SEC. 2. The provisions of Section 2655 of the Unemployment Insurance Code as amended by Section 1 of this act shall become operative with respect to periods of disability commencing on and after January 1, 1964. The provisions of Section 2655 of said code as in effect prior to the amendments made by this act shall remain applicable with respect to periods of disability commencing prior to January 1, 1964.

SEC. 3. No right or cause of action founded upon any provision of law amended by this act as the provision existed prior to such amendment shall be abolished or impaired by this act.

CHAPTER 1865

An act to add Section 861.1 to, and to amend Sections 863, 869, and 870 of, the Code of Civil Procedure, relating to validating procedures, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 18, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 861.1 is added to the Code of Civil Procedure, to read:

861.1. The summons shall be directed to "all persons interested in the matter of [specifying said matter]," shall contain a notice to all persons interested in said matter to appear and answer the complaint within 10 days after the completion of publication of said summons and shall specify the date of the last day of publication. Except as otherwise specified in this section such summons shall be in the form prescribed in Section 407 of this code.

SEC. 2. Section 863 of said code is amended to read:

863. If no proceedings have been brought by the public agency pursuant to this chapter, any interested person may bring an action within the time and in the court specified by Section 860 of this chapter to determine the validity of such matter. The public agency shall be a defendant and shall be personally served with the summons and complaint in said action. In any such action the summons shall be in the form prescribed in Section 861.1 of this chapter except that in addition to being directed to "all persons interested in the matter of [specifying said matter]," it shall also be directed to said public agency. If the interested person bringing such action fails to complete the publication and such other notice as may be prescribed by the court in accordance with Section 861 of this chapter and to file proof thereof in said action within 60 days from the filing of his complaint, said action shall be forthwith dismissed on the motion of the public agency unless good cause for such failure is shown by said interested person.

SEC. 3. Section 869 of said code is amended to read:

869. No contest except by the public agency or its officer or agent of any thing or matter under this chapter shall be made other than within the time and the manner herein specified. The availability to any public agency, including any local agency, or to its officers or agents, of the remedy provided by this chapter, shall not be construed to preclude the use by such public agency or its officers or agents, of mandamus or any other remedy to determine the validity of any thing or matter.

SEC. 4. Section 870 of said code is amended to read:

870. The judgment, if no appeal is taken, or if taken and the judgment is affirmed, shall, notwithstanding any other provision of law including, without limitation, Sections 473 and 473a of this code, thereupon become and thereafter be forever binding and conclusive, as to all matters therein adjudicated or which at that time could have been adjudicated, against the agency and against all other persons and said judgment shall permanently enjoin the institution by any person of any action or proceeding raising any issue as to which said judgment is binding and conclusive.

SEC. 5. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Recent experience has shown that it is desirable to determine the validity of the formation, bonds, warrants, contracts, obligations, evidences of indebtedness and other matters of local agencies or special taxing districts. Many of said matters arise in connection with local agencies and special taxing districts involving water, sewer and other public health and safety facilities. This act will aid the determination of the validity of said matters and so will aid in the solution of public health and safety problems in this State.

CHAPTER 1866

An act to amend Section 5804 of the Labor Code, relating to workmen's compensation.

[Approved by Governor July 18, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 5804 of said code is amended to read:

5804. No award of compensation shall be rescinded, altered, or amended after five years from the date of the injury except upon a petition by a party in interest filed within such five years and any counterpetition seeking other relief filed by the adverse party within 30 days of the original petition raising issues in addition to those raised by such original petition. Provided, however, that after an award has been made finding that there was employment and the time to petition for a rehearing or reconsideration or review has expired or such petition if made has been determined, the commission upon a petition to reopen shall not have the power to find that there was no employment.

CHAPTER 1867

An act to amend Sections 370, 460, and 9101 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor July 18, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 370 of the Vehicle Code is amended to read:

370. A "legal owner" is a person holding a security interest in a vehicle which is subject to the provisions of the Uniform Commercial Code, or the lessor of a vehicle to the State or to any county, city, district, or political subdivision of the State, or to the United States, under a lease, lease-sale, or rental-purchase agreement which grants possession of the vehicle to the lessee for a period of 30 consecutive days or more.

SEC. 2. Section 460 of said code is amended to read:

460. An "owner" is a person having all the incidents of ownership, including the legal title of a vehicle whether or not such person lends, rents, or creates a security interest in the vehicle; the person entitled to the possession of a vehicle as the purchaser under a security agreement; or the State, or any county, city, district, or political subdivision of the State, or the United States, when entitled to the possession and use of a vehicle under a lease, lease-sale, or rental-purchase agreement for a period of 30 consecutive days or more.

SEC. 3. Section 9101 of said code is amended to read:

9101. No fees specified in this code, except fees not exempted under Section 9100, need be paid for any vehicle operated by the State, or by any county, city, district or political subdivision of the State, or the United States, as lessee under a lease, lease-sale, or rental-purchase agreement which grants possession of the vehicle to the lessee for a period of 30 consecutive days or more.

CHAPTER 1868

An act to amend Sections 10756 and 10782 of the Revenue and Taxation Code, relating to vehicle license fee exemptions.

[Approved by Governor July 18, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 10782 of the Revenue and Taxation Code is amended to read:

10782. The license fee imposed by this part does not apply to any vehicle operated by the State, or by any county, city

and county, city, district, or political subdivision of the State, or the United States, as a lessee under a lease, lease-sale, or rental-purchase agreement which grants possession of the vehicle to the lessee for a period of 30 consecutive days or more.

This section does not apply to any vehicle leased under a lease, lease-sale, or rental-purchase agreement made after February 5, 1940, which is used or maintained for the transportation of persons for hire, compensation, or profit.

SEC. 2. Section 10756 of said code is amended to read:

10756. If any vehicle which is exempt under Section 10781 or 10782 ceases to be so exempt after the beginning of any registration year by reason of change of ownership, the fee imposed for the year shall be reduced one-twelfth for each month which has elapsed while the vehicle was exempt during the year.

CHAPTER 1869

An act to repeal Section 4 of Chapter 1833 of the Statutes of 1961 and to repeal Sections 11101 and 11451 of, to amend Sections 11102 and 11253 of, and to add Sections 11451, 11451.01, 11451.02, 11451.03, and 11451.04 to, the Education Code, relating to junior college attendance and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 18, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 11101 of the Education Code is repealed.

SEC. 2. Section 11102 of said code is amended to read:

11102. In any district maintaining a junior college the pupils in the 13th- and 14th-grade courses shall not be credited, on a district average, with more than 18 class hours of attendance during any five-day week of each regular semester or quarter, exclusive of attendance at summer schools.

The department shall adopt such regulations as may be necessary to carry out the provisions of this section.

SEC. 3. Section 11253 of said code is amended to read:

11253. Where in a high school or elementary school four terms of school of at least 12 weeks each are maintained during a fiscal year, and where the course of instruction is so arranged that students may complete a full year's work in any three terms, the total number of days of pupils attendance shall be divided by the greatest number of days school was actually taught in any three of the four terms, but in no case shall the divisor be less than 175.

SEC. 4. Section 11451 of said code is repealed.

SEC. 5. Section 11451 is added to said code, to read:

11451. The units of average daily attendance of pupils resident of a junior college district enrolled in 13th- and 14th-grade courses, exclusive of adults as defined in Education Code Section 6352, shall be computed in the following manner:

(a) For the first semester by dividing by 30 the sum of the total number of whole and partial class hours of regularly enrolled pupils' attendance as recorded for the fourth week of five consecutive schooldays of the semester and for the first week of five consecutive school days in December.

(b) For the second semester by dividing by 30 the sum of the total number of whole and partial class hours of regularly enrolled pupils' attendance as recorded for the fourth week, or for the first week, thereafter, containing five consecutive schooldays of the semester and for the last week of five consecutive schooldays next preceding April 15th.

(c) By computing the mean average of the quotients derived under (a) and (b).

SEC. 6. Section 11451.01 is added to said code, to read:

11451.01. The attendance of adults as defined in Education Code Section 6352 and residents of the junior college district enrolled in regular 13th- and 14th-grade courses shall be kept separately from all other attendance and the units of average daily attendance shall be computed in the manner prescribed in Section 11451.

SEC. 7. Section 11451.02 is added to said code, to read:

11451.02. The attendance of all pupils not residents of a junior college district, including adults as defined by Section 6352 of the Education Code, enrolled in regular 13th- and 14th-grade courses of the junior college shall be kept separately from all other attendance and the units of average daily attendance for such pupils shall be computed on an individual basis in the manner prescribed in Section 11451.

SEC. 8. Section 11451.03 is added to said code, to read:

11451.03. Each junior college district shall report to the Superintendent of Public Instruction on forms prepared by the Department of Education, in addition to all other attendance data as required, the cumulative enrollment, the active enrollment and the contact hours of all students enrolled in all 13th- and 14th-grade courses and show the relationship of attendance to contact hours for each of the four weeks as specified in Section 11451. The total number of whole and partial class hours of attendance and related contact hours of students enrolled in 13th- and 14th-grade courses of less than semester length which are included in Section 11451 shall be reported separately for each sample week.

The Superintendent of Public Instruction shall adopt rules and regulations defining the terms "active enrollment," "contact hours," and "cumulative enrollment," for the purposes of this section.

For the purposes of this section and of Sections 11102, 11451, and 11451.01, the term "13th- and 14th-grade courses'

has the same meaning as that presented in the "Criteria and Standards for Graded Junior College Courses in Grades 13 and 14" in Section 131.5 of Title 5 of the California Administrative Code.

SEC. 9. Section 11451.04 is added to said code, to read:

11451.04. The units of average daily attendance of pupils enrolled in summer schools shall be computed by dividing the total class hours of attendance by 525.

SEC. 10. Section 4 of Chapter 1833 of the Statutes of 1961 is repealed.

SEC. 11. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that programs conducted under this act during the school year 1963-1964 may be reimbursed as herein provided during the entire 1963-1964 school term, it is essential that this act become effective immediately.

CHAPTER 1870

An act to amend Section 22604 of the Education Code, and to amend Section 50330 of, and to add Section 50330.4 to, the Government Code, relating to state colleges.

[Approved by Governor July 18, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 22604 of the Education Code is amended to read:

22604. The Trustees of the California State Colleges shall succeed to the powers, duties and functions with respect to the management, administration and control of the state colleges heretofore vested in the State Board of Education or in the Director of Education, including all powers, duties, obligations, and functions specified in Article 2 (commencing at Section 24501) of Chapter 11 of Division 18 of this code, and all obligations assumed by the State Board of Education pursuant to that article prior to July 1, 1961.

On and after July 1, 1961, the Trustees of the California State Colleges shall have full power and responsibility in the construction and development of any state college campus, and any buildings or other facilities or improvements connected with the California State Colleges. Such powers shall be exercised by the Trustees of the California State Colleges notwithstanding the provisions of Chapter 2 (commencing at Section 14100) and Chapter 3 (commencing at Section 14250) of Part 5 of Division 3 of Title 2 of the Government Code, except that

the powers shall be carried out pursuant to the procedures prescribed by these laws.

The provisions of this chapter relating to the transfer of the powers, duties, and functions with respect to the management, administration and control of the state colleges shall become operative on July 1, 1961.

Prior to October 1, 1965, the Trustees of the California State Colleges may accept gifts of land, or gifts of options on land, may accept and expend gifts of money for the purchase of land or options on land and may enter into negotiations and contracts for the purchase of land for a future state college site in the vicinity of any of the areas specified in the recommendations contained in the Master Plan for Higher Education printed on page 42, paragraph 5, Senate Journal (Regular Session) for February 1, 1960, except that such gifts, expenditures, negotiations, and contracts shall not obligate the expenditure of any state funds for the purchase of such land or for development on such land, unless the Legislature shall subsequently approve the obligation by appropriating the funds for that specific purpose.

Any such acceptance or acceptance and expenditure or negotiations and contract may be conditioned upon an automatic reversion back to the donor or automatic termination of the negotiations and contract if a new state college is not established at a specific site prior to a specific date designated by the trustees and the donor or the trustees and the person or corporation with whom the trustees are negotiating or contracting.

SEC. 2. Section 50330 of the Government Code is amended to read:

50330. Whether governed under general laws or charter, a local agency may donate and grant to the Regents of the University of California or to the Trustees of the California State Colleges real property which it owns as a site for university buildings and grounds, or state college buildings and grounds, as the case may be. A local agency may expend funds, incur indebtedness, and issue bonds for the acquisition of a site within or without its boundaries for the purposes of this section.

SEC. 3. Section 50330.4 is added to said code, to read:

50330.4. For the purposes of Section 50330 a local agency may purchase land or options on land or contract for and make down payments on such land or options on land within or without its boundaries and make a gift of that land, option or contract and down payment to the Trustees of the California State Colleges for development as a state college on condition that the entire gift shall revert to the local agency if the state college is not established on that site prior to a specific date designated by the local agency and the trustees and the acceptance of such gift by the trustees shall not obligate the expenditure

of any state funds for the purchase or acquisition of such land or for development on such land unless the Legislature shall subsequently approve the obligation by appropriating funds for that specific purpose.

CHAPTER 1871

An act to add Section 10703.5 to the Education Code, relating to investment of student funds.

[Approved by Governor July 18, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 10703.5 is added to the Education Code, to read:

10703.5. In addition to deposit or investment pursuant to Section 10703, the funds of a student body organization in a school district with an average daily attendance of 110,000 or more may be loaned or invested in any of the following ways:

(a) Loans, with or without interest, to any student body organization established in another school of the district for a period not to exceed three years.

(b) Invest money in permanent improvements to any school district property including, but not limited to, buildings, gymnasiums, swimming pools, stadia and playing fields, where such facilities, or portions thereof, are used for conducting student extracurricular activities or student spectator sports, and when such improvements are for the benefit of the student body. Such investment shall be made on condition that the principal amount of the investment plus a reasonable amount of interest thereon shall be returned to the student body organization as provided herein. Any school district approving such an investment shall (1) establish a special fund in which only moneys derived from the rental of school district property to student body organizations shall be deposited, and (2) make return of moneys to the student body organization as contemplated by this section exclusively from such special fund and only to the extent that there are moneys in such special fund. Whenever there are no outstanding obligations against the special fund, all moneys therein may be transferred to the general fund of the school district by action of the local governing board.

Two or more student body organizations of the same school district may join together in making such investments in the same manner as is authorized herein for a single student body. Nothing herein shall be construed so as to limit the discretion of the local governing board in charging rental for use of school district property by student body organizations as provided in Section 10701.

CHAPTER 1872

An act to amend Section 792 of, and to add Section 792.1, 792.2 and 828.17 to the Agricultural Code, relating to avocados.

[Approved by Governor July 18, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 792.1 is added to the Agricultural Code, to read:

792.1. Avocados when packed in rows and layers shall be fairly tightly packed, fairly uniform in size, and in standard containers numbers 9D and 9E. Each such standard container shall be clearly and plainly marked in letters at least one-fourth inch in height with the count of avocados in the container, and with the variety name if the containers are packed with avocados of the Fuerte or Hass varieties.

Standard container number 9D, when packed to contain 41 or less of larger size avocados, shall contain a net weight of 12½ pounds, and standard container number 9E, when packed to contain 83 or less of larger size avocados, shall contain a net weight of 25 pounds. Standard container number 9D, when packed to contain 42 or more of smaller size avocados, shall contain 11 pounds net weight, and standard container number 9E, when packed to contain 84 or more of smaller size avocados, shall contain a net weight of 22 pounds.

Standard containers 9D and 9E may be used for avocados when placed loose, provided 9D contains a net weight of 12½ pounds and 9E contains a net weight of 25 pounds.

The net weight requirement specified in this section shall apply only on the day when the avocados are first placed or packed in the standard container.

In lots of 10 or less containers of avocados, the net weight of each container shall be determined by the average net weight of the lot; in lots composed of 11 containers to 100 containers, 10 containers selected at random shall comprise a sample for determining the average net weight of each container in the lot represented by the sample.

Only one variety and one count size in standard container 9D or in standard container 9E shall be included in determining the average net weight of a lot inspected.

SEC. 2. Section 792.2 is added to said code, to read:

792.2. When avocados are placed loose in containers other than standard containers for avocados, such containers shall be plainly and conspicuously marked in letters at least one-half inch in height with the words "irregular container."

When avocados are packed or placed loose in consumer-type containers such containers need not comply with standard container size or with marking requirements, provided they do not exceed 60 percent of the size of the smallest standard container for avocados.

SEC. 3. Section 828.17 is added to said code, to read:

828.17.	9D avocado flat	$3\frac{3}{8}$ to 4	13 to $13\frac{3}{4}$	16 to $16\frac{3}{4}$
	9E avocado lug	$5\frac{3}{4}$ to 8	13 to $13\frac{3}{4}$	16 to $16\frac{3}{4}$

SEC. 4. Section 792 of said code is amended to read:

792. Avocados shall be free from all defects, including but not restricted to those hereinafter mentioned, which singly or in the aggregate cause a waste of 10 percent or more, by weight, of the entire avocado, including the skin and seed. Not more than 5 percent, by count, of the avocados in any one container or bulk lot may be below the foregoing requirement.

"Defect" includes damage due to insect injuries, freezing injury, decay, rancidity, or other causes.

Avocados, at the time of picking, and at all times thereafter, shall contain not less than 8 percent of oil, by weight of the avocado excluding the skin and seed.

CHAPTER 1873

An act to add Section 21107.5 to, and to repeal Section 21107.5 of, the Vehicle Code, relating to privately owned and maintained roads.

[Approved by Governor July 18, 1963. Filed with Secretary of State July 19 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 21107.5 of the Vehicle Code is repealed.

SEC. 2. Section 21107.5 is added to the Vehicle Code, to read:

21107 5. (a) Any city may, by ordinance or resolution, find and declare that there are privately owned and maintained roads as described in said ordinance or resolution within the city that are generally held open for use of the public for purposes of vehicular travel and which so connect with highways that the public cannot determine that such roads are not highways. Any county may, by ordinance or resolution, find and declare that there are privately owned and maintained roads, as described in said ordinance or resolution, within areas in the county which would be a residence or business district if such roads were highways that are generally held open for use of the public for purposes of vehicular travel and which so connect with highways that the public cannot determine that such roads are not highways Upon enactment by a city or county of such an ordinance or resolution, the provisions of this code shall apply to any such privately owned and maintained road, except as provided in subdivision (b).

(b) Notwithstanding the provisions of subdivision (a) no ordinance or resolution enacted thereunder shall apply to any road described therein on which the owner has caused to be erected a notice of such size, shape and color as to be readily

legible during daylight hours from a distance of 100 feet, to the effect that the road is privately owned and maintained and that it is not subject to public traffic regulations or control.

(c) No ordinance or resolution shall be enacted under subdivision (a) without a public hearing thereon and 10 days' prior written notice to the owner of the privately owned and maintained road involved.

(d) The department shall not be required to provide patrol or enforce any provisions of this code on any privately owned and maintained road subjected to the provisions of this code under this section except those provisions applicable to private property other than by action under this section.

CHAPTER 1874

An act to add Section 6460.1 to the Streets and Highways Code, relating to the Improvement Act of 1911.

[Approved by Governor July 18, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6460.1 is added to the Streets and Highways Code, to read:

6460.1. The bond shall be manually signed by the treasurer of the city or county except that a facsimile signature may be reproduced thereon whenever the treasurer is authorized by law to have a deputy, in which event such bond may be manually signed or countersigned on behalf of the treasurer by any deputy who has been authorized by the treasurer in writing to countersign.

A facsimile signature of the treasurer is one that is printed, lithographed, engraved, stamped or otherwise mechanically reproduced.

A facsimile signature of the treasurer may be reproduced upon the coupons without reproducing the signature of the deputy.

CHAPTER 1875

An act to amend Section 1869 of, and to repeal 1870 of, the Education Code, relating to the public school system.

[Approved by Governor July 18, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1869 of Division 5 of the Education Code is amended to read:

1869. The State Board of Education shall reject any plans and recommendations submitted by a county committee pur-

suant to this article which have the effect of making any elementary district a part of a unified district if the State Board of Education has prior to the effective date of this section received a petition of protest by electors and rejected prior plans and recommendations for the inclusion of such elementary district in a unified district pursuant to subdivision (e) of Section 2229 of the Education Code as it read immediately prior to the effective date of this section.

SEC. 2. Section 1870 of said code is repealed.

CHAPTER 1876

An act to amend Section 4292 of the Agricultural Code, relating to pooling of milk.

[Approved by Governor July 18, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 4292 of the Agricultural Code is amended to read:

4292. (a) Each such plan may contain provisions whereby any distributor who purchases fluid milk under contract from any producers or association of producers may pool such milk for producer payment purposes in accordance with such contracts, irrespective of whether such milk is actually and physically received at the same milk products plant or diverted, in accordance with such plan.

(b) Such provisions may provide that fluid milk, or fluid cream, or both, that is received from producers by milk products plants under the same ownership, may be pooled for purposes of payment to producers.

CHAPTER 1877

An act to add Sections 2100, 3800 and 4140 to, and to amend Sections 2104, 3807 and 4147 of, the Public Utilities Code, relating to violations by for-hire carriers.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 2100 is added to the Public Utilities Code, to read:

2100. Whenever the commission, after a hearing, finds that any common carrier, other than a railroad corporation, has charged, collected, or received, a lesser compensation for the

transportation of persons or property, or for any service in connection therewith, than the applicable rates, fares, and charges, specified in its tariff schedules filed and in effect at the time, or that such carrier has refunded or remitted in any manner or by any device any portion of the rates, fares, or charges so specified without an order of the commission so authorizing, the commission shall require the carrier to collect the undercharges involved and may impose upon the carrier a fine equal to the amount of such undercharges. All such fines shall be paid into the State Treasury to the credit of the General Fund. The remedy and penalty provided by this section shall be cumulative and shall not be a bar to or affect any other remedy or penalty provided for in this part, or to the exercise by the commission of its power to punish for contempt.

SEC. 2. Section 2104 of said code is amended to read:

2104. Except as provided by Section 2100, actions to recover penalties under this part shall be brought in the name of the people of the State of California, in the superior court in and for the county, or city and county, in which the cause or some part thereof arose, or in which the corporation complained of has its principal place of business, or in which the person complained of resides. Such action shall be commenced and prosecuted to final judgment by the attorney of the commission. In any such action, all penalties incurred up to the time of commencing the action may be sued for and recovered. In all such actions, the procedure and rules of evidence shall be the same as in ordinary civil actions, except as otherwise herein provided. All fines and penalties recovered by the State in any such action, together with the costs thereof, shall be paid into the State Treasury to the credit of the General Fund. Any such action may be compromised or discontinued on application of the commission upon such terms as the court approves and orders.

SEC. 3. Section 3800 is added to said code, to read:

3800. Whenever the commission, after a hearing, finds that any highway permit carrier has charged, collected, or received for the transportation of property, or for any service in connection therewith, rates or charges less than the minimum rates and charges applicable to such transportation established or approved by the commission, or has directly or indirectly refunded or remitted in any manner or by any device any portion of such minimum rates or charges, or has paid a commission, without an order of the commission so authorizing, the commission shall require such carrier to collect the undercharges involved and may impose upon the carrier a fine equal to the amount of such undercharges. All such fines shall be paid into the State Treasury to the credit of the General Fund. The remedy and penalty provided by this section are cumulative and shall not be a bar to or affect any other remedy or penalty provided for in this chapter, or to the exercise by the commission of its power to punish for contempt.

SEC. 4. Section 3807 of said code is amended to read:

3807. Except as provided in Section 3800, actions to recover penalties under this chapter shall be brought in the name of the people of the State of California, in the superior court of the county, or city and county, in which the cause or some part thereof arose, or in which the corporation complained of, if any, has its principal place of business, or in which the person, if any, complained of, resides. The action shall be commenced and prosecuted to final judgment by the attorney of the commission.

SEC. 5. Section 4140 is added to said code, to read:

4140. Whenever the commission, after a hearing, finds that any carrier has charged, collected, or received for the transportation of property, or for any service in connection therewith, rates or charges less than the minimum rates and charges applicable to such transportation established or approved by the commission, or has directly or indirectly refunded or remitted in any manner or by any device any portion of such minimum rates or charges, or has paid a commission, without an order of the commission so authorizing, the commission shall require such carrier to collect the undercharges involved and may impose upon the carrier a fine equal to the amount of such undercharges. All such fines shall be paid into the State Treasury to the credit of the General Fund The remedy and penalty provided by this section are cumulative and shall not be a bar to or affect any other remedy or penalty provided for in this chapter, or to the exercise by the commission of its power to punish for contempt.

SEC. 6. Section 4147 of said code is amended to read:

4147. Except as provided in Section 4140, actions to recover penalties under this chapter shall be brought in the name of the people of the State of California, in the superior court of the county, or city and county, in which the cause or some part thereof arose, or in which the corporation complained of, if any, has its principal place of business, or in which the person, if any, complained of, resides.

The action shall be commenced and prosecuted to final judgment by the attorney of the commission.

CHAPTER 1878

An act to amend Section 31214 of the Education Code, relating to state competitive scholarships.

[Approved by Governor July 19, 1963 Filed with Secretary of State July 19, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 31214 of the Education Code is amended to read as follows:

31214. Each competitive scholarship is for the period of one academic year and the award shall be for three hundred

dollars ($300), four hundred dollars ($400), five hundred dollars ($500), six hundred dollars ($600), seven hundred dollars ($700), eight hundred dollars ($800), nine hundred dollars ($900), or not to exceed nine hundred dollars ($900) plus ninety percent (90%) of tuition and fees in excess of nine hundred dollars ($900) in one hundred dollar ($100) amounts at the college the award winner will attend, as required by applicant's financial need, as determined by the State Scholarship Commission, but in no event in excess of an amount equal to the tuition or necessary fees, or both tuition and fees, for the academic year, excluding summer sessions, of the institution at which the scholarship is used. No competitive scholarship awarded to an applicant under this section for the period of one academic year shall exceed the total amount of fifteen hundred dollars ($1,500). The State Scholarship Commission may provide by appropriate rules and regulations for such reports, accounting, and statements from the award winner and college or university of attendance pertaining to the use or application of the award as it may deem proper. A competitive scholarship may be renewed annually without an additional competitive examination until the award winner has received four annual awards or until he has been graduated from such an institution in an undergraduate course, whichever is the earlier, provided that at or prior to such renewal the State Scholarship Commission shall reassess the financial needs of such award winner and establish the amount of the award within the limits prescribed by this section. The scholarship shall remain in effect only during the period that the award winner achieves satisfactory academic progress and is regularly enrolled as a full-time student in an institution of collegiate grade, as described in Section 31206.

No award shall exceed nine hundred dollars ($900) for a year except awards given for attendance during the 1964-1965 fiscal year and thereafter.

CHAPTER 1879

An act to amend Section 34311 of the Government Code, relating to cities.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 34311 of the Government Code is amended to read:

34311. The board shall hold a hearing at the time fixed, and may adjourn the hearing from time to time, for periods not to exceed two months in all. If at the time set for the first hearing, there are insufficient written protests filed with the

board to terminate further proceedings, the meeting shall be recessed not less than 14 days, and supplemental protests may be filed within 10 days after the first hearing.

If upon the final hearing the board of supervisors finds and determines that written protests to the proposed incorporation have been filed with the board, signed by qualified signers representing 51 percent of the total assessed valuation of the land within the boundaries of the proposed incorporation, the jurisdiction of the board of supervisors shall cease; no election shall be called and no further petition for the incorporation of any of the same territory shall be initiated for one year after the date of such determination.

For the purposes of this section written requests for exclusion shall be deemed to be protests.

Except to the extent that proof to the contrary has been submitted to it, the board of supervisors in ascertaining whether protests or requests for exclusion have been signed by qualified signers may assume that the assessees on the last equalized assessment roll of the county are the qualified signers as herein defined.

Proof of qualifications as a signer shall be in writing, filed with the protest or request for exclusion, and, except for copies of instruments of title, shall be verified.

CHAPTER 1880

An act to amend Section 655 of the Welfare and Institutions Code, relating to the Juvenile Court Law.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 655 of the Welfare and Institutions Code is amended to read:

655. When any person has applied to the probation officer, pursuant to Section 653, to commence juvenile court proceedings and the probation officer fails to file a petition within three weeks after such application, such person may, within one month after making such application, apply to the juvenile court to review the decision of the probation officer, and the court may either affirm the decision of the probation officer or order him to commence juvenile court proceedings.

CHAPTER 1881

An act to add Section 432.2 to the Labor Code, relating to polygraph tests.

[Approved by Governor July 19, 1963 Filed with Secretary of State July 19, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 432.2 is added to the Labor Code, to read:

432.2. No employer shall demand or require any applicant for employment or prospective employment or any employee to submit to or take a polygraph, lie detector or similar test or examination as a condition of employment or continued employment. The prohibition of this section does not apply to the federal government or any agency thereof or the state government or any agency or local subdivision thereof, including, but not limited to, counties, cities and counties, cities, districts, authorities, and agencies.

CHAPTER 1882

An act to amend Section 14260 of, the Education Code, relating to State Teachers' Retirement System.

[Approved by Governor July 19, 1963 Filed with Secretary of State July 19, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 14260 of the Education Code is amended to read:

14260. Any person whose retirement was effective prior to October 1, 1959, and who did not elect Option 2 or Option 3 as provided in Section 14363, shall have the right, to be exercised within six (6) months after the date upon which notice of such right is mailed by this system to his latest address on file in the office of this system, to elect to receive the actuarial equivalent of his retirement allowance in the amount then being paid, in a reduced allowance payable during his life, and an allowance to a beneficiary as provided in said Option 2 or Option 3; provided, that only a surviving spouse who was married to the retired person at least one year prior to retirement, or such person's child who is under age 18 and who, if adopted, was adopted at least one year prior to retirement, or such person's dependent parent might be designated as such a beneficiary. Such actuarial equivalent and allowances shall be calculated on the basis of ages and current mortality tables and interest rate as of the effective date of the election, which shall be the first day of the second month after receipt of the election in the system's office. No adjust-

ment shall be made in the computation on account of retirement allowance payments made prior to the effective date of the election.

If such a person makes an election in accordance with this section and dies prior to the effective date of such election, such person shall, for the purposes of determining the allowance of the beneficiary, be deemed to have died on the day following the effective date of such election. This paragraph shall apply to persons dying before, on, or after the effective date of this paragraph. If a person entitled under this section to make an election, did so, and died prior to the effective date of such election and prior to the effective date of this paragraph, his beneficiary shall, on and after the first day of the second month after the effective date of this paragraph, receive the allowance in accordance with the option elected.

CHAPTER 1883

An act to amend Section 7028 of, and to repeal Section 7030 of, the Business and Professions Code, relating to contractors.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 7028 of the Business and Professions Code is amended to read:

7028. It is unlawful for any person to engage in the business or act in the capacity of a contractor within this State without having a license therefor, unless such person is particularly exempted from the provisions of this chapter. Any violation of this section is a misdemeanor. If such a person has been previously convicted of the offense described in this section, the court shall impose a fine of not more than one thousand dollars ($1,000), or imprisonment in the county jail for not more than six months, or both.

SEC. 2. Section 7030 of said code is repealed.

CHAPTER 1884

An act to amend Section 1 of Chapter 303 of the Statutes of 1943, relating to tidelands, submerged lands and filled tidelands of the City of Avalon.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 303 of the Statutes of 1943 is amended to read:

Section 1. There is hereby granted to the City of Avalon, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California held by said State by virtue of its sovereignty, in and to all of the tidelands, submerged lands and filled tidelands lying within the corporate limits of the City of Avalon and bordering upon, in and under the Pacific Ocean, situated below the line of mean high tide of the Pacific Ocean, to be forever held by the City of Avalon and its successors in trust for the uses and purposes and upon the express conditions following, to wit:

(a) Said lands shall be used by said city and by its successors solely for purposes in which there is a general statewide interest as follows:

(1) For the establishment, improvement and conduct of a harbor and for the establishment and construction of bulkheads, or breakwaters for the protection of lands within its boundaries, or for the protection of its harbor, and for the construction, maintenance and operation thereof of wharves, docks, piers, slips, quays, ways and streets and other utilities, structures and appliances necessary or convenient for the promotion or accommodation of commerce and navigation, and for the protection of the lands within said city. And said city or its successors shall not at any time grant, convey, give or alien said lands or any part thereof to any individual, firm or corporation, for any purpose whatever; provided, that said city or its successors may grant franchises thereon for a period not exceeding 50 years for wharves and other public uses and purposes, and may lease said lands or any part thereof for limited periods, in any event not to exceed 50 years for any and all purposes which shall not interfere with commerce or navigation and are not inconsistent with the trusts upon which said lands are held by the State of California or with the requirements of commerce or navigation at said harbor.

(2) For the construction, reconstruction, repair, maintenance and operation of parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(3) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including but not limited to snack bars, cafes, restaurants, motels, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel

docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas.

(b) Said harbor shall be improved by said city without expense to the State and shall always remain a public harbor for all purposes of commerce and navigation, and the State of California shall have at all times the right to use, without charge, all wharves, docks, piers, slips, quays and other improvement constructed on said lands or any part thereof for any vessel or other watercraft or railroad owned or operated by the State of California.

(c) In the management, conduct or operation of said harbor or any of the utilities, structures or appliances mentioned in paragraph (a) no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city, or by its successors. The absolute right to fish in the waters of said harbor with the right of convenient access to said water over said lands for said purpose is hereby reserved to the people of the State of California.

There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from such land.

(d) If the lands, or any part thereof, granted to the city by this act are not used for the additional purposes authorized by the amendments of this section made at the 1963 Regular Session of the Legislature within 10 years from the effective date of such amendments, or if such use is discontinued thereafter, the rights, title, and interest of the city in and to said lands shall cease and said lands shall revert and rest in the State.

(e) The State Lands Commission shall, at the cost of the city, survey and monument the granted lands and record a description and plat thereof in the office of the County Recorder of Los Angeles County.

(f) Said lands are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest.

CHAPTER 1885

An act to amend Sections 1640.5 and 1700.37 of the Labor Code, relating to contracts of minors.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1640.5 of the Labor Code is amended to read:

1640.5. A minor can not disaffirm a contract, otherwise valid, entered into during minority, either during the actual minority of the minor entering into such contract or at any time thereafter, with a duly licensed theatrical or motion picture employment agency as defined in Section 1552 to secure him engagements to render artistic or creative services in motion pictures, television, the production of phonograph records, the legitimate or living stage, or otherwise in the entertainment field including, but without being limited to, services as an actor, actress, dancer, musician, comedian, singer, or other performer or entertainer, or as a writer, director, producer, production executive, choreographer, composer, conductor or designer, the blank form of which has been approved by the Labor Commissioner pursuant to Sections 1628 or 1644, where such contract has been approved by the superior court of the county where such minor resides or is employed.

Such approval may be given by the superior court on the petition of either party to the contract after such reasonable notice to the other party thereto as may be fixed by said court, with opportunity to such other party to appear and be heard.

SEC. 2. Section 1700.37 of said code is amended to read:

1700.37. A minor cannot disaffirm a contract, otherwise valid, entered into during minority, either during the actual minority of the minor entering into such contract or at any time thereafter, with a duly licensed artists' manager as defined in Section 1700.4 to secure him engagements to render artistic or creative services in motion pictures, television, the production of phonograph records, the legitimate or living stage, or otherwise in the entertainment field including, but without being limited to, services as an actor, actress, dancer, musician, comedian, singer, or other performer or entertainer, or as a writer, director, producer, production executive, choreographer, composer, conductor or designer, the blank form of which has been approved by the Labor Commissioner pursuant to Section 1700.23, where such contract has been approved by the superior court of the county where such minor resides or is employed.

Such approval may be given by the superior court on the petition of either party to the contract after such reasonable notice to the other party thereto as may be fixed by said court, with opportunity to such other party to appear and be heard.

CHAPTER 1886

An act to add Section 653j to the Penal Code, relating to the overhearing and recording of communications.

[Appro ed by Governor July 19, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 653j is added to the Penal Code, to read:

653j. (a) Every person or his authorized agent not a party to the communication who, intentionally and without the consent of any party to a confidential communication, by means of any electronic amplifying or recording device, eavesdrops upon or records a confidential communication, whether such communication is carried on among such parties in the presence of one another or by means of a telegraph, telephone or other device, except a radio, shall be punished by imprisonment in the county jail not exceeding one year, or by fine not exceeding one thousand dollars ($1,000), or by both such fine and imprisonment.

(b) The term "person" includes an individual, business association, partnership, corporation, or other legal entity, and an individual acting or purporting to act for or on behalf of any government or subdivision thereof, whether federal, state, or local, but excludes an individual known by all parties to a confidential communication to be overhearing or recording such communication or an individual acting under the direction of a party to the confidential communication.

(c) The term "confidential communication" includes any communication carried on in such circumstances as may reasonably indicate that the parties to such communication desire it to be confined to such parties, but excludes a communication made in a public gathering or in any legislative, judicial, executive or administrative proceeding open to the public, or in any other circumstance in which the parties to the communication may reasonably expect that the communication may be overheard or recorded.

(d) Except as proof in a suit or prosecution for violation of this section, no evidence obtained as a result of eavesdropping upon or recording a confidential communication in violation of this section shall be admissible in any judicial, administrative, legislative or other proceeding.

(e) This section shall not apply to any public utility engaged in the business of providing communications services and facilities, or to the officers, employees or agents thereof, where the overhearing is for the purpose of construction, maintenance, conduct or operation of the services and facilities of such public utility, or to the normal use of the services and facilities furnished by such public utility pursuant to its tariffs.

(f) This section shall not be construed to repeal Sections 591, 593(b), 619, 621, 640, 653h or 653i of this code or to render lawful any act which is unlawful under any of those sections.

(g) This section does not apply to the use of hearing aids and similar devices, by persons afflicted with impaired hearing, for the purpose of overcoming the impairment to permit the hearing of sounds ordinarily audible to the human ear.

(h) Nothing in this section shall be construed as prohibiting law enforcement officers from doing that which they are otherwise authorized by law to do.

CHAPTER 1887

An act to amend Section 1463 of the Penal Code, relating to disposition of fines and forfeitures.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1463 of the Penal Code is amended to read:

1463. Except as otherwise specifically provided by law:

(1) All fines and forfeitures including Vehicle Code fines and forfeitures collected upon conviction or upon the forfeiture of bail, together with moneys deposited as bail, in any municipal court or justice court, shall, as soon as practicable after the receipt thereof, be deposited with the county treasurer of the county in which such court is situated. The moneys so deposited shall be distributed as follows:

(a) Once a month there shall be transferred into the proper funds of the county an amount equal to the fines and forfeitures collected during the preceding month upon the conviction or upon the forfeiture of bail following arrests made by officers or other persons employed by the State or by the county in which such court is situated, exclusive of fines or forfeitures or forfeitures of bail collected from any person arrested by a state officer and charged with the commission of a misdemeanor under the Vehicle Code within the limits of a city within the county.

(b) Once a month there shall be transferred into the traffic safety fund of each city in the county an amount equal to 50 percent of all fines and forfeitures collected during the preceding month upon the conviction or upon the forfeiture of bail from any person arrested by a state officer and charged with the commission of a misdemeanor under the Vehicle Code within that city, and an amount equal to the remaining 50 percent shall be transferred to the special road fund of the county.

(c) Once a month there shall be transferred into the general fund of the county an amount equal to that percentage of the fines and forfeitures collected during the preceding month upon conviction or upon the forfeiture of bail following arrests made by officers or other persons employed by each city in the county which is set forth in the following schedule:

County and City	Percentage
Alameda	
Alameda	18
Albany	29
Berkeley	19
Emeryville	13
Hayward	10
Livermore	7
Oakland	22
Piedmont	44
Pleasanton	17
San Leandro	9
County percentage	21
Amador	
Amador	75
Ione	29
Jackson	22
Plymouth	75
Sutter Creek	75
County percentage	29
Butte	
Biggs	75
Chico	22
Gridley	49
Oroville	9
County percentage	20
Calaveras	
Angels	62
County percentage	62
Colusa	
Colusa	13
Williams	17
County percentage	16
Contra Costa	
Antioch	11
Brentwood	24
Concord	18
El Cerrito	19
Hercules	14
Martinez	22
Pinole	22
Pittsburg	5
Contra Costa—Continued	
Richmond	14
San Pablo	12
Walnut Creek	24
County percentage	14
Del Norte	
Crescent City	19
County percentage	19
El Dorado	
Placerville	14
County percentage	14
Fresno	
Clovis	23
Coalinga	21
Firebaugh	16
Fowler	34
Fresno	26
Huron	24
Kerman	14
Kingsburg	34
Mendota	11
Orange Cove	24
Parlier	21
Reedley	30
Sanger	29
San Joaquin	15
Selma	14
County percentage	24
Glenn	
Orland	27
Willows	36
County percentage	32
Humboldt	
Arcata	9
Blue Lake	26
Eureka	11
Ferndale	30
Fortuna	17
Trinidad	11
County percentage	11

County and City	Percentage
Imperial	
Brawley	8
Calexico	10
Calipatria	30
El Centro	5
Holtville	16
Imperial	6
Westmorland	12
County percentage	8
Inyo	
Bishop	25
County percentage	25
Kern	
Bakersfield	10
Delano	13
Maricopa	36
Shafter	15
Taft	19
Tehachapi	12
Wasco	28
County percentage	12
Kings	
Corcoran	31
Hanford	21
Lemoore	25
County percentage	25
Lake	
Lakeport	33
County percentage	33
Lassen	
Susanville	21
County percentage	21
Los Angeles	
Alhambra	13
Arcadia	11
Avalon	54
Azusa	11
Bell	11
Beverly Hills	14
Burbank	14
Claremont	5
Compton	16
Covina	11
Culver City	10
El Monte	11
El Segundo	11
Los Angeles—Continued	
Gardena	22
Glendale	16
Glendora	12
Hawthorne	7
Hermosa Beach	14
Huntington Park	12
Inglewood	16
La Verne	14
Long Beach	14
Los Angeles	8
Lynwood	9
Manhattan Beach	13
Maywood	15
Monrovia	11
Montebello	11
Monterey Park	11
Palos Verdes Estates	10
Pasadena	9
Pomona	12
Redondo Beach	15
San Fernando	17
San Gabriel	16
San Marino	5
Santa Monica	11
Sierra Madre	11
Signal Hill	24
South Gate	13
South Pasadena	9
Torrance	16
Vernon	25
West Covina	11
Whittier	11
County percentage	11
Madera	
Chowchilla	17
Madera	16
County percentage	17
Marin	
Belvedere	16
Corte Madera	12
Fairfax	30
Larkspur	30
Mill Valley	13
Ross	18
San Anselmo	11

County and City	Percentage
Marin—Continued	
San Rafael	13
Sausalito	21
County percentage	16
Mendocino	
Fort Bragg	19
Point Arena	40
Ukiah	10
Willits	24
County percentage	17
Merced	
Atwater	23
Dos Palos	21
Gustine	23
Livingston	14
Los Banos	13
Merced	18
County percentage	18
Modoc	
Alturas	42
County percentage	42
Monterey	
Carmel	17
Gonzales	10
Greenfield	13
King City	36
Monterey	13
Pacific Grove	22
Salinas	36
Soledad	16
County percentage	23
Napa	
Calistoga	37
Napa	11
St. Helena	12
County percentage	14
Nevada	
Grass Valley	7
Nevada City	17
County percentage	9
Orange	
County percentage	15
Placer	
Auburn	18
Colfax	8

County and City	Percentage
Placer—Continued	
Lincoln	26
Rocklin	16
Roseville	10
County percentage	14
Plumas	
Portola	19
County percentage	19
Riverside	
Banning	35
Beaumont	15
Blythe	9
Coachella	12
Corona	12
Elsinore	10
Hemet	35
Indio	16
Palm Springs	35
Perris	14
Riverside	16
San Jacinto	41
County percentage	35
Sacramento	
Folsom	31
Galt	25
Isleton	13
North Sacramento	10
Sacramento	21
County percentage	26
San Benito	
Hollister	9
San Juan Bautista	28
County percentage	11
San Bernardino	
Barstow	23
Chino	14
Colton	21
Fontana	15
Needles	33
Ontario	20
Redlands	28
Rialto	15
San Bernardino	20
Upland	14
County percentage	20

County and City	Percentage
San Diego	
Carlsbad	8
Chula Vista	23
Coronado	25
Del Mar	8
El Cajon	17
Escondido	16
Imperial Beach	8
La Mesa	23
National City	14
Oceanside	15
San Marcos	8
Vista	8
San Diego	6
County percentage	25
San Joaquin	
Lodi	18
Manteca	8
Ripon	11
Stockton	14
Tracy	15
County percentage	14
San Luis Obispo	
Arroyo Grande	9
Paso Robles	26
Pismo Beach	8
San Luis Obispo	21
County percentage	16
San Mateo	
Atherton	27
Belmont	7
Burlingame	38
Colma	40
Daly City	24
Hillsborough	75
Menlo Park	12
Millbrae	16
Redwood City	27
San Bruno	13
San Carlos	8
San Mateo	42
South San Francisco	12
County percentage	21
Santa Barbara	
Guadalupe	28
Lompoc	16
Santa Barbara	11

County and City	Percentage
Santa Barbara—Continued	
Santa Maria	12
County percentage	13
Santa Clara	
Alviso	75
Campbell	16
Gilroy	28
Los Altos	16
Los Gatos	30
Morgan Hill	11
Mountain View	13
Palo Alto	21
San Jose	13
Santa Clara	16
Sunnyvale	26
County percentage	16
Santa Cruz	
Capitola	21
Santa Cruz	23
Watsonville	21
County percentage	22
Shasta	
Redding	22
County percentage	22
Sierra	
Loyalton	75
County percentage	75
Siskiyou	
Dorris	18
Dunsmuir	29
Etna	18
Fort Jones	46
Montague	75
Mount Shasta	37
Tulelake	33
Yreka	30
County percentage	29
Solano	
Benicia	17
Dixon	28
Fairfield	31
Rio Vista	19
Suisun	7
Vacaville	15
Vallejo	18
County percentage	19

County and City	Percentage
Sonoma	
Cloverdale	37
Healdsburg	33
Petaluma	24
Santa Rosa	14
Sebastopol	28
Sonoma	28
County percentage	19
Stanislaus	
Ceres	14
Modesto	15
Newman	10
Oakdale	15
Patterson	20
Riverbank	18
Turlock	19
County percentage	15
Sutter	
Live Oak	17
Yuba City	17
County percentage	17
Tehama	
Corning	26
Red Bluff	39
Tehama	10
County percentage	31
Tulare	
Dinuba	21
Tulare—Continued	
Exeter	23
Lindsay	24
Porterville	26
Tulare	20
Visalia	17
Woodlake	15
County percentage	21
Tuolumne	
Sonora	23
County percentage	23
Ventura	
Fillmore	16
Ojai	16
Oxnard	16
Port Hueneme	16
Santa Paula	16
Ventura	16
County percentage	16
Yolo	
Davis	22
Winters	19
Woodland	20
County percentage	20
Yuba	
Marysville	15
Wheatland	38
County percentage	15

In any county for which a county percentage is set forth in the above schedule and which contains a city which is not listed or which is hereafter created, there shall be transferred to the county general fund the county percentage. In any county for which no county percentage is set forth, and in which a city is hereafter created, there shall be transferred to the county general fund 15 percent.

(d) Once a month there shall be transferred to each city in the county an amount equal to the total sum remaining after the transfers provided for in subparagraph (c) above have been made of the fines and forfeitures collected during the preceding month upon conviction or upon the forfeiture of bail following arrests made by officers or other persons employed by such city.

(2) Any money deposited with such court or with the clerk thereof which, by order of the court or for any other reason, should be returned in whole or in part to any person, or which is by law payable to the State or to any other public agency, shall be paid to such person or to the State or to such other public agency by warrant of the county auditor, which shall be drawn upon the requisition of the clerk of such court.

All money deposited as bail which has not been claimed within one year after the final disposition of the case in which such money was deposited, or within one year after an order made by the court for the return or delivery of such money to any person, shall be apportioned between the city and the county and paid or transferred in the manner hereinabove provided for the apportionment and payment of fines and forfeitures. This paragraph shall control over any conflicting provisions of law.

CHAPTER 1888

An act to amend Sections 17052 and 17101 of the Education Code, relating to cafeteria funds of school districts.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 17052 of the Education Code is amended to read:

17052. The cafeteria fund shall be used only for such expenditures as are necessary for the operation of school cafeterias. However, when the governing board deems it necessary, they may make expenditures from the cafeteria fund for the lease or purchase of additional cafeteria equipment for the central processing plant, and of vending machines and their installation and housing.

SEC. 2. Section 17101 of said code is amended to read:

17101. The cost of housing and equipping cafeterias is a charge against the funds of the school district. However, when the governing board of a school district deems it necessary, the governing board may make the cost of the lease or purchase of additional cafeteria equipment for a central processing plant, and of vending machines and their installation and housing, a charge against cafeteria funds. If school district funds are expended for the lease or purchase of additional cafeteria equipment for a central food processing plant, or for the lease, purchase, installation, or housing of vending machines, the governing board may at any time within five years after such expenditure reimburse school district funds from cafeteria funds.

The governing board of a school district may by resolution make the cost of maintenance of the physical plant used in connection with cafeterias, the cost of replacement of equipment and the cost of telephone charges, water, electricity, gas, coal, wood, fuel oil, and garbage disposal a charge against the funds of the school district.

CHAPTER 1889

An act to add Sections 2371.1 and 2371.2 to the Education Code, and to add Sections 2033 and 2033.5 to Division 5 of the Education Code as enacted by Senate Bill No. 718 of the 1963 Regular Session, relating to high school districts.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 2371.1 is added to the Education Code, to read:

2371.1. Any existing high school district may, irrespective of the conditions prescribed by subdivisions (1) through (5), inclusive, of Section 2370 which shall not apply for purposes of this section, be reorganized as a consolidated high school district pursuant to the procedures prescribed by Sections 2370 and 2371, or may be so reorganized upon presentation to the county superintendent of schools having jurisdiction over the high school district of a petition requesting such reorganization which has been affirmatively acted upon by all of the governing boards of the elementary school districts comprising the existing high school district at regular or special meetings of the boards.

SEC. 2. Section 2371.2 is added to said code, to read:

2371.2. Any consolidated high school district may be dissolved pursuant to the provisions of Sections 2370 and 2371, or may be so dissolved when there is presented to the county superintendent of schools having jurisdiction of the district a petition requesting such dissolution which has been affirmatively acted upon by all of the governing boards of the elementary school districts comprising the consolidated high school district.

SEC. 3. Section 2033 is added to Division 5 of the Education Code as enacted by Senate Bill No. 718 of the 1963 Regular Session, to read:

2033. Any existing high school district may, irrespective of the conditions prescribed by subdivisions (a) through (e), inclusive, of Section 2031 which shall not apply for purposes of this section, be reorganized as a consolidated high school district pursuant to the procedures prescribed by Sections 2030 and 2031, or may be so reorganized upon presentation to the county superintendent of schools having jurisdiction over the high school district of a petition requesting such reorganization which has been affirmatively acted upon by all of the governing boards of the elementary school districts comprising the existing high school district at regular or special meetings of the boards.

SEC. 4. Section 2033.5 is added to said Division 5 of said code as enacted by said Senate Bill No. 718 of the 1963 Regular Session, to read:

2033.5. Any consolidated high school district may be dissolved pursuant to the provisions of Section 2031 and 2032, or may be so dissolved when there is presented to the county superintendent of schools having jurisdiction of the district a petition requesting such dissolution which has been affirmatively acted upon by all of the governing boards of the elementary school districts comprising the consolidated high school district.

SEC. 5. Sections 2033 and 2033.5 added by Sections 3 and 4 of this act shall become operative only if Senate Bill No. 718 of the 1963 Regular Session is enacted into law, in which case they shall become operative at the same time as said Senate Bill No. 718 and Sections 2371.1 and 2371.2 of the Education Code as added by Sections 1 and 2 of this act are repealed.

CHAPTER 1890

An act to add Section 8232 to, and to amend Section 8262 of, the Elections Code, relating to state central committees.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 8232 is added to the Elections Code, to read:

8232. A state central committee may prescribe dues to be paid by its members in the manner and by the time prescribed by vote of the majority of the members of the committee. The dues charged shall not exceed twenty-four dollars ($24) per year.

Any member of the committee who fails to pay the dues prescribed by the committee may, upon first notifying the delegate to the state convention who appointed such member, be removed from the committee in the manner provided by the committee.

SEC. 2. Section 8262 of said code is amended to read:

8262. In the event of the appointment of an ineligible person to the state central committee, or whenever any member of the committee dies, resigns, or becomes incapacitated to act, or removes from the jurisdiction of the committee, or ceases to be a member of the committee's party, a vacancy exists which shall be filled in the manner prescribed in Section 8261. A vacancy shall also exist on the committee when a member is removed from the committee pursuant to Section 8232 or Section 8260, and such vacancy shall be filled in the manner prescribed in Section 8261, such member to serve the remainder of the unexpired term of the member removed.

CHAPTER 1891

An act to add Section 25509 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 19, 1963 Filed with Secretary of State July 19, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 25509 is added to the Business and Professions Code, to read:

25509. A distilled spirits manufacturer, a distilled spirits rectifier, a distilled spirits wholesaler or a beer and wine wholesaler who sold and delivered beer or distilled spirits to a retailer and who did not receive payment for such beer or distilled spirits by the expiration of the 42d day from date of delivery shall charge the retailer 1 percent of the unpaid balance for such beer and distilled spirits on the 43d day from date of delivery and an additional 1 percent for each 30 days thereafter.

A distilled spirits manufacturer, distilled spirits rectifier, distilled spirits wholesaler or beer and wine wholesaler who sold and delivered beer or distilled spirits to a retailer and who did not receive payment in full by the expiration of the 30th day from date of delivery or who has not received payment of the 1 percent charge at the expiration of the 30th day from the day the charge became due shall thereafter sell beer or distilled spirits to said retailer either for cash or by receiving payment in advance of delivery until such time as all payments are received for the beer or distilled spirits sold and delivered to the said retailer more than 30 days previously.

The 42-day period and the 30-day period provided for in this section shall commence with the day immediately following the date of invoice and shall include all successive days including Sundays and holidays to and including the 42d or 30th day as the case may be. When the 42d day from date of invoice or the expiration of each additional 30-day period falls on Saturday, Sunday or legal holiday, the next business day shall be deemed to be the expiration day.

All moneys received from a retailer in payment for any beer or distilled spirits sold and delivered to him shall be first applied to the payment of the oldest balance on beer or distilled spirits. All checks received for such payments shall be deposited for collection not later than the second business day following receipt of said check. A promissory note, postdated check or check dishonored on presentation shall not be deemed payment.

CHAPTER 1892

An act to add Sections 72190.1 and 72152 to Division 20 (commencing with Section 71000) of the Water Code as added by Chapter 156 of the Statutes of 1963, relating to municipal water districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 72190.1 is added to Division 20 (commencing with Section 71000) of the Water Code as added by Chapter 156 of the Statutes of 1963, to read:

72190.1. (a) This section shall apply in the case of a petition, signed by voters residing in the district equal in number to at least 10 percent of the number of such voters voting for all candidates for the office of Governor at the last preceding gubernatorial election, for exclusion of territory from a district, no part of which district is included within the corporate area of a metropolitan water district, and which district, at elections held for that purpose, has previously voted on two occasions against annexation to a metropolitan water district.

(b) If such a petition has been filed and found to be sufficient by the secretary, and if the petitioners have deposited the sum determined by the board pursuant to Section 72171 within 30 days from the date of such determination, the board shall, at its next meeting after the depositing of such sum, grant such petition by resolution, and the election required by this article shall be held within 70 days after the adoption of such resolution.

SEC. 2. Section 72152 is added to said division of said code, to read:

72152. If prior to exclusion of territory a district has entered into a contract with the State under the California Water Resources Development Bond Act for a water supply, the property in the territory excluded from the district shall continue to be subject to taxation to pay any obligation incurred by the district pursuant to the contract until the territory excluded has been annexed to another district which has a similar contract with the State for a water supply from the state water facilities.

SEC. 3. This act shall remain in effect until the 91st day after the final adjournment of the 1965 Regular Session of the Legislature, and shall have no force or effect after that date.

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to obtain an urgently needed water supply, the people in the area affected by the provisions in this act must join the Metropolitan Water District of Southern California. This bill would enable these people to compel the holding of an election to withdraw from the San Bernardino Valley Municipal Water District so that they may join the metropolitan water district. It is therefore necessary that this act go into immediate effect.

CHAPTER 1893

An act to add Section 224r to the Civil Code, relating to disbursements in adoption proceedings.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 224r is added to the Civil Code, to read:

224r. The petitioners in any proceeding seeking the adoption of a minor child shall file with the court a full accounting report of all disbursements of anything of value made or agreed to be made by them or on their behalf in connection with the birth of the child, the placement of the child with the petitioners, any medical or hospital care received by the natural mother of the child or by the child in connection with its birth, any other expenses of either natural parent of the child, or the adoption. The accounting report shall be under penalty of perjury and shall be submitted to the court on or before the date set by the court for the hearing on the adoption petition, unless an extension of time is granted by the courts.

The accounting report shall be itemized in detail and shall show the services relating to the adoption or to the placement of the child for adoption which were received by the petitioners, by either natural parent of the child, by the child, or by any other person for whom payment was made by or on behalf of the petitioners. The report shall also include the dates of each payment, the names and addresses of each attorney, doctor, hospital, licensed adoption agency, or other person or organization who received any funds of the petitioners in connection with the adoption or the placement of the child with them, or participated in any way in the handling of such funds, either directly or indirectly.

The provisions of this section shall not apply to an adoption by a stepparent where one natural or adoptive parent retains his or her custody and control of the child.

CHAPTER 1894

An act to add Section 35014 to, and to amend Sections 35002.3, 35158 and 35326 of, the Government Code, relating to annexations to a city.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 35002.3 of the Government Code is amended to read:

35002.3. Territory shall not be annexed to a city if as a result of such annexation (1) unincorporated land territory is completely surrounded by the annexing city or by land territory of such city on one or more sides and the Pacific Ocean on the remaining sides; (2) a strip of unincorporated territory less than 200 feet wide and more than 300 feet long is created; or (3) a strip of unincorporated territory consisting solely of a highway or portion thereof is created.

This section shall apply only to annexation proceedings commenced or instituted after the effective date of this section as amended by the Legislature at its 1963 Regular Session.

SEC. 2. Section 35014 is added to said code, to read:

35014. No tide or submerged lands in the Pacific Ocean which are owned by the State shall be annexed to a city except that portion of the tide or submerged lands encompassed within the seaward extensions of the existing land boundaries of the city, or of the proposed land boundaries of the territory being annexed as part of the same proceedings, extended from the point where the land boundaries intersect the shoreline at such an angle to the shoreline and following such a course or courses as may be approved by the State Lands Commission.

The proposal for annexation, including a map and legal description of the boundaries of the territory, shall be filed with the State Lands Commission, prior to the filing of the proposal with the boundary commission of the county as required by Section 35002. The State Lands Commission shall approve or disapprove of the boundaries of the annexation proposal and in making such determination it shall, where feasible and appropriate, require such extensions of the land boundaries of the city to be at right angles to the shoreline at each point of intersection of the shoreline with the land boundaries of the city, provided that, in the interest of insuring an orderly and equitable pattern of offshore boundaries, it may establish such other angle and such other courses for each such offshore boundary as it may deem necessary considering any irregularity of the shoreline, other geographical features, the effect of such offshore annexations on the uplands of the city and adjoining territory, and the existing and potential boundaries of other cities and of unincorporated communities.

The State Lands Commission shall report its decision to the legislative body of the city within 30 days, and its determination of the proper offshore boundaries shall be conclusive.

Failure to report within the time limit shall be deemed approval of the boundaries.

SEC. 3. Section 35158 of said code is amended to read:

35158. Territory shall not be annexed to a city pursuant to this article if, as a result of such annexation, unincorporated land territory is completely surrounded by such city or by land territory of such city on one or more sides and the Pacific Ocean on the remaining sides.

SEC. 4. Section 35326 of said code is amended to read:

35326. Territory shall not be annexed to a city pursuant to this article if, as a result of such annexation, unincorporated land territory is completely surrounded by such city or by land territory of such city on one or more sides and the Pacific Ocean on the remaining sides.

CHAPTER 1895

An act to amend Section 12396 of the Insurance Code, relating to underwritten title companies.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 12396 of the Insurance Code is amended to read:

12396. An underwritten title company, as defined in Section 12402, may engage in the escrow business, provided that:

(a) It shall create an escrow department to act as an escrow agent and to provide escrow services, the escrow department to be conducted separate and apart from the other activities of the company, although its officers and employees may also serve the underwritten title company. The salaries of any such officers and employees need not be segregated so as to allocate any portion thereof to the escrow department and the fees and charges received by the underwritten company need not be segregated so as to allocate any portion thereof to the escrow department.

(b) It shall maintain a record of all receipts and disbursements of escrow funds.

(c) It shall segregate its capital and surplus so as to apportion seven thousand five hundred dollars ($7,500) to the escrow department, which sum, in some form permitted by Section 12351, shall be deposited with and approved by the commissioner who shall forthwith make a special deposit thereof in the State Treasury and such deposit shall be subject to the provisions of Sections 12353, 12356, 12357 and 12358, and as long as there are no claims against the deposit all interest and

dividends thereon shall be paid to the depositor. The assets in the deposit shall be subject to final sale, transfer, and disposal of the proceeds thereof by the commissioner only on the order of a court of competent jurisdiction, and for the security and protection of persons having lawful claims against the depositor growing out of escrow transactions with it. Such deposit shall be maintained until two years after the company ceases to engage in the escrow business.

(d) It shall obtain and maintain a fidelity bond on file with the commissioner to cover all officers and employees of the company who participate in any escrow transaction that is handled by the company. Such bond shall be a blanket bond or, with the approval of the commissioner, may be a position or individual bond. The commissioner shall prescribe the amount of the bond which shall not exceed two hundred thousand dollars ($200,000).

(e) It shall furnish an audit of the escrow department to the commissioner on the forms provided by the commissioner annually, either on a calendar year basis on or before March 31st or, if approved individually in writing by the commissioner in respect to any individual company, on a fiscal year basis on or before 90 days after the end of the fiscal year. The time for furnishing any such audit may be extended on written approval of the commissioner for a period not to exceed 60 days.

The audits shall be made in accordance with generally accepted auditing standards by an independent certified public accountant or independent licensed public accountant approved by the commissioner specifically for the particular company. Approval of an auditor for a particular company shall not be deemed to be a licensing of the auditor nor approval of the auditor for any other company or any other purpose. Any such approval, or the renewal thereof, shall automatically expire on the 1st day of January in the fifth calendar year following the date of original or renewal approval. The fee for filing an application for such approval or the renewal thereof shall be ten dollars ($10). The fee for approving the submitted audit shall be twenty-five dollars ($25).

The commissioner may, at any time he considers it necessary, cause an audit to be made by examiners from the Department of Insurance. All audits shall be at the expense of the company.

The commissioner may deny or revoke approval or renewal of approval of an auditor for any of the following reasons:

(1) Adverse result in any proceeding before the State Board of Accountancy affecting the auditor's license;

(2) The auditor has an affiliation with the underwritten title company or any of its officers or directors which would prevent his reports on the company from being reasonably objective;

(3) The auditor has suffered conviction of any misdemeanor or felony based on his activities as an accountant, or

(4) Judgment adverse to the auditor in any civil action finding him guilty of fraud, deceit or misrepresentation in the practice of his profession.

All funds deposited with the company in connection with any escrow shall be deposited in a bank in a separate trust account, and such funds shall be the property of the person or persons entitled thereto under the provisions of the escrow and segregated escrow by escrow in the records of the company. Such funds shall not be subject to any debts of the company and shall be used only to fulfill the terms of the individual escrow under which the funds were accepted and none of such funds shall be used until all conditions of the escrow have been met.

Bona fide drafts executed by persons fully responsible financially may, at the option of the company, be deemed the equivalent of funds already cleared into such bank deposit unless another law of this State prohibits such persons from tendering such drafts to escrow holders for the purpose of closing escrows.

Any interest received on funds deposited with the company in connection with any escrow which are deposited in a bank shall be paid over to the depositing party to the escrow and shall not be transferred to the account of the company.

Any company which fails to file any audit or other report on or before the date it is due shall pay to the commissioner a penalty fee of one hundred dollars ($100) and on failure to pay such or any other fee required by this section shall forfeit the privilege of accepting new escrows until the delinquency is corrected.

At any time that the commissioner determines, after notice and hearing, that an underwritten title company that is engaged in the escrow business has willfully failed to comply with the provisions of this section, the commissioner shall make his order prohibiting the company from conducting an escrow business directly or indirectly for a period of not more than one year or less than six months.

CHAPTER 1896

An act to amend Section 707 of the Welfare and Institutions Code, relating to crimes of minors.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 707 of the Welfare and Institutions Code is amended to read:

707. At any time during a hearing upon a petition alleging that a minor is, by reason of violation of any criminal

statute or ordinance, a person described in Section 602, when substantial evidence has been adduced to support a finding that the offense alleged is punishable as a felony under the general law and that the minor was 16 years of age or older at the time of the alleged commission of such offense, or that the offense alleged is punishable as a misdemeanor under the general law and that the minor was 18 years of age or older at the time of the alleged commission of such offense, and that the minor would not be amenable to the care, treatment and training program available through the facilities of the juvenile court, the court may make a finding noted in the minutes of the court that the minor is not a fit and proper subject to be dealt with under this chapter, and the court shall direct the district attorney or other appropriate prosecuting officer to prosecute the person under the applicable criminal statute or ordinance and thereafter dismiss the petition or, if a prosecution has been commenced in another court but has been suspended while juvenile court proceedings are held, shall dismiss the petition and issue its order directing that the other court proceedings resume.

A denial by the person on whose behalf the petition is brought of any or all of the facts or conclusions set forth therein or of any inference to be drawn therefrom is not, of itself, sufficient to support a finding that such person is not a fit and proper subject to be dealt with under the provisions of the juvenile court law.

CHAPTER 1897

An act to amend Sections 26 and 27 of the Orange County Water District Act (Chapter 924, Statutes of 1933), relating to the Orange County Water District.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 26 of the Orange County Water District Act (Chapter 924, Statutes of 1933) is amended to read:

Sec. 26. On the second Wednesday in February of each year, the engineering investigation and report shall be delivered to the secretary of said district in writing. Said secretary shall publish pursuant to Section 6061 of the Government Code a notice of the receipt of such report and of the public hearing to be held on the second Wednesday of March in a newspaper of general circulation, printed and published within said district, at least 10 days prior to the date at which the public hearing regarding ground water conditions shall be held. Said notice, among other information which the district may provide therein, shall contain an invitation to all operators of

water-producing facilities within said district to call at the offices of said district to examine said engineering investigation and report.

There shall be held, by the board of directors, on the second Wednesday of March of each year, at the district offices a public hearing at which time any operator of a water-producing facility within said district or any person interested in the condition of the ground water supplies of said district may in person or by representative appear and submit evidence concerning the ground water conditions of said district. Appearances, also, may be made supporting or protesting said written engineering investigation and report. Said board of directors shall, before the levy of the replenishment assessments, find and determine the average annual overdraft for the immediate past 5 water years; the estimated annual overdraft for the current water year; the estimated annual overdraft for the ensuing water year; the accumulated overdraft as of the last day of the preceding water year; the estimated accumulated overdraft as of the last day of the current water year; the amount of water which should be purchased for the replenishment of the ground water supplies of said district for the ensuing water year, and the sum of money necessary therefor.

Such finding and determination by said board shall be conclusive and binding upon all persons and parties.

SEC. 2. Section 27 of said act is amended to read:

Sec. 27. If the board of directors finds and determines that an overdraft, either annual or accumulated, does exist, then said board may levy and assess a charge or replenishment assessment against all persons operating water-producing facilities and producing water during the ensuing water year, which assessment or charge shall be computed and fixed at a uniform rate per acre-foot of such water production.

The total of the replenishment assessment levied in any year shall not exceed an amount of money found to be necessary to purchase sufficient water to replenish the average annual overdraft for the immediate past 5 water years plus an additional amount of water sufficient to eliminate over a period of not less than 10 years nor more than 20 years, the accumulated overdraft; provided, further, that the replenishment assessment in any year as computed and fixed at a uniform rate per acre-foot of water produced shall not exceed five dollars and fifty cents ($5.50) per acre-foot of water produced except upon the vote of eight directors of said district.

On the second Wednesday in April of each year at the hour of 2 p.m. at the offices of said district, the board of directors shall hold a public hearing for the purpose of determining the need and desirability of levying a replenishment assessment and fixing the rate thereof. In computing and fixing the replenishment assessment rate, there shall be allowed such percent, not to exceed 10 percent, as shall be determined by the board of directors of the district for delinquencies. Notice of such hearing shall be published in the district pur-

suant to Section 6061 of the Government Code, at least 10 days prior to the date set for said hearing.

Any replenishment assessment levied by this section shall be in addition to any general assessment levied by said district

Clerical errors occurring or appearing in the name of any person or in the description of the water-producing facility where the production of water therefrom is otherwise properly assessed, or in the making or extension of any assessment upon the records, which do not affect the substantial rights of the assessee or assessees, shall not invalidate the assessment.

CHAPTER 1898

An act to add Sections 555 and 594 to the Streets and Highways Code, relating to state highways.

[Approved by Governor July 19, 1963 Filed with Secretary of State July 24, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 594 is added to the Streets and Highways Code, to read:

594. Route 294 is from Route 1 in Eureka across Humboldt Bay to the Samoa Peninsula.

SEC. 2 Section 555 is added to said code, to read:

555. Route 255 is from Route 101 in Eureka across Humboldt Bay to the Samoa Peninsula.

SEC. 3. Section 2 of this act shall become operative at the same time as Chapter 385 of the Statutes of 1963 becomes operative; concurrently therewith Section 594 of the Streets and Highways Code as added by Section 1 of this act is repealed.

CHAPTER 1899

An act to amend Sections 74502, 74503, and 74504 of the Government Code, relating to the Municipal Court in the City and County of San Francisco.

[Approved by Governor July 19, 1963 Filed with Secretary of State July 24, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 74502 of the Government Code is amended to read:

74502. There shall be one clerk who shall also serve as secretary to the judges and who shall be paid a salary of one thousand four hundred fifty dollars ($1,450) a month. Whenever any vacancy occurs after the effective date hereof, the judges, or a majority of them, notwithstanding any other

provisions of the Government Code, shall appoint one clerk who shall also serve as secretary to the judges, and who shall hold office at their pleasure and who shall receive the salary hereinabove provided.

SEC. 2. Section 74503 of said code is amended to read:

74503. (a) There shall be one jury commissioner who shall exercise the powers of jury commissioners of superior courts insofar as they are applicable to the municipal courts and who shall perform such other duties as assigned by the judges of the court and who shall be paid a salary of one thousand one hundred twenty dollars ($1,120) monthly. Whenever any vacancy occurs after the effective date hereof, the judges, or a majority of them, notwithstanding any other provisions of the Government Code, shall appoint one jury commissioner, and who shall hold office at their pleasure, and who shall perform such other duties as assigned by the judges of the court, and who shall receive the salary hereinabove provided.

(b) The clerk shall appoint four deputy clerks who shall be the chief division clerks in the civil, criminal, traffic and accounting departments of the court, and who shall be paid a minimum salary of nine hundred fifty dollars ($950) monthly during the first year of service, a salary of one thousand ten dollars ($1,010) monthly after the first year of service commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of one thousand sixty-five dollars ($1,065) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

SEC. 3. Section 74504 of said code is amended to read:

74504. The clerk shall also appoint:

(a) Five deputy clerks who shall be assistant chief division clerks and who shall be paid a minimum salary of eight hundred fifteen dollars ($815) monthly during the first year of service, a salary of eight hundred sixty dollars ($860) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of nine hundred ten dollars ($910) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(b) Twenty-two deputy clerks who shall be paid a minimum salary of seven hundred dollars ($700) monthly during the first year of service, a salary of seven hundred forty dollars ($740) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of seven hundred eighty-two dollars ($782) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(c) Fifteen deputy clerks who shall be paid a minimum salary of six hundred fifteen dollars ($615) monthly during the first year of service, a salary of six hundred thirty-eight

dollars ($638) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment and a maximum salary of six hundred sixty dollars ($660) monthly, after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(d) Sixteen deputy clerks who shall be paid a minimum salary of five hundred fifty-eight dollars ($558) monthly during the first year of service, a salary of five hundred seventy-four dollars ($574) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of five hundred ninety dollars ($590) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment. While assigned as administrative secretary to the clerk of the municipal court any deputy in Section 74504(d) shall be paid in addition to the salary provided by this article, the additional sum of fifty dollars ($50) monthly.

(e) Nineteen deputy clerks who shall be paid a minimum salary of five hundred fifteen dollars ($515) monthly during the first year of service, a salary of five hundred thirty dollars ($530) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of five hundred forty-five dollars ($545) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(f) Eighteen deputy clerks who shall be paid a minimum salary of four hundred seventy-three dollars ($473) monthly during the first year of service, a salary of four hundred eighty-nine dollars ($489) monthly after the first year of service commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of five hundred five dollars ($505) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(g) Fifteen deputy clerks who shall be paid a minimum salary of four hundred dollars ($400) monthly during the first year of service, a salary of four hundred fifteen dollars ($415) monthly after the first year of service commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of four hundred forty-seven dollars ($447) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(h) Two information clerks who shall be paid a minimum salary of four hundred ten dollars ($410) monthly during the first year of service, a salary of four hundred thirty-five dollars ($435) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his

appointment, and a maximum salary of four hundred ninety dollars ($490) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment

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CHAPTER 1900

An act to add Section 8590.2 to the Water Code, relating to the acquisition of overflow areas by the Reclamation Board.

[Approved by Governor July 19, 1963 Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 8590.2 is added to the Water Code, to read:

8590.2. In acquiring interests in land necessary for the purposes specified in Section 8590 and notwithstanding the provisions of Section 8676, the board in determining whether to acquire in fee or easement may consider such additional uses as fish and wildlife enhancement and recreation if so requested by another state agency. Any such parcel acquired in fee shall be subject to the continuing jurisdiction of the board to insure that the primary purposes of flood control are served and to prevent any damage or interference with the flood control works or any public nuisances arising out of such additional uses and any increased costs of maintenance attributable to such additional uses shall be borne by the agency requesting such uses.

Nothing in this section shall be construed as authorizing the board to acquire any land over and above that necessary for the purposes specified in Section 8590.

CHAPTER 1901

An act to add Sections 71180.4 and 71601.3 to the Government Code, relating to judges of the justice courts.

[Approved by Governor July 19, 1963 Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 71180.4 is added to the Government Code, to read:

71180.4. Any vacancy in the office of judge of a justice court filled by appointment by the board of supervisors on and after October 1, 1963, shall be filled in accordance with this section if there are more than three eligible candidates for the appointment. In any such case the board of supervisors

shall request the appointment of an oral examining board pursuant to Section 71601.3. The oral board shall interview and rank all eligible candidates in accordance with rules of procedure adopted by the Judicial Council. Appointments by the board of supervisors shall be made from among the three highest candidates certified by the oral board.

SEC. 2. Section 71601 3 is added to said code, to read:

71601.3. Upon receipt of a request from a board of supervisors pursuant to Section 71180 4, the Chairman of the Judicial Council shall designate a superior court judge to act as chairman of an oral examining board of three members for the purpose of interviewing candidates for the office of judge of a justice court. The chairman of the oral board shall appoint two residents of the county to serve with him as members of the board. Members of such boards shall receive no compensation for their services, but shall receive their actual and necessary expenses which shall be paid from the funds appropriated to the use of the council.

CHAPTER 1902

An act to amend Section 262 of the Revenue and Taxation Code, relating to the church exemption, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 19, 1963 Filed with Secretary of State July 24, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 262 of the Revenue and Taxation Code is amended to read:

262. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, or 1963 on property as to which the church exemption was available for such fiscal year shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

SEC. 2. This act is an urgency measure, necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Some churches have inadvertently failed to file the required affidavit in support of the tax exemption of their property which is granted by the State Constitution, and as a result now are confronted with obligations which, if met, will sub-

stantially impair their ability to function effectively This act will remedy the situation by, in effect, removing the procedural bar to the application of the exemption to such property. In doing so, the public policy of the State as expressed in the Constitution will be entirely fulfilled and the State as a whole will benefit.

CHAPTER 1903

An act to add Chapter 4 (commencing with Section 25500) to Division 13 of the Elections Code, relating to candidates for legislative offices.

[Approved by Governor July 19, 1963 Filed with Secretary of State July 24, 1963]

The people of the State of California do enact as follows:

SECTION 1. Chapter 4 (commencing with Section 25500) is added to Division 13 of the Elections Code, to read:

CHAPTER 4. STATE LEGISLATORS

25500. (a) Each candidate for a party nomination for the office of State Senator or Member of the Assembly at the direct primary election, whether his declaration of candidacy is to be made personally or by sponsors, shall file in the office in which his nomination papers are required to be filed a written and signed declaration of his intention to become a candidate for his party's nomination for that office. The declaration of intention shall be filed, on a form to be supplied by the county clerk or registrar of voters, not more than 15 nor less than 5 days prior to the first day on which his nomination papers may be presented for filing The declaration of intention provided for in this section shall be in substantially the following form:

I hereby declare my intention to become a candidate for the _____ Party's nomination for the office of
(Name of political party)

_____, at the direct primary election.
(Name of office and district)

_____
(Signature of candidate)

_____
(Address of candidate)

(b) No person may be a candidate nor have his name printed upon any ballot as a candidate for a party nomination for the office of State Senator or Member of the Assembly at the direct primary election unless he has filed the declaration of intention provided for in this section; provided, however, that if the incumbent of the office, for any reason, fails to qualify for nomination for the office by the last day prescribed for the filing of nomination papers, an additional five days shall be

allowed for the filing of nomination papers for the office, and any person, if otherwise qualified, may file nomination papers for the office during the extended period, notwithstanding that he has not filed a written and signed declaration of intention to become a candidate for the office as provided in subdivision (a) of this section.

CHAPTER 1904

An act to amend Section 18060.2 of the Education Code, relating to special education.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 18060.2 of the Education Code is amended to read:

18060.2. As used in Section 18060, "blind" includes partially seeing, "deaf" includes hard of hearing, and "special day classes" includes integrated programs of instruction for physically handicapped children including those handicapped in vision or hearing where the services of a qualified special teacher are provided.

An integrated program of instruction for physically handicapped children including those handicapped in vision or hearing shall be defined as any program in which such physically handicapped children receive their education in regular classrooms from regular classroom teachers, but receive, in addition, supplementary teaching services of a full-time special teacher, possessing a valid credential to teach exceptional children of the type enrolled in the program. Such supplementary teaching services may include instruction in the appropriate tool skills, the provision of special materials and use of appropriate special equipment, and counseling and guidance necessary to enable physically handicapped children and those handicapped in vision and hearing to benefit fully from their instruction.

As used in this section, physically handicapped children means those physically handicapped children who are deemed eligible for special class placement as defined by the State Board of Education.

CHAPTER 1905

An act to amend Section 667 of the Penal Code, relating to theft.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 7. Section 667 of the Penal Code is amended to read:

667. Every person who, having been convicted of any felony either in this State or elsewhere, and having served a term therefor in any penal institution or having been imprisoned therein as a condition of probation for such offense, commits petty theft after such conviction, is punishable therefor by imprisonment in the county jail not exceeding one year or in the state prison not exceeding five years.

CHAPTER 1906

An act to amend Section 717 of the Civil Code, relating to leases of agricultural lands.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 717 of the Civil Code is amended to read:

717. No lease or grant of land for agricultural or horticultural purposes for a longer period than 51 years, in which shall be reserved any rent or service of any kind, shall be valid.

CHAPTER 1907

An act to amend Section 7314 of, and to add Section 160.5 to, the Business and Professions Code, relating to the Department of Professional and Vocational Standards.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 160.5 is added to the Business and Professions Code, to read:

160.5. Inspectors of the Division of Investigation of the department shall perform the inspections authorized by the boards within the department. The assignment of inspectors shall be made by the chief of the division with the approval of the director.

SEC. 2. Section 7314 of said code is amended to read:

7314. The director may, in accordance with the State Civil Service Act, whenever in his judgment it is necessary, employ examiners, inspectors, investigators, assistants, deputies and clerks and fix their compensation, which compensation and all reasonable expenses incurred by the board, shall not be paid from the general revenue funds of the State.

An examiner in any branch of cosmetology except electrology shall hold a current, valid license as a cosmetology instructor at the time of his appointment and an examiner in electrology shall hold a current valid license as an electrology instructor at the time of his appointment.

CHAPTER 1908

An act to add Article 6 (commencing with Section 6720) to Chapter 7 of Division 6 of the Education Code, relating to technical, agricultural and natural resource conservation schools.

[Approved by Governor July 19, 1963 Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Article 6 (commencing with Section 6720) is added to Chapter 7 of Division 6 of the Education Code, to read:

Article 6. Technical, Agricultural and Natural Resource Conservation Schools

6720. The Legislature finds and declares: (1) that young people who have dropped out of high school, thereby failing to receive a minimum education, are faced with limited opportunities and employment barriers because of their lack of training and skills; (2) that such young people comprise a disproportionately large segment of the unemployed or unemployables in this State; (3) that such young people are disproportionately involved in juvenile delinquency and youth offenses; (4) that such young people comprise a disproportionate share of those on the welfare rolls; (5) that there is an increasing shortage of the skilled and trained workers needed because of rapid technological change; (6) that many such young people by aptitude are not suited for purely academic studies; (7) that many such young people would benefit from technical, agricultural and natural resource conservation training so as to become independent, productive workers; and (8) that such technical, agricultural and natural resource conservation training would provide skilled workers needed by our rapidly developing technology.

It is the intent and purpose of the Legislature to encourage the establishment of technical, agricultural and natural resource conservation schools in those areas of the State where they are needed in order to reduce the number of school dropouts, combat juvenile delinquency, and to provide more skilled and trained workers. The provisions of this article shall be liberally construed to carry out these intents and purposes.

6721. The county superintendent of schools shall establish and operate a school, or schools, subject to the management and control of the county board of education, as provided by this article when directed to do so by a county ordinance enacted as provided in Sections 6722 and 6723.

6722. An ordinance directing the county superintendent of schools to establish and operate a school, or schools, as provided in this article, may be submitted to the people and adopted in the manner provided in Article 1 (commencing with Section 3700) of Chapter 2, Division 4 of the Elections Code for initiative ordinances, or it may be submitted to the people as provided in Article 2 (commencing with Section 3750) of Chapter 2, Division 4 of the Elections Code upon a majority vote of the board of supervisors.

6723. The ordinance directing the establishment of technical, agricultural and natural resource conservation schools shall prescribe:

(a) The number of such schools to be established within the county.

(b) The location of each school.

6724. The board of supervisors of a county, by ordinance subject to the referendum, may authorize the county superintendent of schools to enter into agreements to participate in the operation of an existing technical, agricultural or natural resource conservation school in another county, without the procedure specified by Sections 6722 and 6723.

6725. The operation of technical, agricultural and natural resource conservation schools shall be under the management and control of the county board of education, which board shall have in reference to the schools the same powers and duties which are now or may hereafter be assigned by law to a governing board for the management of other public schools.

6726. Any county board of education having management and control of a technical, agricultural and natural resource conservation school pursuant to this article may make such special rules and regulations for the operation of such school as are consistent with the provisions and purposes of this article and not contrary to law. Such governing board may provide for the maintenance, operation and supervision of such school, and the technical instruction of students. The board may acquire by purchase, gift, conditional or otherwise, or by the exercise of the power of eminent domain, the site or sites and provide for the construction of suitable buildings thereon. The board may also accept any gifts or donations and make all contracts for the equipment, maintenance and operation of such schools as may be necessary or advisable.

6727. Schools established pursuant to this article may be operated on a full-time placement care basis and facilities may be provided for children in attendance to live at such schools if such arrangements are deemed appropriate.

6728. The county board of education maintaining one or more schools established pursuant to this article shall appoint a board of admissions to the schools consisting of a representative of the child welfare division of the county welfare department where applicable, a representative of the county probation department, one qualified lay person, a principal of a high school within the county, and one other qualified persons designated by the board maintaining the school, which two persons shall not be members of such county board. The principal of each such school, the county superintendent of schools, and a representative of the State Board of Education shall be ex officio members of the board of admissions. The board of admissions may enlist the assistance of any other qualified persons for consultation, evaluation of the needs of students, and advice regarding the admission program. A chairman of the board of admissions shall be elected by the members of the board. The board shall meet at least once each calendar month at such time and place as may be designated by the chairman.

If two or more counties agree to operate such a school jointly each county shall select its own board of admissions as otherwise provided in this section. Any reference in this article to the board of admissions is to the board established by the county in which the child is resident if the school is jointly operated by two or more counties.

6729. Admission to, and continuation of attendance at, a school established pursuant to this article shall be only upon the recommendation of the board of admissions.

6730. The board of admissions, or persons designated by it, shall investigate the case of any student whose name is submitted in writing accompanied by a signed request for consideration for admission, and shall make recommendations in each case. The board of admissions shall observe the progress of each student for the purpose of recommending continuance or discontinuance of his attendance.

6731. Subject to the provisions of Section 6729 of this code the county board of education maintaining a school established pursuant to this article shall admit to the school only minors from the age of 13 to 18 years, inclusive, who are qualified for technical or prevocational training by satisfactory completion of the eighth grade and a reasonable exhibition of aptitude, who are residents of the county having jurisdiction over the school. Students may be admitted to the school upon the recommendation of the county superintendent of schools or the chief administrative officer of the school last attended by the minor. Students who are not residents of the county having jurisdiction over the school may be admitted to the school if approved by the board of admissions, provided that the county of residence shall pay by agreement to the governing board of the school all actual expenses of operation and instruction, including building and grounds, minus state and federal apportionments, not received from contracts with

the parents or guardians of the minor, or from the minor's school district of residence.

No minor shall be admitted to a technical, agricultural and natural resource conservation school without the written approval of his parent or guardian, or retained in such school following withdrawal of approval by his parent or guardian.

Juvenile court judges are hereby empowered to refer from their courts to the board of admissions of the county for study as to qualifications for admittance as a student, any minor brought before them who in their opinion can properly qualify for admission. Upon determination of the board of admissions that such minor is otherwise qualified for admission, if the juvenile court judge enters an order waiving jurisdiction of such minor for the purpose of allowing the minor to attend such technical, agricultural or natural resource conservation school, subject to consent by the minor's parent or guardian as provided in this section, the minor shall be admitted to the school.

6732. A program shall be outlined for each student admitted to the school. The board of admissions shall review the order of admission at frequent intervals, and at least twice each year, and upon review may recommend the continuance or termination of the stay of any student in the school

6733. Subject to Section 6734 the course of study for the students and the methods used in planning the course of study for a technical, agricultural and natural resource conservation school shall be established by the county board of education and shall emphasize technical, agricultural, natural resource conservation and related subjects, giving consideration to job opportunities present and future, available in the county. Facilities and equipment for prevocation and trade training shall be provided where appropriate.

6734. The course of study shall include:

(a) Two hours per week on the average of American history emphasizing American institutions and ideals, and California history.

(b) Two hours per week on the average of world history, the history of western civilization, and world geography.

(c) One hour per week on the average of American government emphasizing principles of the Constitution and the Declaration of Independence, and the principles of state and local government under the Constitution of this State.

(d) Five hours per week on the average in the use of English, designed to teach the student to read rapidly and perceptively, to write clearly and correctly, and to present ideas orally. Such instruction shall include the principles of grammar and punctuation as instruments of reading and writing. Also a core of reading designed to familiarize the student with the variety of literary forms and to improve his reading ability shall be taught.

(e) A program to develop and maintain an adequate level of physical fitness.

6735. A student at a technical, agricultural and natural resource conservation school may, in the discretion of the board of admissions, be assigned part-time to a vocational course in a place of employment. Such courses may be developed through the co-operation of the county officials, the board of admission, school personnel, local employers and local labor organizations. Local representatives of the Department of Employment, the Department of Industrial Relations and the Division of Apprenticeship Standards, shall co-operate in the development of such courses.

Such vocational training shall be offered subject to the provisions of Article 2 (commencing with Section 1290) of Chapter 2 of Part 4, Division 2 of the Labor Code.

6736. The governing board of a school established pursuant to this article may require members of the staff to reside in the school where desirable, and may furnish suitable quarters, furniture, food, supplies, and laundry for staff members and their families as in its judgment are required in the best interests of the school.

6737. Each technical, agricultural and natural resource conservation school shall conduct a followup study and advise parents and school authorities regarding courses of study and treatment in the interests of the normal development of the student.

6738. The cost of securing sites or constructing and equipping buildings and the cost of housing and equipment in technical, agricultural and natural resource conservation schools, including but not restricted to, the necessary dormitories, dining halls and other living quarters for pupils and employees of the county shall be a charge against the funds of the county maintaining the school. Such buildings shall be deemed "school buildings" within the meaning of Section 21701. The governing board of any technical, agricultural and natural resource conservation school may employ such principals, assistants, teachers and other employees as are necessary in the judgment of the board for the proper conduct of the school and may pay them from the funds of the county. Persons serving as teachers' assistants or principals shall be qualified persons certificated by the State of California.

6739. The board of supervisors of any county in which a school is established pursuant to this article may, or the boards of supervisors of any counties jointly operating a school pursuant to this article, may each, levy and cause to be collected a tax not to exceed a maximum of five cents ($0.05) per one hundred dollars ($100) of the taxable property of the county to provide funds for the support of such schools. The expenses of lodging and boarding pupils, where applicable, residing within the buildings of a technical, agricultural and natural resource conservation school shall be paid from the sums received from contracts with the child's parents or guardians, from the funds of the county within which the school is located, and from the funds of the county of residence of the student.

The operating expenses of the school exclusive of capital expenditures and of the expenses of lodging and boarding the student, shall be a charge upon the funds of the county.

6740. The school attendance of such students shall be credited to the county school service fund of the county superintendent of schools providing the education for the students; and State School Fund apportionments on account of such attendance shall be made to the fund in the amount, per unit of average daily attendance, as provided in Section 18358.

6741. A student shall be deemed to be a resident of the high school district in which he lived at the time of his admission to the program and the excess cost for a school year of educating such student shall be paid by the high school district of which he is a resident to the county superintendent who is providing education for the students. The excess cost shall be determined by dividing the total current expense of education as defined in Section 17503 and also excluding expense of boarding and lodging during such school year by the total number of units of average daily attendance in such school or classes during such school year, less state and federal apportionments on account of such average daily attendance.

Average daily attendance of students shall be computed, for purposes of this article, by dividing the number of days such student attended the schools or classes by the number of days that the schools or classes were taught, except that with respect to a student attending such schools or classes for more than 175 days in a school year, the average daily attendance shall be computed by using the divisor of 175.

For purposes of computing average daily attendance 180 minutes of class attendance shall be deemed to constitute a schoolday, and no more than 15 hours of class time per week shall be considered.

Not later than July 15th of each year, the superintendent of schools of the county providing education for students shall forward his claim for the excess expense reimbursement to the high school district of residence of each student during the preceding school year, and the governing board of such high school district shall upon receipt thereof pay such claims.

The governing board of the high school district to which the claim is presented may include in its budget the amount necessary to pay the claim, and, if the amount is included in the budget, the board of supervisors shall levy a school district tax to raise the amount. The school district tax shall be in addition to any other school district tax authorized by law to be levied. All amounts raised by such a tax shall be expended only for the purposes of this article

6742. This article may be cited as the "Garrigus-Lagomarsino Act."

CHAPTER 1909

An act to amend Section 12003 of the Revenue and Taxation Code, and to amend Section 1530 of the Insurance Code, relating to the taxation of insurers.

[Approved by Governor July 19, 1963 Filed with Secretary of State July 24, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 12003 of the Revenue and Taxation Code is amended to read:

12003. "Insurer" as used in this part includes each of the following:

(a) Insurance companies or associations.

(b) Reciprocal or interinsurance exchanges together with their corporate attorneys in fact considered as a single unit.

(c) The State Compensation Insurance Fund. As used in this section, "companies" includes persons, partnerships, joint stock associations, companies and corporations.

SEC. 2. Section 1530 of the Insurance Code is amended to read:

1530. In lieu of all other taxes, licenses or fees whatever, state or local, each exchange and its corporate attorney in fact considered as a single unit shall together pay annually on account of the transaction of such business in this State, the same fees as are paid by mutual insurers transacting the same kind of business, and the annual tax imposed by Section 14⅘ of Article XIII of the Constitution of the State of California and by the applicable provisions of the Revenue and Taxation Code, except that each corporate attorney in fact of a reciprocal or interinsurance exchange shall be subject to all taxes imposed upon other corporations doing business in the State, other than taxes directly attributable to property used exclusively in or on income derived from its principal business as corporate attorney in fact. In any event, such corporate attorney in fact shall file an annual return and pay the minimum tax provided for by Section 23151 of the Bank and Corporation Tax Law. For the purposes of Section 12221 of the Revenue and Taxation Code, the term gross premiums, as applied to reciprocal or interinsurance exchanges, includes all sums paid by subscribers in this State by reason of the insurance exchange, whether termed premium deposit, membership fee, or otherwise, after deducting therefrom premium deposit returns or cancellations, and all amounts returned to subscribers or credited to their accounts as savings, but does not include such sums received for reinsurance and for ocean marine insurance.

A corporate attorney in fact of each exchange shall annually compute the amount of tax that would be payable by it under the provisions of the Bank and Corporation Tax Law (Part 11 (commencing with Section 23001) of Division 2 of the Revenue

and Taxation Code) except for the provisions of this section, and any management fee due from each exchange to its corporate attorney in fact shall be reduced pro tanto by a sum equivalent to the amount so computed.

SEC. 3. The provisions of this act shall become operative on January 1, 1964.

CHAPTER 1910

An act to add Section 114.7 to, and to repeal Section 2015 of, the Welfare and Institutions Code, relating to the administration of public assistance.

[Approved by Governor July 19, 1963 Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 114.7 is added to the Welfare and Institutions Code, to read:

114.7. Copies of all laws relating to any form of public social service for which state aid is granted to counties of the State, and over the administration of which the department has supervision, including public assistance, as defined in Section 425, and of all bulletins and rules and regulations of the State Department of Social Welfare, shall be made available to the public and for public inspection during regular office hours at each county office administering such aid and in each local or regional office of the department.

SEC. 2. Section 2015 of said code is repealed.

CHAPTER 1911

An act to add Sections 432.7 and 1500.01 to the Welfare and Institutions Code, and to add Section 42.5 to Chapter 510 of the Statutes of 1963, relating to the amount of grants for recipients of public assistance.

[Approved by Governor July 19, 1963 Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 432.7 is added to the Welfare and Institutions Code, to read:

432.7. Any special need allowance for mileage and for the expenses of the operation and maintenance of an automobile shall be fixed to operate in a uniform manner throughout the State by the State Social Welfare Board.

SEC. 2. Section 42.5 is added to Chapter 510 of the Statutes of 1963, to read:

Sec. 42.5. The provisions of this act except those relating to the medical assistance for the aged program, shall be known and may be cited as the Burton Act.

SEC. 3. Section 1500.01 is added to said code, to read:

1500.01. This chapter shall be known and may be cited as the Burton-Miller Act.

CHAPTER 1912

An act to amend Section 203.1 of the Welfare and Institutions Code, relating to welfare services.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 203.1 of the Welfare and Institutions Code is amended to read:

203.1. The board of supervisors in any county may contract with any other county or counties or with the department for the operation and maintenance of such public social services as are provided in one or more of the contracting counties, or for the establishment and maintenance of such public social services as the board of supervisors shall deem to be desirable to discharge the duties of the county to provide for public social services for those eligible therefor or the health and care of the sick. The cost of contracted services shall be borne by the contracting county or counties and shall, insofar as state or federal funds are involved, conform to department standards and regulations generally applicable to such services.

CHAPTER 1913

An act to amend the heading of Chapter 4 (commencing with Section 5500) of Part 1 of Division 6 of, to repeal Section 5500 of, and to add Sections 5500 and 7011.5 to, and to amend Sections 5500.5, 5501, 5501.5, 5503, 5504, 5505, 5508, 5509, 5511, 5511.7, 5512, 5512.5, 5514, 5517, 5518, 5519, 5522, 6700.5, 7009, and 7010 of, the Welfare and Institutions Code, relating to mentally irresponsible persons.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. The heading of Chapter 4 (commencing with Section 5500) of Part 1, of Division 6 of the Welfare and Institutions Code is amended to read:

CHAPTER 4. MENTALLY DISORDERED SEX OFFENDERS

SEC. 2. Section 5500 of said code is repealed.

SEC. 3. Section 5500 is added to said code, to read:

5500. As used in this chapter, "mentally disordered sex offender" means any person who by reason of mental defect, disease, or disorder, is predisposed to the commission of sexual offenses to such a degree that he is dangerous to the health and safety of others. Wherever the term "sexual psychopath" is used in any code, such term shall be construed to refer to and mean a "mentally disordered sex offender."

SEC. 4. Section 5500.5 of said code is amended to read:

5500.5. This chapter shall not apply to any person sentenced to death nor to any person ineligible for probation under the Penal Code. This chapter shall not apply to any person convicted of an offense the punishment for which may be death until after a sentence other than death has been imposed, at which time this chapter shall apply to such person and he may be certified to the superior court as provided in Section 5501.

SEC. 5. Section 5501 of said code is amended to read:

5501. (a) When a person is convicted of any criminal offense, whether or not a sex offense, the trial judge, on his own motion, or on motion of the prosecuting attorney, or on application by affidavit by or on behalf of the defendant, if it appears to the satisfaction of the court that there is probable cause for believing such person is a mentally disordered sex offender within the meaning of this chapter, may adjourn the proceeding or suspend the sentence, as the case may be, and may certify the person for hearing and examination by the superior court of the county to determine whether the person is a mentally disordered sex offender within the meaning of this chapter. Conviction upon a charge of violation of Section 290 of the Penal Code by failure to register as required thereby is conviction of a criminal offense within the meaning of this subdivision.

(b) When a person is convicted of a sex offense involving a child under 14 years of age and it is a misdemeanor, and the person has been previously convicted of a sex offense in this or any other state, the court shall adjourn the proceeding or suspend the sentence, as the case may be, and shall certify the person for hearing and examination by the superior court of the county to determine whether the person is a mentally disordered sex offender within the meaning of this chapter.

(c) When a person is convicted of a sex offense involving a child under 14 years of age and it is a felony, the court shall adjourn the proceeding or suspend the sentence, as the case may be, and shall certify the person for hearing and examination by the superior court of the county to determine whether the person is a mentally disordered sex offender within the meaning of this chapter.

When an affidavit is filed under (a) it shall be substantially in the form specified for the affidavit of mental illness in Section 5049 of this code except that the title and body of the affidavit shall refer to such person as "an alleged mentally disordered sex offender" and shall state fully the facts upon which the allegation that the person is a mentally disordered sex offender is based. If the person is then before the court or is in custody, the court may order that the person be detained in a place of safety until the issue and service of a warrant of apprehension as provided by this chapter.

When the court certifies the person for hearing and examination by the superior court of the county to determine whether the person is a mentally disordered sex offender, the court shall transmit to the superior court its certification to that effect, accompanied by a statement of the court's reasons for finding that there is probable cause for believing such person is a mentally disordered sex offender within the meaning of this chapter in cases certified under (a), or a statement of the facts making such certification mandatory under (b) or (c).

The judge or justice presiding in such court, whenever it is deemed necessary or advisable, may issue and deliver to some peace officer for service, a warrant directing that the person be apprehended and taken before a judge of the superior court for a hearing and examination to determine whether the person is a mentally disordered sex offender. The officer shall thereupon apprehend and detain the person until a hearing and examination can be had. At the time of the apprehension a copy of the affidavit if one was filed, the certification, accompanied by the court's statement, and the warrant shall be personally delivered to the person and copies thereof shall also be delivered to the superior court to which the person was certified and to the district attorney of the county.

The warrant of apprehension shall be substantially in the form provided by Section 5050.1 of this code for the apprehension of a person alleged to be mentally ill.

SEC. 6. Section 5501.5 of said code is amended to read:

5501.5. Whenever a person is certified to the superior court for hearing and examination under Section 5501 the certification may be made in substantially the following form:

(Title of Court and Cause)

ORDER ADJOURNING PROCEEDINGS AND CERTIFYING ALLEGED MENTALLY DISORDERED SEX OFFENDER TO THE SUPERIOR COURT.

Upon the court's own motion, the motion of the prosecuting attorney, application by or on behalf of the defendant (strike the conditions not applicable), it appearing to the satisfaction of the court that the above-named defendant has been con-

victed of a criminal offense, to wit, violation of _____ of the State of California, and that there is probable cause for believing that said defendant is a mentally disordered sex offender within the meaning of Chapter 4 of Part 1 of Division 6 of the Welfare and Institutions Code of the State of California, as amended, in that—he is a person who by reason of mental defect, disease, or disorder, is predisposed to the commission of sexual offenses to such a degree that he is dangerous to the health and safety of others.

NOW, THEREFORE, THE ABOVE PROCEEDING IS ADJOURNED AND IT IS HEREBY ORDERED THAT THE ABOVE-NAMED DEFENDANT IS CERTIFIED TO THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF _____ for hearing and examination by said court to determine whether said defendant is a mentally disordered sex offender within the meaning of said Chapter 4 of Part 1 of Division 6 of the Welfare and Institutions Code of the State of California, as amended. The above-named defendant shall be taken before said court, as provided in Section 5503 of said code, on the _____ day of _____, 19___, at the hour of _____.* A copy of this certification of said defendant to said superior court shall be delivered to said defendant.

Dated this _____ day of _____, 19___.

_____
Judge

* This sentence may be included if such date and hour have been set by the superior court upon the request of the certifying judge.

SEC. 7. Section 5503 of said code is amended to read:

5503. The person certified or alleged to be a mentally disordered sex offender shall be taken before a judge of the superior court of the county. The judge shall then inform him that he is certified or alleged to be a mentally disordered sex offender, and inform him of his rights to make a reply and to produce witnesses in relation thereto. The judge shall by order fix such time and place for the hearing and examination in open court as will give reasonable opportunity for the filing of the probation officer's report as provided in Section 5503.5, and for the production and examination of witnesses. If, however, the person is too ill to appear in court, or if appearance in court would be detrimental to the mental or physical health of the person, the judge may hold the hearing at the bedside of the person. The order shall be entered at length in the minute book of the court or shall be signed by the judge and filed, and a certified copy thereof served on the person. The judge shall order that notice of apprehension of the person and of the hearing be served on the district attorney of the county and on such relatives of the person known to be residing in the county as the judge deems necessary or proper.

If the alleged mentally disordered sex offender has no attorney, the judge may appoint an attorney to represent him, or if a request is made for an attorney by the alleged mentally dis-

ordered sex offender, the judge shall appoint an attorney to represent him, and, in a county where there is no public defender, fix the compensation to be paid by the county for such services if the court determines that the person is not financially able to employ counsel.

SEC. 8. Section 5504 of said code is amended to read:

5504. The judge shall appoint not less than two nor more than three psychiatrists, each of whom shall be a holder of a valid and unrevoked physician's and surgeon's certificate who has directed his professional practice primarily to the diagnosis and treatment of mental and nervous disorders for a period of not less than five years, and at least one of whom shall be from the medical staff of a state hospital or county psychopathic hospital, to make a personal examination of the alleged mentally disordered sex offender, directed toward ascertaining whether the person is a mentally disordered sex offender.

SEC. 9. Section 5505 of said code is amended to read:

5505. Each psychiatrist so appointed shall file with the court a separate written report of the result of his examination, together with his conclusions and recommendations and his opinion as to whether or not the person would benefit by care and treatment in a state hospital. At the hearing each psychiatrist shall hear the testimony of all witnesses, and shall testify as to the result of his examination, and to any other pertinent facts within his knowledge.

SEC. 10. Section 5508 of said code is amended to read:

5508. The provisions of this chapter relating to psychiatrists appointed by the court shall not be deemed or construed to prevent any party to a proceeding under this chapter from producing any other expert evidence as to the mental condition of the alleged mentally disordered sex offender.

SEC. 11. Section 5509 of said code is amended to read:

5509. The judge shall also cause to be examined as a witness any other person whom he believes to have knowledge of the mental condition of the alleged mentally disordered sex offender, or of the financial condition of the alleged mentally disordered sex offender and of any person liable for his support.

SEC. 12. Section 5511 of said code is amended to read:

5511. The alleged mentally disordered sex offender shall be present at the hearing, and if he has no attorney, the judge may appoint an attorney to represent him, or the judge may order the county public defender to represent him at the hearing, if he determines that the person is not financially able to employ counsel.

SEC. 13. Section 5511.7 of said code is amended to read:

5511.7. If, upon the hearing, the person is found by the superior court not to be a mentally disordered sex offender, the superior court shall return the person to the court in which the case originated for such disposition as that court may deem necessary and proper.

If the court finds the person is a mentally disordered sex offender, but would not benefit by care and treatment in a state hospital, the court may return the person to the court in which the case originated for such disposition as that court may deem necessary and proper.

SEC. 14. Section 5512 of said code is amended to read:

5512. If, after examination and hearing, it appears there is sufficient cause to believe that the person is a mentally disordered sex offender within the meaning of this chapter, the judge may make and sign an order that the person be placed temporarily in a suitable psychiatric facility maintained by a county or in a state hospital of the Department of Mental Hygiene designated by the court for observation and diagnosis for a period not to exceed 90 days, with the further provision in said order that the superintendent of the hospital or person in charge of the county facility shall report to the court the diagnosis and recommendations concerning such person within the 90-day period. The court shall attach to the order for observation its findings and copies of the certification and statement from the other court, any affidavits filed, the written reports of the court-appointed psychiatrists, and the report of the probation officer, together with such social and other data that it has available bearing upon the case, and the same shall be delivered to the institution with such order.

The superintendent of the hospital or person in charge of the county facility shall within 90 days cause the person to be examined and forward to the committing court his opinion as to whether or not the person is a mentally disordered sex offender, whether or not he is a danger to the health and safety of others, and whether or not he will benefit by care and treatment in a state hospital, including therein a report, diagnosis and recommendation concerning the person's future care, supervision and treatment.

If the superintendent of the hospital or person in charge of the county facility reports to the court that the person is not a mentally disordered sex offender, the person shall be returned to the court for further disposition of his case. The court shall then cause the person to be returned to the court in which the criminal charge was tried to await further action with reference to such criminal charge.

If the superintendent of the hospital or person in charge of the county facility reports to the committing court that the person is a mentally disordered sex offender but will not benefit by care or treatment in a state hospital and is a danger to the health and safety of others, the court shall then cause the person to be returned to the court in which the criminal charge was tried to await further action with reference to such criminal charge Such court shall resume the proceedings and shall impose sentence or make such other suitable disposition of the case as the court deems necessary. If, however, such court is satisfied that the person is a mentally

disordered sex offender but would not benefit by care or treatment in a state hospital and is a danger to the health and safety of others, it may recertify the person to the superior court of the county. If the superior court, after hearing, finds that the person is a mentally disordered sex offender but would not benefit by care or treatment in a state hospital and is a danger to the health and safety of others, it may make an order committing the person for an indefinite period to the Department of Mental Hygiene for placement in a state institution or institutional unit for the care and treatment of mentally disordered sex offenders designated by the court and provided pursuant to Section 5518. At such hearing or hearings, the person shall be entitled to present witnesses in his own behalf, to be represented by counsel and to cross-examine any witnesses who testify against him. The person shall remain in such institution or institutional unit until he is no longer a danger to the health and safety of others. Thereupon, the proceedings set forth in Section 5517 shall be followed with respect to the certifying of an opinion to the committing court and the release of the person thereby.

If the superintendent of the hospital or person in charge of the county facility reports to the court that the person is a mentally disordered sex offender and that the person could benefit by treatment in a state hospital, the court in its discretion has the alternative to return the person to the criminal court for further disposition or may make an order committing the person to the department for placement in a state hospital for an indeterminate period and a copy of such commitment shall be personally served upon said person within five days after the making of such order and such person may within 10 days demand a hearing in court and upon such demand said court shall order the return of said person to said court and fix a time and place for a hearing. Upon such hearing the court may accept the report of the superintendent of the hospital or person in charge of the county facility, if verified, in lieu of the examination by and testimony of court-appointed psychiatrists, or may consider the report as additional evidence. Upon such further hearing the court may make an order committing the person to the department for placement in a state hospital designated by the court for an indeterminate period, or may make other suitable disposition of the case.

No person shall be committed for an indeterminate period as a mentally disordered sex offender unless an observation placement has been made and reported, diagnosed and recommended upon as provided by this section.

SEC. 15. Section 5512.5 of said code is amended to read:

5512.5. Persons committed as mentally disordered sex offenders to the department for placement in a state hospital following an observation placement under this chapter shall have the same rights to jury trial as provided in this code for mentally ill persons.

SEC. 16. Section 5514 of said code is amended to read:

5514. Certified copies of the affidavit, certification from the trial court, warrant of apprehension, order for hearing and examination, report of the probation officer and of the court-appointed psychiatrists, and the order of placement for observation or order of commitment for an indeterminate period, as the case may be, shall be delivered to the person transporting the mentally disordered sex offender to the county facility or state hospital, and shall be delivered by that person to the officer in charge of the facility or hospital.

SEC. 17. Section 5517 of said code is amended to read:

5517. Whenever a person who is committed for an indeterminate period to the department for placement in a state hospital as a mentally disordered sex offender (a) has been treated to such an extent that in the opinion of the superintendent the person will not benefit by further care and treatment in the hospital and is not a danger to the health and safety of others, or (b) has not recovered, and in the opinion of the superintendent the person is still a danger to the health and safety of others, the superintendent of the hospital shall file with the committing court a certification of his opinion under (a) or (b), as the case may be, including therein a report, diagnosis and recommendation concerning the person's future care, supervision or treatment. If the opinion so certified is under (a) the committing court shall forthwith order the return of the person to said committing court and shall thereafter cause the person to be returned to the court in which the criminal charge was tried to await further action with reference to such criminal charge.

Such court shall resume the proceedings, upon the return of the person to the court, and after considering all the evidence before it may place the person on probation for a period of not less than five years if the criminal charge permits such probation and the person is otherwise eligible for probation. As a condition of such probation the person shall totally abstain from the use of alcoholic liquor or beverages. In any case, where the person is sentenced on a criminal charge, the time the person spent under indeterminate commitment as a mentally disordered sex offender shall be credited in fixing his term of sentence.

SEC. 18. Section 5518 of said code is amended to read:

5518. If the opinion so certified is under subdivision (b) of Section 5517, the committing court shall forthwith order the return of the person to said committing court and shall thereafter cause the person to be returned to the court in which the criminal charge was tried to await further action with reference to such criminal charge.

Such court shall resume the proceedings and after considering all the evidence before it shall impose sentence or make such other disposition of the case as the court may deem necessary and proper; provided, that said court, if satisfied that the

person has not recovered from his mental disorder and is still a danger to the health and safety of others, may recertify the person to the superior court of the county. If said court after hearing makes a finding that the person is still a mentally disordered sex offender and is still a danger to the health and safety of others, it may make an order recommitting the person for an indeterminate period to the Department of Mental Hygiene for placement in a state institution or institutional unit for the care and treatment of such mentally disordered sex offenders designated by the court. At such hearing or hearings, the person shall be entitled to present witnesses in his own behalf, to be represented by counsel and to cross-examine any witnesses who testify against him.

The Director of Mental Hygiene, with the approval of the Director of Corrections and the Director of Finance, may provide on the grounds of a state institution or institutions under the jurisdiction of the Department of Corrections or the Department of Mental Hygiene one or more institutional units to be used for the custodial care and treatment of mentally disordered sex offenders. Each such unit shall be administered in the manner provided by law for the government of the institution in which such unit is established.

The court shall cause the person so recommitted to be delivered to the state institution or the institutional unit so designated. The person shall remain therein or in any other such institution or institutional unit to which he may be transferred by the Director of Mental Hygiene until the person is no longer a danger to the health and safety of others. Thereupon the proceedings set forth in Section 5517 shall be followed with respect to the certifying of an opinion to the committing court and the release of the person thereby.

SEC. 19. Section 5519 of said code is amended to read:

5519. After a person has been committed for an indeterminate period to the department for placement in a state hospital as a mentally disordered sex offender and has been confined for a period of not less than six months from the date of the order of commitment, the committing court may upon its own motion or on motion by or on behalf of the person committed, require the superintendent of the state hospital to which the person was committed to forward to the committing court, within 30 days, his opinion under (a) or (b) of Section 5517, including therein a report, diagnosis and recommendation concerning the person's future care, supervision, or treatment. After receipt of the report, the committing court may order the return of the person to the court for a hearing as to whether the person is still a mentally disordered sex offender within the meaning of this chapter.

The hearing shall be conducted substantially in accordance with Sections 5504 to 5511, inclusive. If, after the hearing, the judge finds that the person has not recovered from his mental

disorder and is still a danger to the health and safety of others, he shall order the person returned to the Department of Mental Hygiene under the prior order of commitment for an indeterminate period, or, if the opinion of the superintendent of the state hospital was under (b) of Section 5517, he may make and sign an order recommitting the person for an indeterminate period to the Department of Mental Hygiene for placement in a state institution or institutional unit for the care and treatment of such mentally disordered sex offenders designated by the court and provided pursuant to Section 5518. A subsequent hearing may not be held under this section until the person has been confined for an additional period of six months from the date of his return to the department. If the court finds that the person has recovered from his mental disorder to such an extent that he is no longer a danger to the health and safety of others, or that he will not benefit by further care and treatment in the hospital and is not a danger to the health and safety of others, the committing court shall thereafter cause the person to be returned to the court in which the criminal charge was tried to await further action with reference to such criminal charge.

SEC. 20. Section 5522 of said code is amended to read:

5522. Every person ordered placed in a county facility or state hospital temporarily for observation pursuant to this chapter or committed for an indeterminate period to a state hospital or state institution as a mentally disordered sex offender, who escapes or attempts to escape therefrom, or who escapes or attempts to escape while being conveyed to or from such county facility, state hospital or state institution, is punishable by imprisonment in the state prison not to exceed five years or in the county jail not to exceed one year.

SEC. 21. Section 6700.5 of said code is amended to read:

6700.5. Whenever, in the opinion of the Director of Mental Hygiene and with the approval of the Director of Corrections, any person who has been committed to a state hospital pursuant to provisions of the Penal Code or who has been committed for an indeterminate period pursuant to the provisions of Chapter 4 (commencing with Section 5500), Part 1, Division 6, of this code needs care and treatment under conditions of custodial security which can be better provided within the Department of Corrections, such person may be transferred for such purposes from an institution under the jurisdiction of the Department of Mental Hygiene to an institution under the jurisdiction of the Department of Corrections

Persons so transferred shall not be subject to the provisions of Sections 4500, 4501, 4501.5, 4502, 4530, or 4531 of the Penal Code. However, they shall be subject to the general rules of the Director of Corrections and of the facility where they are confined and any correctional employee dealing with such persons during the course of an escape or attempted escape, a fight or a riot, shall have the same rights, privileges and

immunities as if the person transferred had been committed to the Director of Corrections.

SEC. 22. Any person heretofore or hereafter committed to any state institution as a sexual psychopath shall be deemed to have been committed as a mentally disordered sex offender.

SEC. 23. Section 7009 of said code is amended to read:

7009. The county from which each mentally deficient person is committed shall pay the State a portion of the cost of the care of such person, for the time the person committed remains an inmate of a state hospital for the mentally deficient or mentally ill or on leave of absence to a licensed hospital, facility or boarding home for the care of such persons, at the monthly rate therefor fixed as provided in Section 7010.

SEC. 24. Section 7010 of said code is amended to read:

7010. The portion of the cost of such care payable by the county shall be determined by the Department of Mental Hygiene from time to time, subject to the approval of the Department of Finance, but in no case shall it exceed the rate of forty dollars ($40) per month.

SEC. 25. Section 7011.5 is added to said code, to read:

7011.5. Each mentally deficient person and his estate shall pay the department for the cost of such person's care and maintenance while in the state hospital and while on leave of absence at state expense, less the sums payable therefor by the county. The provisions of Sections 6651 and 6652 of this code shall govern the assessment, cancellation, collection, and remission of charges for such care and maintenance.

This section shall not be construed to impose any liability on the parents of mentally deficient persons.

CHAPTER 1914

An act to add Section 21107.7 to the Vehicle Code, relating to private roads.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 21107.7 is added to the Vehicle Code, to read:

21107.7. (a) Any city or county may, by ordinance or resolution, find and declare that there are privately owned and maintained roads as described in said ordinance or resolution within the city or county that are not generally held open for use of the public for purposes of vehicular travel but by reason of their proximity to or connection with highways the interests of the residents residing along such roads and the motoring public will best be served by application of provisions of this code to such roads. No such ordinance or resolution shall be

enacted unless there is first filed with the city or county a petition requesting such by a majority of the owners of any such privately owned and maintained road and without a public hearing thereon and 10 days' prior written notice to all owners of such road. Upon enactment of such ordinance or resolution, the provisions of Section 22350 and as provided in Chapter 12 (commencing with Section 23100) of this division of this code shall apply to any such privately owned and maintained road provided appropriate signs are erected at the entrance to the road of such size, shape and color as to be readily legible during daylight hours from a distance of 100 feet, to the effect that the road is subject to such provisions of this code.

(b) The department shall not be required to provide patrol or enforce any provisions of this code on any privately owned and maintained road subjected to the provisions of this code under this section, except those provisions applicable to private property other than by action under this section.

CHAPTER 1915

An act to amend Section 1056 of the Code of Civil Procedure, relating to qualifications of surety insurers.

[Approved by Governor July 19, 1963 Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1056 of the Code of Civil Procedure is amended to read:

1056. In all cases where an undertaking or bond, with any number of sureties is authorized or required by any provision of this code, or of any law of this State, any corporate or reciprocal insurer, possessing a certificate of authority from the Insurance Commissioner authorizing it to write surety insurance defined in Section 105 of the Insurance Code may become and shall be accepted as security or as sole and sufficient surety upon such undertaking or bond, and such corporate surety shall be subject to all the liabilities and entitled to all the rights of natural persons' sureties.

CHAPTER 1916

An act to amend Sections 19, 101, 102, 108, 112, 113, 114, 114.1, 114.5, 116, 118, 118.2, 119, 119.5, 120.5, 120.65, and 123 of, to repeal Sections 7.1, 7.5, 103, 103.5, 103.6, 103.8, 104, 104.1, 104.2, 104.3, 104.5, 104.6, 105, 105.5, 106, 111, 119.6, and 130 of, to amend and renumber Sections 103.1, 103.3, 103.4, and 103.7 of, to add Article 2 (commencing with Section 445) to Chapter 5.5 of Division 1 of, and to add Sections 100.5, 101.5, 103, 104, 104.5, 107.5, 114.2, 119.6, 119.7, 119.8, 200, 200.2, 201, and 201.1 to, the Welfare and Institutions Code, relating to public social services, and making an appropriation.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 7.1 of the Welfare and Institutions Code is repealed.

SEC. 2. Section 7.5 of said code is repealed.

SEC. 3. Section 19 of said code is amended to read:

19. The purpose of this code is to provide for protection, care, and assistance to the people of the State in need thereof, and to promote the welfare and happiness of all of the people of the State by providing appropriate public assistance and services to all of its needy and distressed. It is the legislative intent that assistance shall be administered and services provided promptly and humanely, with due regard for the preservation of family life, and without discrimination on account of race, religion, or political affiliation; and that assistance shall be so administered and services so provided as to encourage self-respect, self-reliance, and the desire to be a good citizen, useful to society.

It is also the purpose of this code, in establishing programs and services which are designed to provide protection, support or care of children, to provide protective services to the fullest extent deemed necessary by the juvenile court, probation department or other public agencies designated by the board of supervisors to perform the duties prescribed by this code to insure that the rights or physical, mental or moral welfare of children are not violated or threatened by their present circumstances or environment. Such essential services may be provided irrespective of whether the child or the family of the child is otherwise known to the responsible local agency.

SEC. 4. Section 100.5 is added to said code, to read:

100.5. As used in all but Chapter 2 (commencing with Section 150) of this division:

(a) "Public social services" means those activities and functions of state and local government administered or supervised by the department and involved in providing aid or

services or both to those people of the State who, because of their economic circumstances or social condition, are in need thereof and may benefit thereby.

(b) "Aid" means financial assistance provided to or in behalf of needy persons under the terms of this code, including direct money payments, vendor payments and medical care.

(c) "Services" means those activities and functions performed by social work staff and related personnel of the department and county departments with or in behalf of individuals or families which are directed toward the improvement of the capabilities of such individuals or families maintaining or achieving a sound family life, rehabilitation, self-care, and economic independence.

(d) "Department" means the State Department of Social Welfare.

(e) "Director" means the Director of the State Department of Social Welfare.

(f) "Board" means the State Social Welfare Board.

(g) "Board of supervisors" means the county board of supervisors.

(h) "County department" means the county agency designated by the county board of supervisors, or by such other authority as may be provided in the county charter, as responsible for the administration of public social services.

(i) "County director" means the director or other chief executive of the county department.

(j) "Regulations" includes but is not limited to standards of eligibility for aid and services, and procedures necessary for the proper and efficient administration of public social services, and standards as to conditions which must be met by agencies or individuals subject to licensing or supervision by the department.

SEC. 5. Section 101 of said code is amended to read:

101. The department shall consist of the director, the State Social Welfare Board, and such divisions, in addition to that provided for in Section 3076, or other administrative units as he may find necessary for proper administration.

The State Social Welfare Board consists of seven members. Each member of the board shall be appointed by the Governor with the advice and consent of the Senate, and shall serve at the pleasure of the Governor. It shall be the duty of the Governor to fill all vacancies on the board within 60 days.

The members of the board shall be selected for their interest and leadership in social welfare activities without regard to political or religious affiliations or profession or occupation.

The members of the board shall serve without compensation, except that each member shall be paid a per diem of twenty-five dollars ($25) for each day's attendance at a meeting of the board, not to exceed six days in any month. The members of the board shall also receive their actual and necessary traveling expenses incurred in the course of their duties.

SEC. 5.5. Section 101.5 is added to said code, to read:

101.5. Two Members of the Senate, appointed by the Senate Committee on Rules, and two Members of the Assembly, appointed by the Speaker, shall meet with, and participate in, the work of the State Social Welfare Board under subdivisions (a) and (b) of Section 103 to the extent that such participation is not incompatible with their positions as members of the Legislature. The members of the Legislature appointed to the board shall serve at the pleasure of the appointing power. For the purposes of this chapter, such members of the Legislature shall constitute a joint interim legislative committee on the subject of this chapter and shall have the powers and duties imposed on such committees by the Joint Rules of the Senate and Assembly.

SEC. 6. Section 102 of said code is amended to read:

102. The members of the board shall meet at such times as may be determined by resolution of the board. Special meetings may be called by the chairman, who shall be designated by the Governor. Members who fail to attend three consecutive regular meetings shall be deemed to have resigned from the board, but the board may for good cause grant leaves of absence to its members.

Four members of the board shall constitute a quorum for the performance of any duty or for the exercise of any power of the board.

SEC. 8. Section 103 of said code is repealed.

SEC. 9. Section 103 is added to said code, to read:

103. The State Social Welfare Board shall:

(a) Study statewide problems of poverty, neglect, and deprivation and undertake systematic and continuing reappraisal of policies, programs, and operations in the area of public social services in order to evaluate the effectiveness of public social services and to determine how best to meet the problems of dependent poverty in a balanced manner considering the fiscal capabilities of both the State and the counties.

(b) Submit annual reports to the director, the Governor, and the Legislature, with suggestions and recommendations for administrative, executive, and legislative action to better meet problems of poverty, neglect, and deprivation, and to improve the administration of public social services.

(c) Advise the director on all matters referred by him to the board for recommendation.

SEC. 10. Section 103.1 of said code is amended and renumbered to read:

104.1. Notwithstanding any other provisions of this code, the director is the only person authorized to adopt regulations, orders, or standards of general application which are adopted to implement, interpret, or make specific the law enforced by the department, and such regulations, orders, and standards shall be adopted, amended, or repealed by the director only in accordance with the provisions of Chapter 4.5, Part 1, Divi-

sion 3, Title 2 of the Government Code, except that such regulations need not be printed in the California Administrative Code or California Administrative Register if they are included in the publications of the Department of Social Welfare.

In adopting regulations the director shall strive for clarity of language which may be readily understood by those administering public social services, or subject to such regulations.

The rules of the department need not specify or include the detail of forms, reports or records but shall include the essential authority by which any person, agency, organization, association or institution subject to the supervision or investigation of the department is required to use, submit or maintain such forms, reports or records.

SEC. 11. Section 103.3 of said code is amended and renumbered to read:

104.2. The provisions of this code relative to public social services for which state grant-in-aid are made to the counties shall be administered fairly to the end that all persons who are eligible and apply for such public social services shall receive the assistance to which they are entitled promptly, with due consideration for the needs of applicants and the safeguarding of public funds.

(a) Any applicant for, or recipient or payee of, such public social services shall be informed as to the provisions of eligibility and his responsibility for reporting facts material to a correct determination of eligibility and grant.

(b) Any applicant for, or recipient or payee of, such public social services shall be responsible for reporting accurately and completely within his competence those facts required of him pursuant to subdivision (a) and to report promptly any changes in those facts.

(c) Any person who makes full and complete disclosure of those facts as explained to him pursuant to subdivision (a) is entitled to rely upon the award of aid as being accurate, and that the warrant he receives correctly reflects the award made, except that the county paying the aid shall be allowed a period of two months following the month of payment within which to adjust any errors or changes in amount of grant resulting from changes in income or need which occur too late to be reflected in the grant for the current month.

(d) If any overpayment which results because of the failure to report facts in accordance with subdivision (b) is not adjusted within a period of two months following the month of the discovery of the overpayment, the person receiving the aid shall make restitution and all actions necessary to secure restitution may be brought against him.

If the recipient or family is currently eligible in accordance with law and the regulations of the department, collection of overpayments shall not be made through discontinuance or reduction of aid beyond the grant adjustment period permitted

by subsection (c) except where the recipient or family at the time of determination of the overpayment possessed liquid assets sufficient to meet needs of himself or his family, according to department standard, during the period of reduction or discontinuance thereof.

(e) If it is found that a recipient or a family was possessed of property in excess of the amount permitted by law, and it cannot be established that the recipient or family received such aid in bad faith, without honestly believing eligibility was properly established, the amount collectible shall be limited to an amount equal to the market value of the excess property or the amount of aid granted during the period the excess property was held, whichever is the lesser.

(f) When an underpayment or denial of aid occurs because of an administrative error or inadvertence on the part of a county and as a result the applicant or recipient does not receive the amount to which he is entitled, the county shall pay aid equal to the full amount of the underpayment which occurred during the period of four years immediately preceding the date the error or inadvertence is discovered.

SEC. 12. Section 103.4 of said code is amended and renumbered to read:

104.3. For the purposes of the provisions of this code relating to public assistance, including but not limited to aid to the aged, aid to families with dependent children, aid to to the disabled, aid to blind, and aid to potentially self-supporting blind residents, the continued absence of a recipient of public assistance from this State for a period of one year or longer shall be prima facie evidence of the intent of the recipient to have changed his residence to a place outside this State. The county granting the aid shall make inquiry from such persons as to their intent to remain residents of California or to become residents of another state, and shall redetermine the residence of such persons for purposes of this chapter. In any case where the inquiry made under this section establishes that the recipient is no longer a resident of this State, his aid shall be terminated immediately.

If a recipient of aid is prevented by illness or other good cause from returning to this State at the end of one year, and has not by act or intent, established residence elsewhere, he shall not be deemed to have lost his residence in this State.

If a recipient of aid is disqualified for aid on the ground that he has left the State, and returns to the State within one year after leaving, he shall be considered to have resided in the State for a sufficient time to qualify for aid, and, if otherwise eligible, aid shall be granted to him as of the first day of the month following his application.

SEC. 13. Section 103.5 of said code is repealed.

SEC. 14. Section 103.6 of said code is repealed.

SEC. 15. Section 103.7 of said code is amended and renumbered to read:

104.4. When a recipient of public assistance for which state grants-in-aid are made to the counties is absent from the United States for a period in excess of 30 days, his aid shall thereafter be suspended whenever need cannot be determined for the ensuing period of his absence from the United States. No person shall be considered absent from the United States in accordance with this section if he is residing in any of the states, territories, possessions or other districts eligible to receive grants-in-aid from the federal government under the Social Security Act.

SEC. 16. Section 103.8 of said code is repealed.

SEC. 17. Section 104 of said code is repealed.

SEC. 18. Section 104 is added to said code, to read:

104. With the consent of the Senate, the Governor shall appoint, to serve at his pleasure, an executive officer who shall be director of the department. The director shall be appointed wholly on the basis of training, demonstrated ability, experience, and leadership in organized social welfare administration. He shall receive the salary provided for by Chapter 6, Part 1, Division 3, Title 2 of the Government Code.

He shall:

(a) Be responsible for the management of the department.

(b) Administer the laws pertaining to the administration of public social services.

(c) Observe and report to the Governor on the conditions of public social services throughout the State.

(d) Formulate, adopt, amend or repeal regulations and general policies affecting the purposes, responsibilities, and jurisdiction of the department and which are consistent with law and necessary for the administration of the public social services.

All regulations heretofore adopted by the State Social Welfare Board shall remain in effect and shall be fully enforceable unless and until readopted, amended or repealed by the director.

(e) Perform such other duties as may be prescribed by law and such other administrative and executive duties as have by other provisions of the law been previously imposed upon the board.

SEC. 19. Section 104.1 of said code is repealed

SEC. 20. Section 104.2 of said code is repealed.

SEC. 21. Section 104.3 of said code is repealed.

SEC. 22. Section 104.5 of said code is repealed.

SEC. 23. Section 104.5 is added to said code, to read:

104.5. It is hereby declared that provision for public social services in this code is a matter of statewide concern. The department is hereby designated as the single state agency with full power to supervise every phase of the administration of the public social services for which grants-in-aid are received from the United States government or made by the State in order to secure full compliance with the applicable provisions of state and federal laws.

SEC. 24. Section 104.6 of said code is repealed.

SEC. 25. Section 105 of said code is repealed.

SEC. 27. Section 105.5 of said code is repealed.

SEC. 28. Section 106 of said code is repealed.

SEC. 28.5. Section 107.5 is added to said code, to read:

107.5. The administrative adviser and the chief referee of the Department of Social Welfare shall be attorneys, and shall otherwise meet such qualifications as may be prescribed by the State Personnel Board.

SEC. 29. Section 108 of said code is amended to read:

108. No person, while holding the office of director or member of the State Social Welfare Board, or of the merit system committee shall also be a trustee, manager, director, or other officer or employee of any agency performing any function supervised by the department or any institution which is subject to examination, inspection, or supervision by the department; nor shall any member of the State Social Welfare Board or of the merit system committee hold any other office or employment in the department.

SEC. 30. Section 111 of said code is repealed.

SEC. 31. Section 112 of said code is amended to read:

112. The department shall investigate, examine and make reports upon:

(a) The charitable institutions of the State and of the counties and cities of the State, other than county hospitals and institutions under the jurisdiction of another state department.

(b) The public officers who are in any way responsible for the administration of public funds used for public social services.

SEC. 32. Section 113 of said code is amended to read:

113. The department shall advise public officers regarding the administration of public social services by public agencies throughout the State, and it shall supervise the administration of state aid to all persons receiving or eligible to receive state aid. It shall also supervise the expenditure of any funds for Indian relief which may be granted to the State by the federal government.

SEC. 33. Section 114 of said code is amended to read:

114. In administering any funds appropriated or made available to the department for disbursement through the counties for welfare purposes, the department shall:

(a) Require as a condition for receiving such grants-in-aid, that the county shall bear that proportion of the total expense of furnishing aid, as is fixed by the law relating to such aid.

(b) Establish regulations, not in conflict with the law fixing statewide standards for the administration of all state or federally aided public social service programs, defining and controlling the conditions under which aid may be granted or refused. All regulations established by the department shall be binding upon the boards of supervisors and the county department.

SEC. 34. Section 114.1 of said code is amended to read:

114.1. Any report published by the county in written or graphic form of expenditures for public assistance and services shall show clearly the amount and proportion of costs borne by local taxes and the amount and proportion of costs borne by the state and federal governments.

SEC. 35. Section 114.2 is added to said code, to read:

114.2. If the director considers a county director to be failing, in a substantial manner, to comply with any provision of this code, or any regulation, he shall put the county welfare director on written notice to that effect, and shall give a copy of the notice to the board of supervisors.

If within 60 days the county director fails to give reasonable assurance that he is complying and will continue to comply with the laws and regulations, the director shall order the county to appear at a hearing, before the director, with the State Social Welfare Board, to show cause why the department should not take action to secure compliance. The county shall be given at least 30 days' notice of such hearing. The director shall consider the case on the record established at the hearing, and the advice of the State Social Welfare Board, and, within 30 days, shall render proposed findings and a proposed decision on the issues. The proposed findings and decision shall be submitted to the county and the county shall have an opportunity to appear, within 10 days, at such time and place as may be fixed by the director, for the purpose of presenting oral arguments respecting the proposed findings and decision. Thereupon the director shall make his final findings and decision.

If the director determines that there is a failure on the part of the county to comply with the provisions of this code or the established regulations and that administrative sanctions are necessary to secure compliance, the department may invoke any of the following sanctions:

(a) Withhold part or all of state and federal funds from such county until the county shall make a showing to the director of compliance; or

(b) Assume, temporarily, direct responsibility for the administration of any or all state-aided public social service programs in such county until the county shall provide reasonable assurance to the director of its intention and ability to comply with such laws and regulations. During such period of state administrative responsibility for county programs, the director or his authorized representative shall have all of the powers and responsibilities of the county director, with the exception that he shall not be subject to the authority of the county board of supervisors; or

(c) Bring an action in mandamus or such other action in court as may be appropriate to compel compliance. Any such action shall be entitled to a preference in setting a date for a hearing.

Nothing in this section shall be construed as relieving the county board of supervisors of the responsibility to provide funds necessary for the continued public social services required by law.

Nothing contained in this section shall be construed as preventing a county from seeking judicial review of action taken by the director pursuant to this section under Section 1094.5 of the Code of Civil Procedure or, except in cases arising under Sections 445.12 and 445.13, from seeking injunctive relief when deemed appropriate.

SEC. 36. Section 114.5 of said code is amended to read:

114.5. The department shall cause to be published and made available for sale to the public at the cost of publishing all of its rules and regulations relating to:

(a) The government of the department.

(b) Any form of public social services for which state aid is granted to the counties of the State, or over the administration of which the department has supervision.

The department shall also provide at cost such subscription service as may be necessary to assure to purchasers of the printed rules and regulations prompt receipt of all additions and amendments to the rules and regulations of the department and digests of decisions compiled under Section 445.14.

SEC. 37. Section 116 of said code is amended to read:

116. In order to secure accuracy, uniformity, and completeness in such statistics and information, the department, by regulation, may prescribe forms of report and records to be kept by all persons, associations, or institutions subject to investigation or supervision by the department, and each such person, association, or institution shall keep such records and render such reports in conformity with the forms so prescribed.

SEC. 38. Section 118 of said code is amended to read:

118. Except as otherwise provided in this section, all applications and records concerning any individual made or kept by any public officer or agency in connection with the administration of any provision of this code relating to any form of public social services for which grants-in-aid are received by this State from the United States government shall be confidential, and shall not be open to examination for any purpose not directly connected with the administration of such public social service; provided, however, any agency having custody of such records may make the disbursement records available to the district attorney upon his request. The information thus obtained shall be made available to the district attorney for the official conduct of his office and shall not be used for any other purpose.

Except as otherwise provided in this section, no person shall publish or disclose or permit or cause to be published or disclosed any list of persons receiving any such public social services. Except for purposes directly connected with the administration of such public social services, no person shall publish,

disclose, or use or permit or cause to be published, disclosed, or used any confidential information pertaining to an applicant or recipient. Any violation of this section is a misdemeanor.

The State Department of Social Welfare may make rules and regulations governing the custody, use and preservation of all records, papers, files and communications pertaining to the administration of the laws relating to public social services. The rules and regulations shall be binding on all departments, officials and employees of the State, or of any political subdivision of the State and may provide for giving information to or exchanging information with agencies, public or private, which are engaged in planning, providing or securing social services for or in behalf of recipients or applicants; and for making case records available for research purposes, provided, that such research will not result in the disclosure of the identity of applicants or recipients of public social services.

Any person, including every public officer and employee, who knowingly secures, or possesses, other than in the course of official duty, an official list or a list compiled from official sources, published or disclosed in violation of this section, of persons who have applied for or who have been granted any form of public social services for which state or federal funds are made available to the counties of the State is guilty of a misdemeanor.

SEC. 39. Section 118.2 of said code is amended to read:

118.2. Notwithstanding any provisions of Sections 29800 and 29805 of the Government Code, warrants payable to recipients of old age security, aid to the blind, aid to the disabled, aid to potentially self-supporting blind residents, or aid to families with dependent children shall not include any word or abbreviation indicative of aid, assistance, charity, needy, support, or welfare. Nothing in this section prohibits the use of code numbers or other code symbols used and understood by county officers and agencies to identify the purpose and liability for which such warrants are drawn, if such code numbers or other code symbols are not generally so understood by the public.

SEC. 40. Section 119 of said code is amended to read:

119. The department shall, within the limits of funds made available, provide welfare personnel training courses and services, including inservice training, educational leaves or stipends, traineeships, internships, and the expansion of fieldwork training facilities within county welfare departments for the use of colleges and universities, in preparing students for employment in the administration of public social services programs. The training courses and services provided pursuant to this section shall be designed to promote welfare personnel training in every county in this State which will provide the quality and quantity of trained personnel required to eliminate or reduce the circumstances or conditions which impede or prevent an individual or a family from mak-

ing progress toward proper social adjustment, self-support, and self-direction.

SEC. 41. Section 119.5 of said code is amended to read:

119.5. For the purposes of the administration of state or federally supported public social services, the director shall by regulation establish and maintain personnel standards on a merit basis (including therein standards of qualifications, competency, education, experience, tenure and compensation) necessary for proper and efficient administration, and to assure state conformity with applicable federal requirements.

In the exercise of his functions under this section, the director shall exercise no authority with respect to the selection, tenure of office and compensation of any individual employed in accordance with such standards.

Nothing in this section shall prevent any county from establishing its own merit system and determining thereunder the personnel standards to be applicable to its employees, but as to employees engaged in administering state and federally supported public social services, such county systems and standards shall be subject to approval and review by the department.

SEC. 42 Section 119.6 of said code is repealed

SEC. 43. Section 119.6 is added to said code, to read:

119.6. The director shall contract with either the State Personnel Board or such other public agency as may be deemed advisable for the examination and certification of eligible personnel.

SEC. 44. Section 119 7 is added to said code, to read:

119.7. The director shall appoint a merit system committee consisting of seven members including a chairman designated by the director to serve for a term of four years. All members shall meet federal qualifications for membership on a Merit System Council, and shall be chosen solely on the basis of their proficiency in the field of personnel administration and their knowledge of public welfare and other social welfare functions. All members shall serve without compensation but shall receive their actual and necessary traveling expenses incurred in the course of their duties. Two of the seven members shall be appointed from a list of at least six nominees secured by the director from non-civil-service counties. One member of the seven shall be appointed from a list of at least three nominees secured by the director from civil service counties. Initial appointments shall be one member for one year and each of two members for two, three, and four years respectively.

SEC. 45. Section 119 8 is added to said code, to read:

119.8. The merit system committee shall:

(a) Advise the director on standards and other matters relating to personnel.

(b) Hear and decide appeals of any applicant for employment or officer or employee in a county not having its own approved civil service system from the decision of a county department or board of supervisors affecting the employment

rights of such persons under merit systems standards and regulations. Any decision rendered in such an appeal shall be binding upon the county. Hearings under this section shall not be subject to the provisions of Sections 11500 to 11528 of the Government Code.

SEC. 46. Section 120.5 of said code is amended to read:

120.5. The functions of the department may include the administration and the supervision of the administration of public social services within this State as an agent of the federal government and acting as a service agency for the federal government in the field of social service and welfare.

SEC. 47. Section 120.65 of said code is amended to read:

120.65. Employees of the department who are engaged in the administration of public social services are authorized (1) to attend courses of training provided by institutions of higher learning, (2) attend special courses of study or seminars of short duration conducted by experts on a temporary basis for the purpose, (3) accept fellowships or traineeships at institutions of higher learning with such stipends as are permitted by regulations of the federal government.

Any leave of absence granted to any employee of the department as authorized by this section shall be subject to the approval of the State Personnel Board.

SEC. 48. Section 123 of said code is amended to read:

123. Two months prior to each annual session of the Legislature, the department shall make a full and complete report to the Governor of all its transactions during the preceding year, showing specifically all expenses incurred and moneys paid out by it, with suggestions and recommendations for legislative and executive action.

SEC. 49. Section 130 of said code is repealed.

SEC. 50. Section 200 is added to said code, to read:

200. The administration of public social services in each of the several counties of the State is hereby declared to be a county function and responsibility and therefore rests upon the boards of supervisors in the respective counties pursuant to the applicable laws, and in the case of public social services for which federal or state funds are provided, subject to the regulations of the State Department of Social Welfare.

For the purpose of providing for and carrying out this function and responsibility, the board of supervisors of each county, or other agency as may be otherwise provided by county charter, shall establish a county department, unless otherwise provided by the county charter. Except as provided herein, the county department shall be the county agency for the administration of public social services and to promote public understanding of the public social services provided under this code and the problems with which they deal.

SEC. 52. Section 201 is added to said code, to read:

201. A county director shall be appointed in each county by the board of supervisors, or other agency designated by county charter, subject to either local merit system standards

or to standards prescribed under the merit system administered by the State Department of Social Welfare.

The county director shall at all times be under the general direction and supervision of the board of supervisors, unless otherwise provided by county charter.

SEC. 53. Section 200.2 is added to said code, to read:

200.2. The county department shall administer the public social services authorized or permitted under the applicable portions of this code in accordance with the regulations of the department.

The county department shall make such reports to the state department as may be required.

SEC. 54. Section 201.1 is added to said code, to read:

201.1. The county director shall, for and in behalf of the board of supervisors, have full charge of the county department and the responsibility for administering and enforcing the provisions of this code pertaining to public social services under the regulations of the department. He shall abide by all lawful directives of the department, transmitted through the board of supervisors.

He shall:

(a) Serve as the executive and administrative officer of the county department. The county director may delegate his powers and functions to any member of his staff.

(b) Establish such administrative units as he may deem necessary or desirable for the proper and efficient administration of the county department, employ such personnel as may be authorized subject to merit system regulations and the state standards established pursuant to Section 119.5 of this code.

(c) Perform such other duties as may be prescribed by law, and, except for Section 201, such other administrative and executive duties pertaining to the public social services as may, by other provisions of the law, be imposed upon the board of supervisors.

(d) Perform such other duties as may be prescribed by the board of supervisors.

SEC. 54.5. Article 2 (commencing with Section 445) is added to Chapter 5.5 of Division 1 of said code, to read:

Article 2. Hearings

445. If any recipient is dissatisfied with any action of the county department relating to his application for or receipt of aid or services, or if his application is not acted upon with reasonable promptness, or if any person who desires to apply for such aid or services is refused the opportunity to submit a signed application therefor, and is dissatisfied with such refusal, he shall, in person or through an authorized representative, without the necessity of filing a claim with the board of supervisors, upon filing a request with the department, be accorded an opportunity for a fair hearing.

As used in this article, "recipient" means an applicant for or recipient of aid or services except aid or services exclusively financed by county funds.

445.1. No person shall be entitled to a hearing pursuant to this article unless he files his request for the same within one year after the order or action complained of.

445.2. The department shall set the hearing to be commenced within 45 days after the request is filed, and, at least 10 days prior to the hearing, shall give all parties concerned written notice of the time and place of the hearing.

445.3. A hearing under this article shall be conducted by referees employed by the department, unless the director orders that it shall be conducted by himself or by the administrative adviser of the department in behalf of the director.

445.4. The director, administrative adviser, or referee, in conducting the hearing, shall have all of the powers and authority conferred upon the head of a department in Article 2 (commencing with Section 11180) of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code.

445.5. The hearing shall be conducted in an impartial and informal manner in order to encourage free and open discussion by participants. All testimony shall be submitted under oath or affirmation. The person conducting the hearing shall not be bound by rules of procedure or evidence applicable in judicial proceedings. At the hearing the recipient may appear in person with counsel of his own choosing, or in person and without such counsel.

445.6. The proceedings at the hearing shall be reported by a phonographic reporter or otherwise perpetuated by mechanical, electronic, or other means capable of reproduction or transcription.

445.7. The person conducting the hearing, upon good cause shown, may continue the hearing for a period of not to exceed 30 days. When the refusal of a county to accept a signed application for aid or services is an issue, the director may require the county to accept the application, and may continue the case until the results of the investigation have been reported to him. In any such case in which aid is awarded by the director, the payments shall commence at the time indicated by the director.

445.8. If the hearing is conducted by a referee, he shall prepare a proposed decision, in writing and in such form that it may be adopted as the decision in the case, and, after approval of the decision by the chief referee of the department, shall file a copy of the proposed decision, within 75 days after the conclusion of the hearing, with the director.

445.9. Within 30 days after receiving a copy of the referee's proposed decision, the director may adopt the decision in its entirety; decide the matter himself on the record, including the transcript, with or without taking additional evidence; or order a rehearing to be conducted by himself, the administrative adviser of the department or another referee in

behalf of the director. If the director decides the matter, a copy of his decision shall be served on the recipient and on the affected county, and, if his decision differs materially from the proposed decision of the referee, a copy of that proposed decision shall also be served on the recipient and on the affected county. If a rehearing is ordered, it shall be conducted in the same manner and within the same time limits specified for the original hearing.

445.10. Within 30 days after adoption by the director of the proposed decision of a referee or the issuance by the director of his own decision, the affected county or recipient may file a request with the director for a rehearing and the director, within 10 days after receipt of the request, shall grant or deny the request. If the director grants the request, the rehearing shall be conducted in the same manner and subject to the same time limits as the original hearing.

445.11. The decision of the director need not specify the amount of the award to be paid unless the amount of the award is an issue. If the decision is in favor of the recipient, the county department shall pay to the recipient, without the necessity of establishing his present need, the amount of aid he is entitled to receive pursuant to the director's decision, payment to commence as of the date the person was first entitled thereto, or grant to him the services to which the director finds he is entitled.

445.12. After having exhausted the administrative remedy provided for in Section 445.10, the recipient or the affected county, within one year after receiving notice of the director's final decision, may file a petition with the superior court, under the provisions of Section 1094.5 of the Code of Civil Procedure, praying for a review of the entire proceedings in the matter, upon questions of law involved in the case. Such review, if granted, shall be the exclusive remedy available to the recipient or county for review of the director's decision. The director shall be the sole respondent in such proceedings.

No filing fee shall be required for the filing of a petition pursuant to this section. Any such petition to the superior court shall be entitled to a preference in setting a date for hearing on the petition. No bond shall be required in the case of any petition for review, nor in any appeal therefrom. The recipient shall be entitled to reasonable attorney's fees and costs, if he obtains a decision in his favor.

445.13. The county director shall comply with and execute every decision of the director rendered pursuant to this article.

445.14. The department shall compile and distribute to each county agency administering public assistance a current digest of decisions, properly indexed, rendered under this article, and each such digest shall be open to public inspection, subject, however, to the confidentiality requirements set forth in federal and state laws and regulations.

445.15. Nothing in this article shall prevent the filing of the request for a hearing by the legal representative, or, if there is no authorized legal representative, by an heir of a deceased recipient, in behalf of the decedent's estate, to the end that rights not determined at the time of death shall accrue to the estate of the recipient.

SEC. 55. Whenever reference is made in this code to the adoption of regulations or personnel standards, or to the conduct of hearings, by the State Social Welfare Board, unless the context indicates otherwise, the reference shall be construed to refer to the Director of the Department of Social Welfare.

References to the State Social Welfare Board in Sections 3050, 3083, 4150, 4557, and 4724 shall be construed to refer to the director.

A hearing or other matter pertaining to a hearing before the State Social Welfare Board, not completed on the effective date of this act, shall be completed by the Director of the Department of Social Welfare.

SEC. 56. There is hereby appropriated out of the General Fund, in augmentation of Item 173 of the Budget Act of 1963, the sum of sixty thousand dollars ($60,000) to the Department of Social Welfare for the support of the State Social Welfare Board during the 1963-1964 fiscal year.

CHAPTER 1917

An act to amend Sections 705, 946, 972, 976, 1350, 1401, 1452, 1589, 1590, 1600, 1601, 1605, 1612, 1750, 1751, 1765, 1811, 1854, 5051, 5053, 7042, 7081, 7085, 11019, 11090 and 11715 of, and to add Sections 705.1, 940.1, 1600.5, 1854.25, 7015.5 and 11715.5 to, and to repeal Sections 712, 7034 and 9034 of, the Insurance Code, relating to fees paid to or charged by the Insurance Commissioner.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 705 of the Insurance Code is amended to read:

705. The commissioner shall require the payment of ten dollars ($10) in lawful money of the United States, in advance as a fee for filing an application for each amendment of a certificate of authority authorizing any insurer to transact business in this State. Notwithstanding the provisions of Section 701 each insurer possessing a certificate of authority of indefinite term pursuant to such section shall owe and pay an annual fee of ten dollars ($10) in lawful money of the United States in advance on account of such certificate until its final

expiration. Such fee shall be for annual periods commencing on July 1st of each year and ending on June 30th of each year and shall be due on each March 1st and shall be delinquent on and after each April 1st.

SEC. 2. Section 705 1 is added to said code, to read:

705.1. The commissioner shall require the payment of two hundred fifty dollars ($250) in lawful money of the United States in advance as a fee for filing an application and all supporting exhibits including articles of incorporation, certificates of organization, certificates of capital and assets, certificates of deposit, financial statements, affidavits, appointments of agents for service of process, bonds, deposit schedules, appraisals, and other papers, in support of each original certificate of authority. Such fee shall be in lieu of the fees for filing or receiving such papers in support of an application for an original certificate of authority as specified in the following sections of the Insurance Code as they existed on January 1, 1963: 705, 712, 946, 976, 1350, 1590 (but not 1599), 1601, 7034, 9034, and 11090.

SEC. 3. Section 712 of said code is repealed.

SEC. 4. Section 940.1 is added to said code, to read:

940.1. The commissioner shall require the payment of twenty-five dollars ($25) in lawful money of the United States in advance for receiving and processing securities or deposit schedules for securities deposited pursuant to this article. An additional fee of five dollars ($5) shall be payable for each withdrawal, substitution, or any other change in the securities comprising such deposit. There shall be no other or additional fee for attaching the commissioner's seal to a securities deposit schedule for a deposit under this article.

SEC. 5. Section 946 of said code is amended to read:

946. If the deposit is of stocks or bonds, it shall be accompanied by the fees necessary for the appraisal thereof, except as otherwise provided by Article 3, Chapter 1, Part 2, Division 1, of this code.

SEC. 6. Section 972 of said code is amended to read:

972. Bonds shall be filed annually covering the period from July 1st to July 1st of the ensuing year; provided, if a bond is filed in a penal sum of twenty thousand dollars ($20,000), it may be made applicable to whatever period is covered by the insurer's certificate of authority or if such certificate be renewable annually to the current period and to all periods covered by renewals thereof; and provided further, if a bond is filed in a penal sum of less than twenty thousand dollars ($20,000), it may be made applicable alike to whatever period is covered by the insurer's certificate of authority or if such certificate be renewable annually to the current period and to periods covered by the renewals thereof if in either case both the principal and the sureties thereon, by endorsement, increase or decrease the penalty therein to annually make such bonds conformable to the requirements of this article. In all

other respects the bond shall be subject to the rules governing official bonds.

SEC. 7. Section 976 of said code is amended to read:

976. The commissioner shall require in advance, in lawful money of the United States as a fee for filing a bond or receiving securities from an admitted insurer pursuant to this article, or for withdrawing, substituting, or making any change in such securities or for filing an endorsement to such bond, five dollars ($5). There shall be no other or additional fee for attaching the commissioner's seal to a securities deposit schedule in such instance.

SEC. 8. Section 1350 of said code is amended to read:

1350. The commissioner shall issue a certificate of authority to the attorney upon compliance with the requirements of this chapter, and the payment of the application fee prescribed by Article 3, Chapter 1, Part 2, Division 1 of this code. Such certificate shall authorize the making, by the attorney, of contracts of insurance under the provision of this chapter. It shall also specify:

(a) The classes of insurance to be effected.

(b) The name of the attorney.

(c) The location of the principal office.

(d) The name under which such contracts of insurance are issued.

SEC. 9. Section 1401 of said code is amended to read:

1401. If an exchange has a surplus of admitted assets over all liabilities in a sum equal to 1½ times the minimum paid-in capital required of incorporated insurers issuing policies on a reserve basis and doing the same classes of insurance, then the Insurance Commissioner, upon written request, shall issue his certificate stating such fact. Subscribers at an exchange so certified shall have no liability for assessment on policies issued while such certificate remains in effect. Whenever the commissioner finds such fact does not exist, he shall revoke and require the surrender of his certificate. Upon revocation of such certificate no policy shall thereafter be issued nor be permitted to remain in force beyond the date fixed for the next payment of premium without written endorsement thereon providing for assessment liability in accordance with the terms of this chapter.

The commissioner shall charge and collect in advance a fee of twenty-five dollars ($25) in lawful money of the United States for issuing a certificate under this section, or for reissuing and amending or changing an obsolete certificate at the request of the insurer.

SEC. 10. Section 1452 of said code is amended to read:

1452. Process may be served upon the commissioner, instead of upon the attorney in fact, upon the payment to him in cash in advance of the sum of ten dollars ($10) in lawful money of the United States. When process is served upon the commissioner pursuant to this chapter, three copies of such process shall be delivered to the commissioner. He shall:

(a) File one copy in his office.

(b) Forward one copy by registered mail addressed to the attorney at the principal office of the exchange, as set forth in the declaration filed with the commissioner.

(c) Return one copy with his admission of service.

SEC. 11. Section 1589 of said code is amended to read:

1589. Whenever such a deposit is made with the commissioner, he shall issue to the depositing insurer a certificate under his official seal stating the items and amount of securities so deposited, and their value, to the best of his knowledge. In case of withdrawal and substitution, he shall issue a supplemental certificate of similar nature.

The commissioner shall require the payment of twenty-five dollars ($25) in lawful money of the United States in advance as a fee for issuing the first such certificate provided for in this article to each insurer, and five dollars ($5) for each additional certificate or each supplemental certificate evidencing any withdrawal, substitution, or other change in the securities deposited. There shall be no other or additional fee for attaching the commissioner's seal to a securities deposit schedule in such instances. The fees prescribed herein are separate from and not cumulative upon those prescribed by Article 11, Chapter 1, Part 2, Division 1 of this code.

SEC. 12. Section 1590 of said code is amended to read:

1590. The commissioner shall require the payment of five dollars ($5) in lawful money of the United States, in advance, as a fee for filing a certificate of deposit of securities under this article.

SEC. 13. Section 1600 of said code is amended to read:

1600. The commissioner shall require every foreign insurer, as a condition precedent to receiving and holding a certificate of authority, to file and maintain in the commissioner's office a writing designating an agent for service of process. Such writing shall state the name of the agent and his place of business in this State with sufficient particularity so that he can readily be found by peace officers or process servers. Appointment of such an agent reasonably available for service of papers, notice, proof of loss, summons or other process during business hours shall be continuously maintained by every admitted insurer subject to this article while it holds a valid and unrevoked certificate of authority.

SEC. 14. Section 1600.5 is added to said code, to read:

1600.5. An agent designated by a foreign insurer as provided in this article may file with the insurance commissioner a written statement of resignation as such agent which shall be signed and execution thereof shall be duly acknowledged by the agent. Thereupon, the authority of the agent to act in such capacity shall cease and the commissioner shall forthwith give written notice of such resignation by mail to the insurer addressed to its principal office as shown by his records. If an agent who has been appointed by a foreign corporation as provided in this article dies or resigns or removes his residence

from the State of California, the insurer shall forthwith file with the commissioner an appointment of a new agent on a form provided by the commissioner for such purpose and pay the filing fee therefor, and such filing shall be deemed to revoke any prior designation of agent.

SEC. 15. Section 1601 of said code is amended to read:

1601. No fee shall be charged, except as included in the application for certificate of authority fee provided by Article 3, Chapter 1, Part 2, Division 1 of this code, for filing the initial appointment under this article by an applicant for admission. Thereafter the commissioner shall require the payment of five dollars ($5) in lawful money of the United States in advance as a fee for filing appointment of agent or stipulation or both by every admitted foreign or alien insurer, under this article.

SEC. 16. Section 1605 of said code is amended to read:

1605. Service may be made upon the commissioner under the circumstances described in the agreement or stipulation provided for by this article if such service is accompanied by payment to the commissioner in lawful money of the United States of a fee of five dollars ($5).

Whenever such service is made upon the commissioner, within 10 days thereafter he shall transmit a copy of the paper served to the insurer. Such transmission shall be by mail, postage paid, and the package containing the papers shall be addressed to the manager, president, or secretary of the insurer at its home or principal office. The sending of such copy by the commissioner is a necessary part of the service of the papers.

SEC. 17. Section 1612 of said code is amended to read:

1612. Such service of process may be made by delivering to and leaving with the commissioner or some person in apparent charge of his office two copies thereof and by paying the appropriate fee prescribed herein. The commissioner shall forthwith mail by registered mail one of the copies of such process to the defendant at its last known principal place of business, and shall keep a record of all process so served upon him. The commissioner shall require the payment in lawful money of the United States in advance as a fee for receiving such process, ten dollars ($10) if any person named therein as a party to be served is an alien insurer, otherwise, two dollars ($2).

SEC. 18. Section 1750 of said code is amended to read:

1750. The commissioner shall require in advance as a fee for filing application for the hereinafter designated licenses, renewals thereof, or changes in outstanding licenses, an amount calculated as set forth herein. The fee is determined by multiplying the number of natural persons to be licensed or to be named on or added to the license by the amounts specified as to each such license multiplied by the number of license years in the period of the license applied for or the remaining period of an existing license counting any initial fractional license year of such period as one year for such purpose, as follows:

(a) Insurance agent, five dollars ($5).

(b) Insurance broker, twelve dollars and fifty cents ($12.50).

(c) Insurance solicitor, five dollars ($5).

(d) Life agent, resident, five dollars ($5).

(e) Life agent, nonresident:

(1) In the case of an applicant residing within 50 miles of the border of the State of California whose normal operations would include the transaction of insurance on both sides of that border, five dollars ($5).

(2) In all other cases, ten dollars ($10).

SEC. 19. Section 1751 of said code is amended to read:

1751. The commissioner shall require in advance as a fee for filing the following documents:

(a) Application for registration of change in membership of a copartnership licensed as:

(1) Insurance agent, five dollars ($5).

(2) Insurance broker, twelve and one-half dollars ($12.50).

(3) Life agent, resident, five dollars ($5).

(4) Life agent, nonresident: ten dollars ($10).

(A) In the case of a licensee maintaining an office within 50 miles of the border of the State of California whose normal operation would include the transaction of insurance on both sides of that border, five dollars ($5).

(B) In all other cases, ten dollars ($10).

(b) Application for endorsement removing from any life agent's, insurance agent's or insurance broker's license issued to an organization the name of any natural person named thereon, one dollar ($1).

(c) First amendment to an application, one dollar ($1).

(d) Original application to be given the qualifying examination for a license of a fire and casualty licensee, six dollars ($6) for each person to be examined.

(e) Original application to be given the qualifying examination for a license of a life licensee, six dollars ($6) for each person to be examined.

(f) Application for re-examination for any of the licenses mentioned in this section, ten dollars ($10) for each person to be re-examined.

SEC. 20. Section 1765 of said code is amended to read:

1765. Upon application in such form as the commissioner prescribes and subject to the provisions of Sections 1666, 1667 and 1668 of this code, the commissioner shall issue a license authorizing any applicant that is trustworthy and competent to transact an insurance brokerage business in such manner as to safeguard the interest of the insured, to act as a surplus line broker from the date of such license until the first day of July succeeding, on the delivery to the commissioner of a bond to the people of the State of California in the sum of twenty thousand dollars ($20,000) conditioned that said licensee will fully and faithfully comply with the requirements of this chapter, and all applicable provisions of this code. Such bond

shall be subject to the provisions of Sections 1662, 1663 and 1664 of this code.

The commissioner shall charge and collect in advance a fee of sixty-two dollars and fifty cents ($62.50) for filing each application for a license to act as a surplus line broker.

SEC. 21. Section 1811 of said code is amended to read:

1811. For his services in connection with the filing of any application or request for any license under this chapter, the commissioner shall charge and collect the following fees:

(a) For filing an application or request for bail agent's license or bail solicitor's license, twenty dollars ($20).

(b) For filing an application or request for bail permittee's license, one hundred dollars ($100).

(c) For filing an application for examination, or re-examination ten dollars ($10).

(d) For filing each annual notice of intention to keep a license in force, a fee of one-half the amount as that hereinabove specified for filing the application for that license.

At the time of filing an application for a license, if a qualifying examination is required for issue or in connection with such license, the fee for filing the first application to take the qualifying examination shall be paid at the time of filing application for the license.

SEC. 22. Section 1854 of said code is amended to read:

1854. No rating organization shall conduct its operations in this State without first filing with the commissioner a written application for and securing a license to act as a rating organization. Any rating organization may make application for and obtain a license as a rating organization if it shall meet the requirements for license set forth in this chapter. Every such rating organization shall file with its application (a) a copy of its constitution, its articles of incorporation, agreement or association, and of its bylaws, rules and regulations governing the conduct of its business, all duly certified by the custodian of the originals thereof, (b) a list of its members and subscribers, (c) the name and address of a resident of this State upon whom notices or orders of the commissioner or process affecting such rating organization may be served, and (d) a statement of its qualifications as a rating organization.

The fee for filing an application for license as a rating organization is one hundred dollars ($100) lawful money of the United States, payable in advance to the commissioner.

SEC. 23. Section 1854.25 is added to said code, to read:

1854.25. Notwithstanding the provision of Section 1854.2, each rating organization possessing a license of indefinite term pursuant to such section shall owe and pay to the commissioner an annual fee of fifty dollars ($50) in lawful money of the United States in advance on account of such license until its *final termination. Such fee shall be for periods commencing* on July 1, 1964, and on each July 1st thereafter and ending on June 30, 1965, and each June 30th thereafter, and shall be due and payable on March 1, 1964, and on each March 1st

thereafter and shall be delinquent on April 1, 1964, and each April 1st thereafter.

SEC. 24. Section 5051 of said code is amended to read:

5051. Upon the payment in advance of two hundred fifty dollars ($250) cash, lawful money of the United States, to the commissioner for all services to be rendered by him in the matter of organization of the insurer, such persons shall file with the commissioner a declaration of their intention to incorporate for the purposes expressed in Section 5050. The declaration shall be signed by all of such persons, and shall contain a copy of the articles of incorporation proposed to be adopted.

SEC. 25. Section 5053 of said code is amended to read:

5053. The duly executed articles of incorporation and a copy, certified by the county clerk, of the certificate of the commissioner shall be filed with the Secretary of State in conformity with Section 308 of the Corporations Code. Upon organizing under such articles of incorporation and obtaining from the commissioner a certificate of authority, such county mutual fire insurer may carry on a fire insurance business as provided by this chapter. The term and nature of such certificate of authority, annual renewal fee therefor, the due date and delinquent date of such fee shall be the same as prescribed by Article 3, Chapter 1, Part 2, Division 1, of this code for stock and mutual insurers governed by said article.

SEC. 26. Section 7015.5 is added to said code, to read:

7015.5. The commissioner shall charge and collect in advance a fee of twenty-five dollars ($25) for issuing a certificate under this article, or for reissuing and amending or changing an obsolete certificate at the request of an insurer.

SEC. 27. Section 7034 of said code is repealed.

SEC. 28. Section 7042 of said code is amended to read:

7042. If the vote is in the affirmative a certified copy of all proceedings relating to the proposed merger shall be filed with the commissioner. If the commissioner finds that the proceedings have been in accordance with the law and his requirements he shall issue his certificate approving the plan and agreement and the merger shall become effective when such certificate, the agreement and any other documents required by law have been filed with the Secretary of State.

The fee for issuing such certificate approving the merger shall be one hundred dollars ($100) lawful money of the United States for the original certificate, payable in advance, with the filing of the first merger papers with the commissioner; five dollars ($5) shall be charged for each signed and sealed or certified copy thereof issued as part of the same transaction in which the original certificate is issued.

SEC. 29. Section 7081 of said code is amended to read:

7081. Upon payment in advance of two hundred fifty dollars ($250) cash, lawful money of the United States, to the commissioner for all services to be rendered by him in the

matter of the organization of the reinsurer, such insurers shall first file with the commissioner a declaration of their intention to incorporate such a reinsurer.

SEC. 30. Section 7085 of said code is amended to read:

7085. Upon filing with the Secretary of State of the articles of incorporation and the certificate provided for in Section 7084, the incorporation of the reinsurer shall be complete and it may engage in business as such reinsurer upon applying for and obtaining from the commissioner a certificate of authority. The term and nature of such certificate of authority, annual renewal fee therefor, the due date and delinquent date of such fee shall be the same as provided by Article 3, Chapter 1, Part 2, Division 1, of this code for stock and mutual insurers governed by said article. No county mutual fire reinsurer shall transact business in this State without a valid and subsisting certificate of authority as provided for herein; provided, however, that any such reinsurer presently authorized to conduct such business shall not be required to pay the first ten dollars ($10) annual certificate of authority fee until April 1, 1964.

SEC. 31. Section 9034 of said code is repealed.

SEC. 32. Section 11019 of said code is amended to read:

11019. No domestic society shall consolidate or merge with any other society unless it files with the commissioner the papers and evidence specified in this section and pays the sum of twenty-five dollars ($25) in lawful money of the United States to the commissioner in advance as a filing fee therefor. The papers and evidence herein required to be filed with the commissioner in such instance are:

(a) A certified copy of the written contract containing in full the terms and conditions of the consolidation or merger;

(b) A sworn statement by the president and secretary or corresponding officers of each society showing the financial condition thereof on a date not earlier than December 31, next preceding the date of the contract;

(c) A certificate of such officers, duly verified by their respective oaths, that the consolidation or merger has been approved by a two-thirds vote of the supreme legislative or governing body of each society; and

(d) Evidence that at least 60 days prior to the action of the supreme legislative or governing body of each society, the text of the contract has been furnished to all members of the society by being sent by mail or by being published in full in the official organ of the society and the issue containing same being mailed to each member of the society.

SEC. 33. Section 11090 of said code is amended to read:

11090. Subject to the annual fee provisions as provided herein, every certificate of authority issued to a fraternal benefit society shall be for an indefinite term and shall expire with the expiration or termination of the corporate existence of the holder thereof unless sooner revoked by the commissioner. The commissioner shall require the payment of two hundred fifty

dollars ($250) in lawful money of the United States, in advance as a fee for filing an application for each original certificate of authority authorizing any fraternal benefit society to transact insurance in this State. Each society possessing a certificate of authority of indefinite term shall owe and pay an annual fee of twenty dollars ($20) in lawful money of the United States in advance on account of such certificate until its final expiration or revocation. Such fee shall be for annual periods commencing on July 1st of each year, and ending on June 30th of each year, and shall be due on each March 1st and shall be delinquent on and after each April 1st. A duly certified copy or duplicate of such certificate of authority shall be prima facie evidence that the holder is a fraternal benefit society within the meaning of this chapter.

SEC. 34. Section 11715 of said code is amended to read:

11715. Any workmen's compensation insurer may, in lieu of and subject to the same conditions as the bond required by Section 11690 and upon payment of the fee prescribed in this article, deposit with the commissioner cash or approved interest-bearing securities readily convertible into cash. Such deposit shall be made from time to time as demanded by the commissioner. He shall forthwith redeposit such cash and securities as a separate deposit with the State Treasurer. Such deposit shall be maintained at an amount not less than twenty-five thousand dollars ($25,000) nor less than the reserves required of such insurer to be maintained under any of the provisions of Article 1, Chapter 1, Part 3, Division 2 of this code, relating to loss reserves on workmen's compensation business of the insurer in this State nor less than the sum of the amounts specified in subdivision (a) of Section 11699.

SEC. 35. Section 11715.5 is added to said code, to read:

11715.5. The fees for filing a schedule of securities and making a deposit of the same and for each withdrawal, substitution, or any other change in the securities comprising such deposit shall be the same as are prescribed by Article 11, Chapter 1, Part 2, Division 1, of this code.

SEC. 36. Any changes made by legislation enacted in the 1963 General Session of the Legislature in the fees required to be paid by the provisions of Sections 1750, 1751, 1765 and 1811 of the Insurance Code shall become effective as to all applications for licenses, renewals thereof or changes therein for license periods commencing or to commence on or after July 1, 1964, and as to all applications to be given the qualifying examination filed on or after January 1, 1964.

CHAPTER 1918

An act to amend Section 20360 of the Government Code relating to optional membership in the State Employees' Retirement System.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 20360 of the Government Code is amended to read:

20360. A person directly appointed by the Governor, without the nomination of any officer or board, or an officer or an employee directly appointed by the Attorney General exempt from civil service under the provisions of Article XXIV of the Constitution, is excluded from membership in this system unless he files with the board an election in writing to become a member. He may so elect at any time, and has the option of making contributions to this system in the amount which he would have contributed had he not been so excluded, plus an amount equal to the interest, to the date or dates of his payment, which would have been credited to those contributions had he not been so excluded. Such contributions and interest shall be paid to this system at times, in amounts, and in a manner fixed by the board. If he affirmatively exercises the option:

(a) He shall receive credit for prior service in the same manner as if he had not been excluded, and

(b) The contributions of the State, or contracting agency because of his membership, shall be the same as they would have been had he not been excluded, and

(c) His rate of contribution shall be based on the nearest age at the time he first was excluded.

CHAPTER 1919

An act to repeal Section 6051 of the Insurance Code, relating to county mutual insurers.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6051 of the Insurance Code is repealed.

CHAPTER 1920

An act to amend Sections 32452, 32513, 32514 and 32553 of, and to add Sections 32470.1, 32471.5, and 32541.5 to, the Water Code, relating to annexation to county water districts.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 32452 of the Water Code is amended to read:

32452. From and after the date of the certificate of the Secretary of State the land therein described is included in the district and forms a part thereof and is subject to existing bond issues and indebtedness of the district, except as otherwise provided pursuant to the annexation proceedings.

SEC. 2. Section 32470.1 is added to said code, to read:

32470.1. If the district has incurred or authorized the incurring of any bonded indebtedness or indebtednesses, the board may by resolution determine that the land to be included will not be benefited by the purposes of any one or more of said indebtednesses, that the land shall not be subject to taxation for the payment of the principal of and interest on said bonds, and that, as a condition of annexation, it shall not be entitled to be served by any works or facilities acquired or constructed with the proceeds of said bonds.

SEC. 3. Section 32471.5 is added to said code, to read:

32471.5. If the board prescribes any condition not set forth in any petition or prescribes any condition substantially different from any condition set forth in any petition, it shall adjourn the hearing for not less than 28 nor more than 120 days and the secretary shall cause a notice of such adjourned hearing and such conditions to be published in the manner prescribed by Section 32421, and the secretary shall, within 2 days after the first publication of the notice mail a copy to each person to whom any land proposed to be included in the district was assessed on the last equalized assessment roll of the county containing that land at that person's address appearing on the assessment roll.

SEC. 4. Section 32513 of said code is amended to read:

32513. The petition shall set forth and describe the boundaries of the area proposed to be annexed and shall contain a prayer that the area be annexed to such county water district pursuant to the provisions of this chapter and may contain a prayer that the area be annexed subject to such terms and conditions as may be authorized pursuant to this division.

SEC. 5. Section 32514 of said code is amended to read:

32514 The secretary shall present the petition to the board of directors of the district at its next meeting, and the board, without delay, shall pass a resolution giving notice of the proposed annexation. The resolution shall state that the petition

has been filed, shall set forth and describe the boundaries of the territory proposed to be annexed, shall contain the terms and conditions of annexation, if any, as prayed by the petition or prescribed by the board as hereinafter authorized, shall state that any owner of property within the territory may file with the secretary of the district, at any time prior to the hour set for the hearing, written protest to the annexation of the territory, or to the annexation of the territory upon such terms and conditions, as the case may be, and shall fix the time and place of the meeting of the board at which the board will hear protests.

SEC. 6. Section 32541.5 is added to said code, to read:

32541.5. Such terms and conditions may provide that the land shall not be subject to taxation for the payment of the principal of and interest on any one or more bonded indebtedness theretofore authorized or sold on condition that said lands shall not be entitled to be served by any works or facilities acquired or constructed with the proceeds of said bonds.

SEC. 7. Section 32553 of said code is amended to read:

32553. From and after the date of such certificate, the area or areas named therein shall be deemed added to, and shall form a part of, the county water district, and the taxable property therein shall be subject to taxation thereafter for the purposes of the county water district, including the payment of bonds and other obligations of the district at the time authorized or outstanding, except as otherwise provided pursuant to the annexation proceedings, and the board of directors of the county water district shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation fixed as hereinabove authorized.

CHAPTER 1921

An act to add Article 2.5 (commencing with Section 671) to Chapter 1 of Division 3 of, to add Article 4 (commencing with Section 871) to Chapter 2 of Division 3 of, to add Chapter 2 (commencing with Section 20400) to Division 15 of, to amend Sections 20101, 20102, 20105, 20108, and 20109 of, and to repeal Sections 20103, 20104, and 20107 of, the Education Code, and to amend Section 2611.5 of the Revenue and Taxation Code, relating to the public school system.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Article 2.5 (commencing with Section 671) is added to Chapter 1 of Division 3 of the Education Code, to read:

Article 2.5. Transfer of Duties and Functions to County Board of Education

671. The county board of supervisors, by resolution, may transfer all of the following duties and functions of the county board of supervisors to the county board of education:

(a) Approval of the county superintendent's estimate of anticipated revenue and expenditures pursuant to Section 653, following which it shall be filed with the county board of supervisors.

(b) Allowance of the actual and necessary travel expenses and the expenses of the office of the county superintendent of schools pursuant to Sections 751, 752, and 753.

(c) Receipt of information concerning approvals of the formation of a joint parental school and the declaration, by resolution, of the school's formation, pursuant to Section 6552 and 6553.

SEC. 2. Article 4 (commencing with Section 871) is added to Chapter 2 of Division 3 of said code, to read:

Article 4. Classified County School Employees

871. The provisions of this article shall become operative in any county upon adoption of a resolution by the county board of supervisors to make it operative.

872. Each person employed by a county superintendent of schools in a position not requiring certification qualifications and whose salary is paid from the county school service fund shall be employed in accordance with the provisions of Chapter 1 (commencing with Section 12901) and Chapter 3 (commencing with Section 13580) of Division 10 of this code.

873. County employees assigned to the office of the county superintendent of schools shall cease to be employees of the county upon the establishment of a separate budget for the office of the county superintendent of schools, and shall thereafter be paid from the county school service fund.

874. County employees whose status is changed by this article shall retain all accumulated and unused sick leave, vacation, compensatory overtime and other benefits which can reasonably be construed to have been an earned right at the time of transfer from county service to the county school service fund.

875. No employee transferred from the county service to a position, the salary for which is paid from the county school service fund, shall suffer any loss of salary at the time of transfer or as to the future as relates to his status on the salary scale of the county in effect at the time of the transfer.

876. The County Board of Education shall adopt the merit system as provided in Article 5 (commencing with Section 13701) of Chapter 3, Division 10 of this code, if the county has a merit (civil service) system in effect at the time of the adoption of this article as provided in Section 871.

SEC. 3. Section 20101 of said code is amended to read:

20101. There is hereby established in the treasury of each county the "county school service fund."

SEC. 4. Section 20102 of said code is amended to read:

20102. Wherever any of the terms "unapportioned county elementary school fund," "county elementary school supervision fund," "unapportioned county high school fund," "county school service fund" are used in this code or in any other law, or "county general fund" is used in this code, said term shall be deemed to refer to and mean the "county school service fund."

SEC. 5. Section 20103 of said code is repealed.

SEC. 6. Section 20104 of said code is repealed.

SEC. 7. Section 20105 of said code is amended to read:

20105. The county school service fund shall be employed by the county superintendent of schools to pay such charges against the fund as are provided in this code; and to provide with the approval of the county board of education (a) additional apportionments to any school district under his jurisdiction for current expenses which (1) has levied the maximum district tax specified in Section 20751 and in which the annual average current cost per pupil does not exceed the annual average current cost per pupil for all districts of the same type within the county or under the jurisdiction of the county superintendent of schools, or (2) which needs additional apportionments for current expenses because of temporary emergency conditions, and (b) additional apportionments to any school district under his jurisdiction for the transportation of pupils to and from school to meet temporary emergency conditions.

SEC. 9. Section 20107 of said code is repealed.

SEC. 10. Section 20108 of said code is amended to read:

20108. The title to all property purchased by the county superintendent of schools from the county school service fund is in the offices of the county superintendent of schools.

SEC. 11. Section 20109 of said code is amended to read:

20109. The money credited to the county school service fund of a county pursuant to Section 16417 of the Government Code may be apportioned by the county superintendent of schools, with the approval of the county board of education, to school districts within which there is land which has been acquired by the United States.

SEC. 12. Chapter 2 (commencing with Section 20400) is added to Division 15 of said code, to read:

CHAPTER 2. BUDGET REQUIREMENTS AND BUDGET CALENDAR FOR COUNTY EDUCATION FUND

20400. The provisions of this chapter shall become applicable in any county upon adoption of a resolution to that effect by the county board of supervisors.

20401. (a) On or before the 10th day of August in each year the county board of education shall determine, and file with the county board of supervisors a budget showing, all the purposes for which the county board of education, the county committee on school district organization and the office of the county superintendent of schools will need money, including the salaries of all employees. The county board of education shall determine the amount of money that must be provided by a county tax by deducting from the total estimated needs of the county board of education, the county committee on school district organization, and the office of the county superintendent of schools as shown by the budget, the total estimated income from all sources other than a county tax as estimated in the budget.

(b) In addition to the above information, the tentative budget shall include estimated cash balances and the estimated apportionments from the State School Fund and an estimate of revenues from sources other than taxes on the secured roll of the equalized assessment roll of the county.

20402. The budget shall be maintained separate and distinct from the budget of the county, and shall be made in quadruplicate in the form and upon the blanks prescribed by the Superintendent of Public Instruction.

20403. The board of supervisors shall fix such a rate for the county tax as will produce the amount it determines shall be raised by a county tax for purposes of this chapter.

SEC. 13. Section 2611.5 of the Revenue and Taxation Code is amended to read:

2611 5. (a) Each county tax bill shall itemize either the tax rates or the dollar amounts of taxes levied on the property covered by the bill for county, city and education purposes. The tax rates or the dollar amounts of taxes levied on the property for other purposes shall be either specifically shown or combined into one or more items.

(b) In lieu of itemizing on the county tax bill the information required by subdivision (a) of this section, a separate statement itemizing the tax rates or the dollar amounts of taxes levied by each taxing agency on the property covered by the tax bill shall accompany the tax bill.

CHAPTER 1922

An act to amend Sections 134 and 135 of the Code of Civil Procedure, and to amend Section 24261 of, and to add Section 72300.1 to, the Government Code, relating to court holidays.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 134 of the Code of Civil Procedure is amended to read:

134. No court, other than the Supreme Court and the district courts of appeal, shall be open for the transaction of judicial business on any day specified or provided for as a holiday by Chapter 7 (commencing with Section 6700) of Division 7, Title 1 of the Government Code other than a special holiday or, in counties wherein county offices are, pursuant to ordinance, open for the transaction of county business on such election days, on a day on which an election is held throughout the State, except for the following purposes:

1. To give, upon their request, instructions to a jury when deliberating on their verdict;

2. To receive a verdict or discharge a jury;

3. For the exercise of the powers of a magistrate in a criminal action, or in a proceeding of a criminal nature.

Injunctions and writs of prohibition may be issued and served on any day.

Except as herein provided, justice courts shall always be open for the transaction of business.

SEC. 2. Section 135 of said code is amended to read:

135. On all special holidays, as the term "special holidays" is used in Section 6705 of the Government Code, the courts of this State shall be open for the transaction of any and all judicial business. If any day specified or provided for as a holiday in Chapter 7 (commencing with Section 6700) of Division 7, Title 1 of the Government Code, other than such a special holiday or, in counties wherein county offices are, pursuant to ordinance, open for the transaction of county business on such election days, on a day on which an election is held throughout the State, happens to be the day appointed for the holding or sitting of a court, or to which it is adjourned, it shall be deemed appointed for or adjourned to the next day.

SEC. 3. Section 24261 of the Government Code is amended to read:

24261. The judges of the superior court shall have chambers at the county seat and establish rules and hours for the dispatch of official business; provided that such rules must require that the courts shall be open for the transaction of judicial business on days on which an election is held throughout the State where county offices are open for the transaction of county business during such election days pursuant to ordinance.

SEC. 4. Section 72300.1 is added to said code, to read:

72300.1. Municipal courts shall be open for the transaction of business on days on which an election is held throughout the State where pursuant to ordinance county offices are open for the transaction of business during such election days.

CHAPTER 1923

An act to amend Section 5605 of, and to add Sections 5605.5, 5605.6, 20808, and 20808.5 to, the Education Code, relating to public school financing.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 5605 of the Education Code is amended to read:

5605. The governing board of any elementary school district situated within a high school district maintaining a junior high school shall permit pupils who have completed the sixth year of the elementary school to attend the junior high school and shall pay to the high school district for the education of the pupils a tuition charge determined pursuant to this section. The amount of the tuition charge shall be computed as follows:

(a) By multiplying each one hundred dollars ($100) of the assessed valuation of the elementary school district as modified pursuant to Section 17262 and as increased pursuant to Section 5605.6 for the current fiscal year, by the computational tax rate of one dollar and fifty cents ($1.50).

(b) By multiplying the product derived under subdivision (a) by the ratio which the average daily attendance of pupils of the elementary school district attending grades seven and eight of the junior high school during the current fiscal year, bears to the total average daily attendance of the elementary school district, including such pupils in grades seven and eight, during the current fiscal year.

On or before January 1st of each fiscal year, the county superintendent of schools shall draw his warrant in favor of the high school district against the general fund of the elementary school district in the amount of the tuition charge due to the high school district for the attendance of pupils at the junior high school during the current fiscal year. The amount of the warrant shall be credited to the general fund of the high school district.

SEC. 2. Section 5605.5 is added to said code, to read:

5605.5. (a) The governing board of a high school district which maintains a junior high school shall prior to July 1 of each fiscal year compute on the basis of current estimates of cost and average daily attendance the amount by which costs during the succeeding fiscal year of educating pupils in grades seven and eight exceeds the total of federal and state apportionments and the tuition payments to be received by the district during the succeeding fiscal year for such pupils. The governing board shall also divide the amount so computed by the number of units of such average daily attendance to ascertain the amount of such cost which is attributable to each such unit of average daily attendance.

(b) If none of the elementary districts within the high school district maintains grades seven and eight or if grades seven and eight are maintained by the elementary district for fewer than 90 percent of the pupils in grades seven and eight who reside in the elementary district, the amount computed under subdivision (a) of this section may be included in the budget of the high school district and a tax levied pursuant to Section 20808.5.

(c) If an elementary district within the high school district has 10 percent or less of the pupils in grades 7 and 8 residing in the district attending a junior high school of the high school district, the high school district shall certify to the elementary district prior to July 1 of each fiscal year the amount computed under subdivision (a) of this section that is attributable to each unit of average daily attendance of pupils who reside in such elementary district and attend the junior high school of the high school district. The amount certified by the high school district shall be paid to such district by the elementary district as tuition for such pupils. The governing board of the elementary district shall include the amount so certified in its budget and a tax to raise such amount may be levied pursuant to Section 20808. The remainder of the amount computed under subdivision (a) of this section may be raised by a tax levied pursuant to Section 20808.5 upon the assessed valuation of the high school district excluding the assessed valuation of the elementary district affected by this subdivision.

SEC. 3. Section 5605.6 is added to said code, to read:

5605.6 For the purposes of Section 5605, the assessed valuation of the district shall be that as shown by the current equalized assessment roll of the district plus a sum determined by adding to such assessed valuation an amount which would, if the current tax rate, as defined in Section 17604 as it read on January 1, 1963, of such district were levied on such added amount, produce or will produce 40 percent of the equivalent of all federal funds as federal funds are defined in Section 17605 as it read on January 1, 1963, and 75 percent of the equivalent of all miscellaneous funds as miscellaneous funds are defined in Section 17606 as it read on January 1, 1963, received or to be received by such district for the fiscal year for which such added amount was determined.

SEC. 4. Section 20808 is added to said code, to read:

20808. (a) The maximum rate of any elementary or unified school district is, commencing with the fiscal year 1964-5, increased by an amount sufficient to produce the amount by which the cost during the current fiscal year, of tuition or of educating pupils in grades seven and eight, exceeds the cost during the current fiscal year of educating pupils in grades kindergarten or one through six maintained by the district, exclusive of all federal and state apportionments

(b) The computations prescribed by subdivision (a) of this section shall be made on the basis of current estimates of cost

and average daily attendance, pursuant to rules and regulations of the Superintendent of Public Instruction. The Superintendent of Public Instruction shall also, by rule and regulation, prescribe the accounting procedures and all other procedures to govern the fixing of district tax rates and the disposition of the additional tax revenues provided pursuant to this section.

Of the additional tax revenues provided pursuant to this section, there shall be expended by a school district during a fiscal year, no more than the actual additional cost during that fiscal year of educating pupils in grades seven and eight as computed for purposes of subdivision (a). If at the end of any fiscal year there remains an unencumbered balance derived from the revenue of the increase in tax rate hereby provided, such balance shall be used exclusively in the following fiscal year for the payment of the obligations for which such tax revenues are afforded by this section and to offset such tax rate increase.

SEC. 5. Section 20808.5 is added to said code, to read:

20808.5. (a) The maximum tax rate of a high school district which maintains a junior high school is, commencing with the fiscal year 1964-1965, increased by an amount sufficient to produce the amount by which the cost during the current fiscal year, of educating pupils in grades seven and eight, exceeds the total of federal and state apportionments and the tuition payments received by the district during the current fiscal year for such pupils pursuant to Sections 5605 and 5605.5. The rate of tax for such purpose shall not be levied on the assessed valuation of any elementary district included in such high school district if the elementary district has 10 percent or less of the pupils in grades seven and eight who reside in the elementary district attending a junior high school of the high school district.

(b) The computations prescribed by subdivision (a) shall be made on the basis of current estimates of cost and average daily attendance, pursuant to rules and regulations of the Superintendent of Public Instruction. The Superintendent of Public Instruction shall also, by rule and regulation, prescribe the accounting procedures and all other procedures to govern the fixing of district tax rates and the disposition of the additional tax revenues provided pursuant to this section.

Of the additional tax revenues provided pursuant to this section, there shall be expended by a school district during a fiscal year, no more than the actual additional cost during that fiscal year of educating pupils in grades seven and eight as computed for purposes of subdivision (a). If at the end of any fiscal year there remains an unencumbered balance derived from the revenue of the increase in tax rate hereby provided, such balance shall be used exclusively in the following fiscal year for the payment of the obligations for which such tax revenues are afforded by this section and to offset such tax rate increase.

CHAPTER 1924

An act to amend Section 8118 of the Government Code, and to amend Section 2 of Chapter 2139, Statutes of 1961, relating to the Advisory Commission on Indian Affairs.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 8118 of the Government Code is amended to read:

8118. This act shall be operative until September 18, 1966, and shall thereafter be of no force or effect.

SEC. 2. Section 2 of Chapter 2139, Statutes of 1961, is amended to read:

Sec. 2. The sum of twenty-five thousand dollars ($25,000), or so much thereof as may be necessary, is hereby appropriated out of the General Fund in the State Treasury for the support of the State Advisory Commission on Indian Affairs created by this act, including the expenses of the advisory committee.

This appropriation is available for expenditures up to and including September 18, 1966.

CHAPTER 1925

An act authorizing a grant to the Oroville-Wyandotte Irrigation District for recreation in connection with the South Fork Feather River Project.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. The Department of Water Resources is hereby authorized to make a grant to the Oroville-Wyandotte Irrigation District, pursuant to the Davis-Grunsky Act (Chapter 5 (commencing with Section 12880), Part 6, Division 6, Water Code), of such amount as may be determined by the department upon approval of an application therefor pursuant to said act, but not exceeding the amount of three million five hundred thousand dollars ($3,500,000), for recreational functions incidental to the construction of the South Fork Feather River Project in Plumas, Butte and Yuba Counties

No further legislative approval shall be required with respect to the grant authorized by this act; but such grant shall not be made to the district until the district can actually demonstrate the nature and extent of the statewide interest in the project, the public necessity for the project, the urgency of the need, and the engineering feasibility, economic justification, and the financial feasibility of the project.

CHAPTER 1926

An act to amend Sections 787, 791, 794, 802.3, 802.6, 803, 803.5, 804, 806, 828.1, 828.15, 828.2, 828.25, 828.4, 828.45, 828.53, 828.85, and 829.5 of, to add Sections 790.1, 791.1, 794.1, 802.65, 803.1, 803.6, 804.05, and 806.05 to, and to repeal Sections 828.75, 829.1, 829.2, and 829.15 of, the Agricultural Code, relating to fruits, nuts, and vegetables.

[Approved by Governor July 19, 1963 Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 787 of the Agricultural Code is amended to read:

787. When any markings are used or required to be used by this chapter, on any container of any fruits, nuts, and vegetables to describe the contents thereof, such markings, with the exception of net weight, must be plainly and conspicuously marked, stamped, stenciled, printed, labeled or branded on one end of each box, lug, or carton and either on one side or the top cover of each basket, barrel, or other similar containers. The designation of grade shall be stated in letters of not less than one-quarter inch in height. If the marking is on a placard used in display the placard must be placed or posted in such a position that there is no doubt as to the product it is to identify.

SEC. 2. Section 790.1 is added to said code, to read:

790.1. Nothing in this chapter shall be construed to prohibit any person, under a permit issued in accordance with this section, from transporting out of the State, cherries, apricots, or plums and fresh prunes which fail to comply with the packing, container or marking requirements of this chapter; providing, such permit is issued for and is attached to each load or lot transported and the cherries, apricots or plums and fresh prunes are loose in containers which are not closed, or in bins each holding 200 pounds or more of cherries, apricots or plums and fresh prunes. The permit may be issued by the commissioner of the county from which the cherries, apricots, or plums and fresh prunes are to be transported when such commissioner has satisfactory verification by a like officer of the state of destination that cherries, apricots or plums and fresh prunes are to be transported to a purchaser for commercial processing, preserving or manufacturing on the premises of the purchaser. Such verification shall include a statement that such official will report to the commissioner who issued the permit as to the commercial processing, preserving or manufacturing use to which the cherries, apricots or plums and fresh prunes so transported under the permit were actually put by the purchaser thereof.

SEC. 3. Section 791 of said code is amended to read:

791. Fresh apricots shall be mature but not overripe; free from insect injury which has penetrated or damaged the flesh, and from mold, brown rot, and decay, and serious damage caused by cuts, bruises, cracks, shot hole fungus, growth cracks, scab, hail, or other causes. With the exception of shot hole fungus, damage to any one apricot is not serious unless it causes a waste of 10 percent, by weight, of the individual apricot. Damage to any one apricot caused by shot hole fungus is not serious unless the spots cover an aggregate area of more than one-half of an inch in diameter.

Not more than 10 percent, by count, of the apricots in any one container or bulk lot may be below these requirements but not to exceed one-half of this tolerance shall be allowed for any one cause.

Packed apricots shall not vary in size between the fruits in any one container, more than one-fourth of an inch in diameter, when measured through the widest portion of cross section.

All containers of apricots shall bear upon them in plain sight and in plain letters on one outside end: the name of the person who first authorized the packing of the apricots or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer; the name of the variety, if known, and when not known the words "unknown variety" or "seedlings"; the size description or the row count, when the apricots are packed in any style container.

In the case of the four-basket crate the numerical description of the pack in the top layer of the baskets shall be used to designate size.

When numerical description is used to designate size, on lugs of loose or packed apricots, it shall mean that all the apricots would tightly pack that size on the top layer of the standard basket number one as used in the four-basket crate and such size description shall be directly followed by the word "size." When row count is used to designate the size on lugs of packed apricots, they shall be marked with the number of rows of apricots packed laterally across the end of the container, directly followed by the word "row" or "rows."

SEC. 4. Section 791.1 is added to said code, to read:

791.1. Apricots shall be in standard containers numbers 1, 5, 22a, 22b, or 24.

SEC. 5. Section 794 of said code is amended to read:

794. Cherries shall be mature but not overripe, free from (a) insect injury or bird pecks which have penetrated or damaged the flesh, unsealed skin breaks, mold, brown rot, decay and (b) growth cracks, cracks or splits over three-eighths of an inch in length even though well healed, except that well-healed shoulder cracks shall be allowed regardless of length and (c) serious damage due to sunburn, shriveling, sponginess, abnormal softening or other causes.

Not more than 10 percent, by count, of the cherries in any one container or bulk lot, may be below these requirements, but not to exceed one-half of this tolerance shall be allowed for any one cause. In addition 5 percent of the cherries in any one container or bulk lot may be slightly below the maturity requirements of this section but in no case may such cherries show any green areas, excepting the Bing variety when testing not less than 16 percent, and the Tartarian variety, when testing not less than 14 percent, soluble solids in a composite sample of the juice from not less than 10 representative cherries as shown by a standard refractometer instrument.

All red and black varieties of cherries shall not be considered mature unless at the time of picking the entire surface has attained at least a solid light red color.

When cherries are packed in containers by the "face and fill" method the average size of the cherries used in the fill shall not be smaller than would pack one "row size" more than the cherries in the packed face; however, none of the cherries in the fill shall be of a size that would pack more than two sizes smaller, except that 10 percent, by count, of the cherries in any one container may be below this minimum size requirement.

Cherries meeting all other requirements of this section shall in addition be free from doubles except that (1) a tolerance of 10 percent, by count, shall be allowed for doubles with both halves well developed uniform in size and mature, and (2) a tolerance of 2½ percent, by count, shall be allowed for doubles having one portion not well developed. However, any amount of such doubles shall be allowed if the container in which they are placed or packed is plainly and conspicuously marked on the outside end of the container, bearing other markings required by this section, with the designation "Exceeds tolerance for doubles" in letters at least three-eighths of an inch in height.

All containers of cherries shall bear upon them in plain sight and in plain letters on one outside end: The name of the person who first authorized the packing of the cherries or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer; the name of the variety, if known, and when not known the words "unknown variety." When two or more varieties are placed in the same container they shall be marked "mixed varieties." All containers of row packed cherries shall be marked with the number of rows of cherries packed laterally across the end of the container, directly followed by the word "row" or "rows" or the letter "R" in like size letters. All closed containers of loose cherries shall be marked in numbers and letters at least three-eighths of an inch in height with (a) the row size of the cherries in the container followed by the term "row size" or (b) the "minimum diameter" of the cherries in the container expressed in inches or fractions

thereof, followed by the term "inch minimum diameter" or "inches minimum diameter" or a proper abbreviation or variation of such designation.

(a) When containers of loose cherries are marked with a row size designation at least 50 percent of the cherries in the container shall be of a size no smaller than the row size number marked; however, none of the cherries in such container shall be more than two row sizes smaller than that marked on the container, except that 10 percent, by count, of the cherries in any one container may be below this minimum size requirement. The row size number shall be deemed to be that number of cherries of uniform size whose aggregate width will equal 11½ inches.

(b) When containers of loose cherries are marked with the minimum diameter of the cherries in the container none of the cherries in such container shall be smaller in diameter than the size marked on the container, except that 10 percent by count, of the cherries in any one container may be below the size marked. In addition the cherries in any container so marked with the minimum diameter, shall not vary in diameter between the fruits in the container, more than one-fourth of an inch. The "diameter" shall mean the diameter measured through the widest portion of the cross section of the cherry at a right angle to a straight line drawn from the stem end to the distal end thereof.

Compliance with the requirements of this section may be determined by the examination of a representative sample of the cherries in any container or bulk lot.

SEC. 6. Section 794.1 is added to said code, to read:

794.1. Cherries shall be in standard containers numbers 4, 12A, 22B, or 22C.

SEC. 7. Section 802.3 of said code is amended to read:

802.3. All containers of grapes, shall bear upon them in plain sight and in plain letters on one outside end all of the following information:

(a) The name of the person who first authorized the packing of the grapes or the name under which he is engaged in business.

(b) A sufficiently explicit address to permit ready location of such person.

(c) The name of the variety of grapes, if known, and when not known, the words "unknown variety" or when two or more varieties are placed in the same container, the words "mixed varieties." In lieu of the term "mixed varieties," a mixture of white grapes may be marked "mixed white varieties" and a mixture of black grapes may be marked "mixed black varieties."

The provisions of this section do not apply to containers numbers 38M, 38N or 38P when not closed.

SEC. 8. Section 802 6 of said code is amended to read:

802.6. All grapes shall be placed in standard containers numbers 1, 1B, 5, 28, 30A, 38I, 38K, 38L, 38M, 38N and 38P,

subject to the restrictions and additions specified in this chapter. Except as otherwise designated, all such containers shall be considered as standard for grapes when packed with or without pads, inner liners, or other device which does not reduce the inside volume of the container by more than 10 percent; provided, that the vacant spaces, if any, resulting from the use of such device are readily visible.

The depth dimension of containers designated for grapes in this chapter shall include in the measurement of the specified depth any cleat or cleats used, if any are used.

Container number 28 shall be standard for grapes only when (1) containing grapes packed in sawdust, cork or similar packing material in sufficient amount to completely surround and cover the grapes and (2) used without cleats.

Container number 30A shall be standard for grapes only when containing bunches which are (1) individually wrapped in paper or other protective wrapping material and (2) packed in excelsior or other similar packing material.

Containers numbers 38M, 38N and 38P shall be standard for grapes only when transported or sold within California, and then only when plainly marked with letters one inch in height "California Sale Only."

SEC. 8.5. Section 802.65 is added to said code, to read:

802.65. Container number 38L when 5¾ inches deep, and container number 38K when 5¾ inches deep and 14¾ inches wide, shall be standard for grapes only when containing bunches which are not wrapped, and one outside end of the container is plainly marked, in ½-inch letters, with words "Net Weight 27 lbs."; provided, however, such marking is not required if the bunches of grapes are completely surrounded by sawdust, paper wraps or other similar packing material.

SEC. 9. Section 803 of said code is amended to read:

803. Fresh peaches shall be mature but not overripe; free from insect injury which has penetrated or damaged the flesh, split pits which are open at the stem end, and from mold, brown rot, and decay, and free from serious damage, due to cuts or skin breaks, growth cracks, bruises, scab, rust, blight, disease, hail, or other causes. Damage to any one peach is not serious unless it causes a waste of 10 percent, by weight, of the individual peach.

Not more than 10 percent, by count, of the peaches in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance shall be allowed for any one cause; provided, however, that individual containers in any lot may contain not more than 1½ times the tolerances specified if the percentage of defects of the entire lot averages within the tolerances.

Packed peaches shall not vary in size between the fruits, in any one container, more than three-eighths of an inch in diameter, when measured through the widest portion of the cross section.

Peaches of the freestone variety shall not be considered mature unless at the time of picking, the flesh breaks free from the pit. In addition the flesh of peaches of the Elberta variety shall be a yellowish color.

All containers of fresh peaches shall bear upon them in plain sight and in plain letters on one outside end: the name of the person who first authorized the packing of the peaches or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer; the name of the variety, if known, and when not known the words "unknown variety"; the size description, when the peaches are packed in the four-basket crate, or the count when wrapped and packed throughout, in straight side containers in uniform layers and rows.

In the case of the four-basket crate the numerical description of the pack in the top layer of the baskets shall be used to designate size. When the count is used to designate the contents of the container a variation of four peaches more or less than the number stated shall be allowed.

SEC. 10. Section 803.1 is added to said code, to read:

803.1. Peaches shall be in standard containers numbers 1, 5, 9B, 12B or 22D. Containers of peaches placed in molded forms shall be marked with the exact number of peaches placed therein, and may be packed in standard container number 31.

SEC. 11. Section 803 5 of said code is amended to read:

803.5. Nectarines shall be mature, but not overripe; free from insect injury which has penetrated or damaged the flesh, split pits which are open at the stem end; and from mold, brown rot, and decay which has affected the edible portion; and free from serious damage due to skin breaks or cuts, growth cracks, bruises, or other causes. Damage to any one nectarine is not serious unless it causes a waste of 10 percent, by weight, of the individual nectarine

Nectarines shall not be considered mature unless at the time of picking (a) an aggregate area of at least one inch in diameter of the surface of the individual fruit has broken from green or dark green to a distinct flecking of light green or a light green indicating equivalent maturity, or (b) the shoulders and suture are well developed and filled out.

Except in the case of nectarines affected by split pits which are visible, not more than 10 percent, by count, of the nectarines in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance shall be allowed for any one cause In the case of nectarines affected by split pits which are visible, an additional tolerance of not more than 10 percent, by count, of the nectarines in any one container or bulk lot shall be allowed.

Packed nectarines shall not vary in size between the fruits, in any one container, more than three-eighths of an inch in diameter, when measured through the widest portion of the cross section.

All containers of fresh nectarines shall bear upon them in plain sight and in plain letters on one outside end: the name of the person who first authorized the packing of the nectarines or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer; the name of the variety, if known, and when not known the words "unknown variety"; the size description, when the nectarines are packed in the four-basket crate, or the count, when wrapped and packed throughout, in straight-side containers in uniform layers and rows.

In the case of the four-basket crate the numerical description of the pack in the top layer of the basket shall be used to designate size. When the count is used to designate the contents of the container a variation of four nectarines more or less than the number stated shall be allowed.

SEC. 12. Section 803.6 is added to said code, to read:

803.6. Nectarines shall be in standard containers numbers 1, 5, 9B, 12B, 22B or 22D. Containers of nectarines placed in molded forms shall be marked with the exact number of nectarines placed therein, and may be packed in standard container number 31.

SEC. 13. Section 804 of said code is amended to read:

804. Fresh pears shall be mature but not overripe, free from codlin moth larvae, mold, decay, black end, unsealed cuts, and skin breaks; and free from serious damage, due to hail, scab or other diseases, hard end, bruises, limb rubs, frost, codlin moth larvae or other insects.

Damage to any one pear is not serious when it is caused by:

(a) Scab, unless the spots cover an aggregate area of more than one-half of an inch in diameter;

(b) Hail damage, unless it affects an aggregate area of more than one-half inch in diameter or is more than one-fourth of an inch in depth;

(c) Codlin moth larvae, unless it causes unhealed stings or holes in any part of the pear. Superficial, well-healed codlin moth stings are not serious;

(d) Thrip mark, blister mite or other superficial blemishes caused by insects, unless more than 10 percent of the surface of the fruit is affected or they cause a depression of more than one-fourth of an inch in depth;

(e) Limb rub, unless it affects an aggregate area of more than three-fourths of an inch in diameter;

(f) Frost, unless the constriction resulting from frost damage affects the shape of the pear and extends around the fruit more than one-half of the circumference;

(g) Other diseases, bruises, or hard end, unless such defects cause a waste of more than 10 percent, by weight, of the individual pear.

Not more than 10 percent, by count, of the pears in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance shall be allowed for any one cause.

Pears which fail to meet the requirements of this section only because of the presence of codlin moth larvae, or because of serious damage caused by codlin moth larvae, which cannot be detected by external examination of the pears, shall be considered as complying with this standard, if the pears have been treated at point of origin during preparation and loading and before actual shipment to any market or storage plant, under the supervision of an enforcing officer, according to formulae and under conditions approved by the director and which is known to completely destroy codlin moth in any stage of development in such pears; provided, that the continued identity of the lot is maintained.

Pears which fail to meet the requirements of this section only because of serious damage caused by hail, shall be considered as complying with this standard, if the container in which they are packed or placed is plainly marked, on the outside of one end thereof, in letters not less than one-half inch in height, with the words "hail marked."

Packed pears in any container shall be uniform in size which means in the case of pears which are 2¾ inches in diameter or larger, a variation of not more than one-half of one inch in diameter, when measured through the widest portion of the cross section, between the fruits in any one container and in the case of pears which are smaller than 2¾ inches in diameter, a variation of not more than three-eighths of one inch when so measured.

Bartlett pears shall be considered mature when, (1) the average pressure test of not less than 10 representative pears of each commercial size of pears in any lot does not exceed 23 pounds or (2) the soluble solids in a sample of juice from not less than 10 representative pears of each commercial size of pears in any lot is not less than 13 percent or (3) the pears show a yellowish-green color, as indicated by the color chart prepared by the department.

As to maturity standards for Bartlett pears:

(1) The pressure test shall be determined by means of a fruit pressure tester measuring in pounds the force required to push a rounded plunger five-sixteenths of an inch in diameter into the flesh of the fruit to a depth of five-sixteenths of an inch, after the skin from the areas tested, but little of the underlying flesh, has been removed. Two such determinations are to be made on each specimen selected as a sample and the average of all individual readings from the sample shall be considered as the pressure test of the lot. Pressure test readings shall be made on opposite sides, and approximately at the widest portion of the cross section of the fruit at right angles to the core. Sunburned or very highly colored areas shall be avoided in making pressure tests.

(2) The soluble solids of a sample of juice shall be the percentage reading as shown by a standard refractometer instrument on a composite sample of a small amount of juice obtained from each of the pears in the representative sample

selected when such pears are subjected to the method described in subsection (1) of this section.

All containers of pears shall bear upon them in plain sight and in plain letters on one outside end: the name of the person who first authorized the packing of the pears, or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer; the name of the variety, if known, and when not known the words "unknown variety"; the count when wrapped and packed throughout, in straight side containers in uniform layers and rows.

When the count is used to designate the contents of the container a variation of four pears more or less than the number stated shall be allowed.

SEC. 14. Section 804.05 is added to said code, to read:

804.05. Pears shall be in standard containers Numbers 12B, 19, 20, 24, 29A or 29B.

Container number 29B, when made of fiberboard or corrugated paper, shall be standard for pears with a tolerance of $\frac{1}{8}$ inch in each of the three dimensions.

SEC. 15. Section 806 of said code is amended to read:

806. Plums and fresh prunes shall be mature but not overripe, shall be free from insect injury which has penetrated or damaged the flesh, and from unsealed skin breaks or cuts, mold, brown rot, decay, and free from serious damage due to bruises, growth cracks, sunburn, hail, doubles, insects, internal growth cracks, cavities, gum spots or other causes.

Damage to any one plum or fresh prune is serious if it is caused by:

(a) Bruises which affect the flesh more than three-sixteenths of an inch in depth or more than an aggregate surface area of one-half of an inch in diameter.

(b) Growth cracks over one-half of an inch in length or over three-sixteenths of an inch in depth.

(c) Sunburn affecting the flesh.

(d) Hail resulting in one or more depressions over three-sixteenths of an inch in depth or affecting more than an aggregate surface area of one-half of an inch in diameter.

(e) Doubles, when one portion is one-fourth or less in size than the other portion of the plum or fresh prune.

(f) Thrip marks or other similar insect injury when 15 percent or more of the surface of the plum or fresh prune is affected or causing one or more depressions or raised portions (bumps or welts) one-fourth of an inch or more in depth or height.

(g) Internal growth cracks, cavities, or gum spots when they cause the plum to be seriously malformed.

Not more than 10 percent, by count, of the plums or fresh prunes in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance shall be allowed for any one cause; provided, however, that indi-

vidual containers in any lot may contain not more than $1\frac{1}{2}$ times the tolerances specified if the percentage of defects of the entire lot averages within the tolerances.

An additional tolerance of 10 percent, by count, of the plums or fresh prunes in any one container or bulk lot shall be permitted for plums or fresh prunes damaged by hail, providing that:

(1) In the case of plums or fresh prunes having a minimum diameter of $1\frac{7}{16}$ inches or larger, the hail damage on each individual plum or fresh prune, permitted in said additional tolerance, does not exceed a depth which is three-sixteenths of the minimum diameter of the plum or fresh prune, or an aggregate surface area with a diameter equal to one-half of the minimum diameter of the plum or fresh prune; or

(2) In the case of plums or fresh prunes having a minimum diameter of less than $1\frac{7}{16}$ inches, the hail damage on each individual plum or fresh prune, permitted in said additional tolerance, does not exceed a depth of one-quarter of an inch or an aggregate surface area of eleven-sixteenths of an inch in diameter; and

(3) The containers in which they are placed or packed are plainly and conspicuously marked, on the outside end of each container on which appears the other required markings, in letters not less than one-half inch in height, with the words "Hail Marked" or when in bulk lots they are conspicuously placarded "Hail Marked."

Plums and fresh prunes shall not vary in size between the fruits, in any one container, more than one-fourth of an inch in diameter when measured through the widest portion of cross section.

All containers of plums and fresh prunes, shall bear upon them in plain sight and in plain letters on one outside end all of the following information:

(a) The name of the person who authorized the packing of the plums and fresh prunes or the name under which he is engaged in business.

(b) A sufficiently explicit address to permit ready location of such person.

(c) The name of the variety of plums or fresh prunes, if known, and if not known, the words "unknown variety."

(d) A designation indicating the size of the plums or fresh prunes in the container as follows:

(1) When packed in the four-basket crate, the description of the arrangement of the pack in the top layer of the baskets.

(2) When wrapped and packed throughout in a straight side container, or when packed without wrappers, in molded forms, cups, or similar packing devices, the count.

(3) When packed without wrappers throughout the container or by the "face and fill" method, in any container other than the four-basket crate and the "round stave" bas-

kets, the "row count" directly followed by the word "row," "rows" or the letter "R" all in like size type, or the numerical description.

(4) When loose in any closed container other than "round stave" baskets, the numerical description.

"Row count" shall mean the number of rows of plums or fresh prunes packed laterally across the end of the container.

"Numerical description" shall mean the numerical arrangement which the plums and fresh prunes would pack in the top layer of a basket if packed in the standard four-basket crate and the designations shall indicate the minimum diameters as follows:

"4 x 4 size" means $1\frac{11}{16}$ inches minimum diameter
"4 x 5 size" means $1\frac{9}{16}$ inches minimum diameter
"5 x 5 size" means $1\frac{7}{16}$ inches minimum diameter
"5 x 6 size" means $1\frac{5}{16}$ inches minimum diameter
"6 x 6 size" means $1\frac{3}{16}$ inches minimum diameter

Other sizes, larger or smaller than the numerical descriptions defined herein shall have proportionate minimum diameter requirements.

The "minimum diameter" shall mean the smallest diameter measured through the center of the plum or fresh prune at a right angle to a straight line drawn from the stem end to the distal end thereof.

When the numerical description is used to designate the contents of a container the plums or fresh prunes therein shall conform to the minimum diameter requirements for the numerical description marked on the container.

When the actual count is used to designate the contents of the container, a variation of four plums or fresh prunes more or less than the number stated shall be allowed.

SEC. 16. Section 806.05 is added to said code, to read:

806.05. Plums and fresh prunes shall be in standard containers numbers 1, 5, 9C, 12A, 12B, 22B or 22D.

SEC. 17. Section 828.1 of said code is amended to read:

828.1. 1. Standard basket, approximately 8 inches square on top, $6\frac{1}{2}$ inches square on bottom and 4 inches to 5 inches deep, inside measurements.

1B. Standard basket, approximately $5\frac{1}{4}$ inches square on top, $4\frac{1}{4}$ inches square on bottom and 3 inches deep, inside measurements.

1C. Standard basket, approximately $6\frac{1}{2}$ inches square on top, $5\frac{3}{8}$ inches square on bottom and $3\frac{3}{4}$ inches deep, inside measurements.

3. Standard berry basket: (a) Dry pint containing an interior capacity of approximately 33-6/10 cubic inches. (b) Dry one-half pint containing an interior capacity of approximately 16-8/10 cubic inches. (c) Dry quart containing an interior capacity of approximately 67.2 cubic inches.

SEC. 18. Section 828.15 of said code is amended to read:

828.15.	4	Standard 12-basket crate	$2\frac{7}{8}$	$13\frac{1}{2}$	18
	5	Standard crate	4 to $7\frac{1}{8}$	16	$16\frac{1}{8}$
	9B	Special crate	4 to $7\frac{1}{8}$	$14\frac{1}{2}$	$14\frac{1}{2}$
	9C	Special plum box	7	$12\frac{1}{2}$	$12\frac{1}{2}$

SEC. 19. Section 828.2 of said code is amended to read:

828.2.	12A	Standard cherry lug	$3\frac{3}{4}$ to 5	$11\frac{1}{2}$	$14\frac{1}{8}$

SEC. 20. Section 828.25 of said code is amended to read:

828.25.	12B	California fruit box	$2\frac{3}{8}$ to $7\frac{1}{8}$	$11\frac{1}{2}$	$16\frac{1}{8}$

SEC. 21. Section 828.4 of said code is amended to read:

828.4.	22A	Special lug box	$3\frac{5}{8}$ to $4\frac{3}{8}$	11	$14\frac{5}{8}$
	22B	Special lug box	4 to $7\frac{1}{8}$	$12\frac{1}{2}$	$16\frac{1}{8}$
	22C	Standard lug box	$3\frac{3}{4}$ to $7\frac{1}{8}$	$13\frac{1}{2}$	$16\frac{1}{8}$
	22D	Standard lug box	$2\frac{7}{8}$ to $7\frac{1}{8}$	$13\frac{1}{2}$	$16\frac{1}{8}$
	23	Standard lug box	4	$13\frac{1}{2}$	$16\frac{1}{8}$
	24	Standard lug box	$3\frac{3}{4}$ to $7\frac{1}{8}$	$13\frac{1}{2}$	$16\frac{1}{8}$
	25	Standard lug box	$4\frac{3}{4}$	$13\frac{1}{2}$	$16\frac{1}{8}$
	27	Standard lug box	$5\frac{3}{4}$	$13\frac{1}{2}$	$16\frac{1}{8}$
	27A	Bay City lug	$7\frac{3}{4}$	$13\frac{1}{2}$	$16\frac{1}{8}$
	27B	Standard lug box	$6\frac{3}{4}$	$13\frac{1}{2}$	$16\frac{1}{8}$
	27C	Standard lug box	$6\frac{1}{4}$	$13\frac{1}{2}$	$16\frac{1}{8}$

SEC. 22. Section 828.45 of said code is amended to read:

828.45.

28	Special sawdust pack chest	$7\frac{3}{4}$	$14\frac{15}{16}$	$18\frac{5}{8}$
29A	Special lug box	$6\frac{1}{2}$ to $7\frac{3}{16}$	$13\frac{1}{2}$	$20\frac{5}{8}$
29B	Special lug box	$8\frac{3}{4}$	11	$17\frac{1}{4}$
30	Special lug box	$8\frac{1}{2}$	14	$22\frac{3}{4}$
30A	Special lug box	$4\frac{7}{8}$	15	$22\frac{1}{8}$
31	Special box	$4\frac{3}{4}$ to $5\frac{1}{4}$	12	$19\frac{3}{4}$

SEC. 23. Section 828.53 of said code is amended to read:

828.53.

38I	Standard grape lug	$4\frac{3}{4}$ to $6\frac{7}{16}$	at top $14\frac{1}{2}$ to $14\frac{7}{8}$ at bottom $9\frac{1}{2}$ to $11\frac{1}{2}$	$16\frac{1}{8}$
38K	Standard grape lug	$4\frac{1}{2}$ to $5\frac{3}{4}$ with or without taper (up and in—down and in) at each corner.	$14\frac{1}{2}$ to $14\frac{3}{4}$	$16\frac{1}{8}$
38L	Grape lug	$4\frac{7}{16}$ to $6\frac{7}{16}$	$13\frac{1}{2}$	$16\frac{1}{8}$
38M	California grape lug	$6\frac{1}{4}$	$14\frac{3}{4}$	$18\frac{1}{8}$
38N	California grape lug	$7\frac{7}{8}$	$12\frac{5}{8}$	$15\frac{3}{16}$
38P	California grape lug	$6\frac{1}{2}$	17	$22\frac{7}{16}$

SEC. 24. Section 828.75 of said code is repealed.

SEC. 25. Section 828.85 of said code is amended to read:

828.85. The depth dimension of containers designated for apricots, cherries, nectarines, peaches, pears and plums and fresh prunes in this chapter, shall include in the measurement of the specified depth any cleat or cleats used, if any are used.

SEC. 26. Section 829.1 of said code is repealed.

SEC. 27. Section 829.15 of said code is repealed.

SEC. 28. Section 829.2 of said code is repealed.

SEC. 29. Section 829.5 of said code is amended to read:

829.5. Nothing in this chapter prohibits the preparation, packing, shipment or sale under permit of the director of fruits, nuts, or vegetables in any experimental type of containers not conforming to the standards prescribed in this chapter, if each such container is conspicuously labeled on one outside surface which bears marks intended to describe the contents of such container, in letters and figures not less than one-half inch in height, "Experimental Container," followed by the permit number assigned to the applicant by the director preceded by the designation "Permit No."

Application for such permit and permit number shall be made to the director at least 15 days before shipment, stating: (1) the name of the product, (2) the quantity intended to be shipped, (3) the description and inside dimensions of the container, expressed in inches, (4) the name of the person from whom the experimental containers are to be obtained, (5) the reason for the contemplated experiment, and (6) the quantity of such product, if any, shipped by the applicant in all types of containers during the preceding year, or if no shipments of such product were made by the applicant during the preceding year, then an estimate of the total quantity which such applicant will ship in all types of containers during the current year.

If the director finds that (1) the container is not deceptive in shape, design or capacity, (2) the applicant has complied with the permit application requirements and has established the proper reasons for the experiment, and (3) the proposed shipments are only for experimental purposes, he may issue to the applicant a permit and permit number for the shipment of a specified quantity of the product in such containers within a specified period, not exceeding one year; subject to renewal for an additional year upon a proper showing to the director, without formal hearing, that the experiment has not been completed. If the applicant has shipped products of the kind specified in the application during the preceding year, no permit shall be issued for the shipment in experimental containers of more than 5 percent of the quantity of any such product shipped in all types of containers by such person in the preceding calendar year, however, except for citrus fruits, no permit may be issued for more than 10,000 such containers. If no shipments of such products were made by the applicant during the preceding year, no permit shall be issued for the

shipment in experimental containers of more than 5 percent of the quantity which such applicant estimates he will ship in all types of containers during the current year, however, except for citrus, no permit may be issued for more than 10,000 such containers.

Any type of container for which a permit has been issued, which is uniformly marked as provided in this section, and which is not used for shipping fruits, nuts, and vegetables in excess of the quantities specified in the permit, shall be deemed an experimental type of container within the meaning of this section.

It is unlawful for any person to prepare, pack, transport, deliver, offer for sale or sell commodities in such experimental containers or to mark such containers with the permittee's assigned permit number, in excess of the quantities specified in the permit. Every person to whom an experimental container permit has been issued shall keep an accurate record of all shipments of such experimental containers including the place from which such shipments are made, the date of shipment and the number of containers in each shipment. All such records shall be kept for at least one year and shall be delivered to the director or the commissioner for inspection on demand at any time within that period.

SEC. 30. This act is not applicable to fruits and grapes which are harvested and packed prior to January 1, 1964.

CHAPTER 1927

An act to amend Sections 8a, 10, 28, 28a, 28u, 29 and 31 of, to repeal Section 8b of, and to add Section 8b to, the Palo Verde Irrigation District Act (Chapter 452 of the Statutes of 1923), relating to the Palo Verde Irrigation District.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 8a of Chapter 452 of the Statutes of 1923 is amended to read:

Sec. 8a. The board of trustees shall elect an assessor, and a collector, and a treasurer, who shall hold office at the pleasure of the board and receive such compensation as shall be fixed by the board of trustees from time to time. Each of said officers shall qualify by taking and filing with the secretary of said board the oath of office and shall give such bond to said district as shall be required by the board, provided, the bond of said collector shall be in not less than the sum of ten thousand dollars ($10,000), and shall be executed, at the expense of the district, by a surety company authorized to do business in this State. Each of said officers shall perform such duties as shall

be required by this act and such other duties as shall be prescribed by the board of trustees.

SEC. 2. Section 8b of said act is repealed.

SEC. 3. Section 8b is added to said act, to read:

Sec. 8b. The board of trustees may consolidate any two or more of the offices of assessor, collector, and treasurer. The board may consolidate any two or more of the positions of secretary, engineer, manager, assistant engineer or assistant manager, and may combine any one or more of these positions with the offices of assessor, collector or treasurer.

SEC. 4. Section 10 of said act is amended to read:

Sec. 10. The board of trustees of the district, in addition to all other powers and duties prescribed by this act, shall have the following powers and duties:

1. To keep a record of all its proceedings and minutes of its meetings, which meetings shall be public, and all records of the district shall be open to the public for inspection during reasonable business hours.

2. To manage and conduct the business and affairs of the district; make and execute all necessary contracts, employ and appoint such agents, officers and employees as may be required, and prescribe their duties, and to discharge all employees. The board and its agents and employees shall have the right to enter upon any land to make surveys, and may locate the necessary irrigation, protection, reclamation or other works or improvements, and the line of canals or conduits, and their incidental branches and laterals; also for the location of levees, dikes or other structures which may be deemed proper.

3. Said board shall also have the right to acquire, by purchase, lease or condemnation, or other lawful means, all lands and waters or water rights and other property necessary for construction, use, supply, maintenance, repair and improvements of any and all irrigation plants or systems under its control, or to be acquired or controlled by the district, or for the construction, use, supply, maintenance, repair or improvement of any and all levees, protection works, drainage or reclamation work under its control or to be acquired and controlled by the district, whether any such properties be in this or other states and also where necessary or convenient in carrying out the purposes of this act, to acquire and hold the stock of other corporations, domestic or foreign, owning waters, canals, water works, franchises, concessions or rights, levees or drainage works. Said board may enter into and do all acts necessary or proper for the performance of any agreements with the United States or any state, county or district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any levees, works or other property of any kind which might lawfully be acquired or owned by the district, and may acquire the right to store water

in any reservoir or to carry water through any canal, ditch or conduit not owned or controlled by the district, and may grant to any owner or lessee, the right to the use of any water, the right to store such water in any reservoir of the district, or to carry such water through any canal, ditch or conduit of the district. And may likewise enter upon any acts necessary or proper for the performance of any agreements with the United States or any state, county, or district, corporation, firm or individual or any number of them, for the joint acquisition, construction, maintenance or repair of any levees or other protection works or drainage or other reclamation works.

4. To construct dams, reservoirs and works for the collection of water for the district, and to do any and every lawful act necessary to be done that sufficient water may be furnished to each landowner or inhabitant in the district for irrigation and domestic purposes, and may contract to supply water to any mutual water company within the district which is or may be organized to furnish water to certain specified lands within the district; provided, the lands so supplied by any such mutual water company are within this district, and may contract for supplying such lands with water through such mutual water companies.

The board is authorized and empowered to take conveyances, leases, contracts or other assurances for all property acquired by it under the provisions of this act, in the name of this district, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity, necessary or proper in order to fully carry out the provisions of this act, and to enforce, maintain, protect or preserve any and all rights, privileges and immunities created by this act or acquired in pursuance thereof, and may appear and defend in person or by attorneys in the name of such irrigation district.

5. The legal title to all property acquired under the provisions of this act shall immediately, by operation of law, vest in the district, and shall be held by the district in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. And said board is hereby authorized and directed to hold, use, manage, keep and possess, said property as herein provided. The board may determine by resolution duly entered upon its minutes, that any property, real or personal, held by such irrigation district, is no longer necessary to be held for the uses and purposes thereof, and may thereafter sell such property, and a conveyance of any property held by this district, executed by the president and secretary thereof, in accordance with the resolution of the board of trustees of such district, when sold for a valuable consideration, shall convey a good title to the property so conveyed.

6 It shall be the duty of the board of trustees to establish suitable bylaws, rules and regulations for the distribution and use of water among the owners of lands, which must be printed

in convenient form for the use of the district. Said board may fix and collect rates of tolls and charges, for the purposes, and in the manner in this act provided.

Said board may provide, by uniform rules and regulations, that water shall not be furnished to persons against whom, or for use upon land on which, there are delinquent water tolls or charges or delinquent district taxes.

7. When the board of trustees deems it advisable for the best interests of the district and the convenience of the electors thereof, it may at any time, but not less than 60 days before an election is to be held in the district, divide the district into divisions or precincts for election purposes, but such divisions shall be made as nearly equal in area or population as may be practicable. The boundaries of the divisions and precincts or any subsequent changes therein must be shown on the minutes of the board. Should the district be divided into divisions or precincts by the board of trustees for the purpose of holding elections thereafter, any property owner owning property in one or more precincts or divisions, must cast the ballots represented by his respective parcels in each precinct where such parcels are situate respectively, and if any such parcel lies partly in one precinct and partly in another, he may cast the ballots represented thereby in either, but before doing so he must notify the election board in the other precinct of his intention to do so, in order that the election board may note the ballots represented by said land as having been voted.

8. After the first election of trustees held in pursuance of the provisions of this act, all subsequent regular elections shall be called annually at the times fixed for the holding of the annual election, and the trustees shall cause notice of such election to be given for the period and in the manner hereinbefore prescribed in reference to the first election, and the trustees shall perform all the duties in respect to giving notice of the election, establishing election boards, providing the ballots and assessment roll records necessary for conducting the election, designating voting places, causing the returns to be canvassed, and the results declared, which have been imposed upon the supervisors in respect to the first election.

Likewise, the board of trustees shall perform all the acts necessary for calling and conducting special elections provided for in this act.

In all elections for trustees the persons receiving the highest number of votes shall be deemed elected for the office to be filled; provided, that if among the persons receiving the highest number of votes there shall be so many persons who are not resident in said district that the aggregate number of trustees whose terms have not expired who are not resident in said dsitrict added to such number of nonresident persons voted for shall exceed three, then the nonresident or nonresidents having the lowest number of votes shall be deemed not elected and the person or persons receiving the next highest number of votes who are resident in said district shall be

deemed elected, so that not less than a majority of the trustees shall be residents of the district. If an election is not held as herein provided, then upon the filing of a petition with the secretary of the board of trustees, signed by property owners owning real property assessed upon the last preceding equalized assessment roll at not less than the aggregate of five thousand dollars ($5,000), requesting that a special election be called for the election of officers, the trustees of such district shall thereupon call a special election for the election of such officers, such election to be held within not less than 40 days after the filing of such petition.

Each member of the board of trustees shall qualify by executing an official bond in the sum of ten thousand dollars ($10,000) on or before noon of the 20th day following his election, which bond shall thereafter be approved by a judge of the Superior Court of Riverside County, and be recorded in the office of the county recorder thereof, and filed with the secretary of the board. All official bonds herein provided for shall be in the form prescribed by law for the official bonds of the county officers, and premium thereof may be paid by the district.

9. Said board of trustees shall have the power at any time that, in its judgment, as declared by order entered in its minutes, the expenditure of money is absolutely necessary to the welfare of the district and the accomplishment of the purposes of this act, and there is no money in the fund of said district to make such necessary expenditures or the money in said funds is insufficient to make such necessary expenditure, to borrow for any period of time, not exceeding one year, such sum, not exceeding one hundred thousand dollars ($100,000) as may be necessary to make such expenditure, and may evidence such indebtedness by the note or notes of said district, executed by its president and secretary, and bearing interest at not more than 7 percent per annum.

10. Where said board expressly finds that provision for recreational use of district property or facilities will not interfere with the primary purpose of the district to supply water for irrigation and domestic purposes, the board is also empowered to allow the use of district property or facilities for recreational purposes, whether by lease, license or otherwise, subject to such conditions as the board may provide, and to provide recreational facilities within the district and to fix and collect charges for the use of such facilities.

11. The board of trustees shall also have power generally to perform all other such acts as shall be necessary to fully carry out the purpose of this act.

SEC. 5. Section 28 of said act is amended to read:

Sec. 28. On or before the first Monday after the 18th of August of each year the board of trustees, taking as a basis the detailed statement required in Section 26 of this act and the valuation of the lands and improvements thereon within the district in accordance with the district assessment roll,

must levy a tax sufficient to raise the amount set forth in said detailed statement, which tax shall be levied as follows:

1. A separate rate shall be fixed for raising the amount necessary for the maintenance, repair and operation of the levees constructed by Palo Verde Joint Levee District of Riverside and Imperial Counties, California, which said rate shall be levied upon and in accordance with the assessed value of the lands and improvements within the boundaries of said levee district.

2. A separate rate shall be fixed for raising the amount necessary for the maintenance, repair and operation of the drainage and reclamation system of the district, which said rate shall be levied upon and in accordance with the assessed value of all lands within the district.

3. A separate rate shall be fixed for raising the amount necessary to meet the principal and accruing interest on the original bonds of this district, which said rate shall be levied upon and in accordance with the assessed value of all lands and improvements thereon within the district.

4. A separate rate shall be fixed for raising the amount necessary to meet the principal and accruing interest on the refunding bonds of the district, which rate shall be levied upon and in accordance with the assessed value of all lands within the district, exclusive of improvements.

5. A separate rate shall be fixed for raising the amount necessary to maintain, repair and operate the irrigation system of the district, which said rate shall be levied upon and in accordance with the assessed value of all lands within the district.

6. A separate rate shall be fixed for raising the amount necessary for construction of irrigation works of the district, which said rate shall be levied upon and in accordance with the assessed value of all lands within the district.

7. A separate rate shall be fixed for raising the amount necessary for construction of drainage and reclamation works of the district, which said rate shall be levied upon and in accordance with the assessed value of all lands within the district.

8. A separate rate shall be fixed for raising all other amounts set forth in said detailed statement required in Section 26 of this act, as amended, which said rate shall be levied upon and in accordance with the assessed value of all lands and improvements thereon within the district.

Notwithstanding any other provisions of this act, it shall be mandatory for the board of trustees to make the tax levy each year for said rates numbered 3 and 4 of this section in accordance with the estimates made as to the requirements under said rates under the provision of Section 26 of this act, as amended.

There shall be two funds of said district, the bond and interest fund, and the general fund. The funds shall be deposited in one or more reputable banks in Riverside County which are members of the Federal Reserve System. Moneys

collected from the levies for the principal and accruing interest on the bonds of the district shall be placed in the appropriate fund and used only for said purposes. All other moneys collected from the other levies shall be placed in the general fund.

All properties acquired by this district after its organization and all construction work and improvements in the way of providing, maintaining and operating protection work or reclamation work in the entire district shall be deemed to be and are hereby declared to be for the benefit of all lands and improvements within the district and the cost thereof shall be apportioned and raised by taxation uniformly over the entire district in accordance with the assessed value of the real estate and improvements thereon within the district, but all construction work and improvements in the way of maintaining and operating the irrigation system in the entire district shall be deemed to be and are hereby declared to be for the benefit of all lands excluding improvements within the district and the cost thereof shall be apportioned and raised by taxation uniformly over the entire district in accordance with the assessed valuation of the lands excluding improvements within the district.

In ascertaining the above-mentioned rates of taxation, 15 percent shall be deducted for anticipated delinquencies from the aggregate value of the property to be levied on in respect to each separate rate, as shown by the assessment roll of the district, and then the sum necessary to be raised shall be divided by the remainder of the proper aggregate assessed value. The secretary of the board must forthwith compute and enter in a separate column of the assessment roll the respective sums in dollars and cents to be paid on the respective properties therein enumerated.

SEC. 6 Section 28a of said act is amended to read:

Sec. 28a. Forthwith upon the levy of said taxes by the board, the secretary of the board shall, in writing, notify the Boards of Supervisors of the Counties of Riverside and Imperial respectively that said board of trustees has levied taxes sufficient to provide for the payment of all installments of principal and interest accruing upon the bonds of said three districts for the ensuing year. If said boards of supervisors shall not, prior to the time of making the annual tax levy in said counties for county purposes, receive such notice from said secretary, then it shall be the duty of said boards respectively when said tax levy is made to levy, upon all properties in said three districts respectively which are subject to the lien of the bonds of said district, taxes in accordance with the terms of said bonds and the acts under which said districts respectively were organized sufficient to provide the amounts necessary to meet the said installments of principal and interest upon said bonds accruing during the ensuing year, and it shall be the duty of the proper county officers to copy and enter the taxes so levied on the assessment roll of their respective counties and

collect the same at the same time and in the same manner as county taxes and when collected to pay said taxes into the county treasury for the use of the district.

All expenses incident to the levy and collection of said taxes shall be borne by the district and may be collected by suit at law, which shall be commenced by the district attorney of the county whose board of supervisors caused the said taxes to be levied and collected, unless the amount of such expenses shall be paid within 60 days from the time when proper demand shall have been made therefor. In case of neglect or refusal of the collector of this district to perform the duties imposed by law, then the tax collector of the County of Riverside must perform such duties and shall be accountable therefor upon his official bond, and in case said county tax collector shall collect any taxes for the district, he shall pay the same to the county treasurer who shall place such money in a special fund to the credit of said district and shall disburse it to the proper persons for the purposes for which the assessments raising it were levied. The county treasurer shall not pay any part of the money to the treasurer of the district until the county treasurer is satisfied that all of the valid obligations for which assessments were levied and for which payment has been demanded have been paid.

It shall be the duty of the County Treasurer of Imperial County, if and when any funds derived from the collection of taxes by the county tax collector of said county under the provisions of this Section 28a of this act upon any property of the district located in Imperial County are paid over to him by the tax collector of said county, to transmit the same to the County Treasurer of Riverside County, to be deposited by said last-named treasurer as provided in this Section 28a. The County Treasurer of Imperial County shall not be required to transmit said funds as they accumulate oftener than every 30 days.

SEC. 7. *Section 28u of said act is amended to read:*

Sec. 28u. On Monday in each week the collector must settle with the secretary of the board for all moneys collected for taxes and pay the same over to the treasurer of the district, and within seven days thereafter he must deliver to and file in the office of the secretary a statement, under oath, showing (a) an account of all his transactions and receipts since his last settlement, and (b) that all money collected by him as collector has been paid to the district treasurer.

SEC. 8. *Section 29 of said act is amended to read:*

Sec. 29. The collector shall deposit daily in the name of the district in a reputable bank or banks in Riverside County all moneys received by him for taxes, tolls or charges collected by him whether or not payable with taxes or separately from taxes. Said taxes, tolls or charges shall be retained in said bank accounts and be used for the purposes for which they were collected upon order of the board of trustees and on checks in the name of the district signed by the president, vice president,

secretary, treasurer, superintendent and general manager or any two of said officers thereunto duly authorized by the board of trustees.

The district may, by resolution of the board of trustees, designate the County Treasurer of Riverside County as the disbursing agent for the district for the payment of any matured bonds or interest coupons. It shall be the duty of said county treasurer to act in such capacity if so designated and the estimated cost of his services shall be chargeable against and paid by the district. In the event the county treasurer is so designated he shall be responsible upon his official bond for the safekeeping and disbursing of all district money held by him. At least 30 days prior to the maturity of any bonds or interest coupons as to which said county treasurer is acting as disbursing agent for the district, the treasurer of the district shall pay to said county treasurer from the appropriate fund or funds of the district sums sufficient for such payments Upon receipt of such funds from the district, it shall be the duty of said county treasurer, on presentation of any matured bond or interest coupon of any bond of any of the Palo Verde Irrigation District, any improvement district of Palo Verde Irrigation District, Palo Verde Joint Levee District or Palo Verde Drainage District, to pay the same.

SEC. 9. Section 31 of said act is amended to read:

Sec. 31. Emergency Loans by Counties. If, at any time in the opinion of either or both of said boards of supervisors, the expenditure of money is absolutely necessary to the welfare of this district, and there is no money in the fund of said district to make such necessary expenditure, or the money in said fund is insufficient to make such necessary expenditure, then said boards of supervisors or either or both of them may advance such money out of the funds of said counties for said purpose, and as soon as there is sufficient money in the fund of this district to pay the amount so advanced the board of trustees shall direct the treasurer of said district to repay the same to the county entitled thereto from the funds of this district.

CHAPTER 1928

An act to amend Sections 26332 and 26362 of the Government Code, relating to revenue bonds.

[Approved by Governor July 19, 1963 Filed with Secretary of State July 24, 1963]

The people of the State of California do enact as follows:

SECTION 1. Secton 26332 of the Government Code is amended to read:

26332. An indenture may include a clause prescribing a procedure by which the terms and conditions of the indenture

may be subsequently amended or modified with the consent of the board and the vote or written assent of the holders of a specified principal amount of the bonds issued and outstanding. Such clause may provide for meetings of bondholders and for the manner in which the consent of the bondholders may be given. The clause shall specifically state the effect of such amendment or modification upon the rights of the holders of all of the bonds and interest coupons appertaining thereto, whether attached thereto or detached therefrom.

With respect to any clause providing for the modification or amendment of an indenture, the board may agree that bonds held by the board, by any department, political subdivision or agency of the State of California, or by any public corporation, municipality, district or political subdivision shall not be counted as outstanding bonds, or be entitled to vote or assent but shall nevertheless, be subject to any such modification or amendment.

Pursuant to such a clause any amendment or modification may be made which is valid under the provisions of Section 26362 as it exists at the time such amendment or modification is made even though it might not have been valid under the provisions of that section as it existed at the time the bonds were issued.

SEC. 2. Section 26362 of said code is amended to read:

26362. Every contract entered into by the board for the use of any project or part thereof, acquired, constructed or completed from the proceeds of the sale of revenue bonds shall incorporate by reference the provisions of any indenture pursuant to which the bonds were issued. Every such contract or lease shall also refer to the provisions of such indenture with respect to the obligation of the board to fix rental fees and charges to meet the payments provided for in such indenture and in the proceedings for the issuance of revenue bonds and all payments required to be made to the board under such contract or lease shall be subject to increase if and when the board is required by such indenture to increase rates or charges to meet its obligations under such indenture providing for the issuance of bonds.

CHAPTER 1929

An act to amend Section 823 of the Corporations Code, and to amend Section 1104 of the Insurance Code, relating to loans by corporations to employees.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 823 of the Corporations Code is amended to read:

823. (a) A corporation shall not make any loan of money or property to or guarantee the obligation of (1) any director or officer of the corporation, any director or officer of any of its holding corporations or any director or officer of any of its subsidiary corporations, directly or indirectly, or (2) any person, upon the security of the shares of the corporation or the shares of any of its holding corporations or the shares of subsidiary corporations, except by the vote or written consent of the holders of two-thirds of the shares of all classes, regardless of limitations on voting rights, other than shares held by the benefited director, officer, or shareholder.

(b) If a loan or guaranty is made in violation of subdivision (a), the director or officers who authorize or assent to it are jointly and severally liable to the corporation as guarantors for the repayment or return of the sum or value loaned, with interest thereon at the rate of 6 percent a year until paid, or for any liability upon the guaranty.

Any officer or director held liable under this subdivision who satisfies any such liability is entitled to contribution from any other officer or director who participates in authorizing, making, or allowing the loan or guaranty, and shall be subrogated to any and all rights of the corporation against the borrower or principal obligor.

(c) The provisions of this section do not apply to banks, building and loan associations, industrial loan companies, or credit unions, or to loans made to, or for the benefit of, an employee for the purpose of paying premiums on a life insurance policy on the life of such employee, or to loans permitted under any statute regulating any special classes of corporations.

SEC. 2. Section 1104 of the Insurance Code is amended to read:

1104. An admitted insurer shall not make any loan, other than a policy loan, to any officer, director, trustee or other person having authority in the management of its funds, nor shall such officer, director, trustee or other person accept any such loan.

This section does not prohibit a loan to, or for the benefit of, an employee for the purpose of paying the premiums on a life insurance policy on the life of such employee.

CHAPTER 1930

An act to add Chapter 5 5 (commencing with Section 8480) to Division 7 of the Education Code, relating to prevocational education programs in public schools.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 5.5 (commencing with Section 8480) is added to Division 7 of the Education Code, to read:

CHAPTER 5.5. PREVOCATIONAL EDUCATION PROGRAMS

8480. It is the intent and purpose of the Legislature by the enactment of this chapter to curtail the growing rate of pupil dropouts or premature enrollment terminations in the public elementary and secondary schools, by authorizing special emphasis to be given prevocational training courses of study for the benefit of vocationally oriented pupils who are potential school dropouts, have demonstrated aptitudes for prevocational training, and who voluntarily elect to undertake a concentration of educational effort in prevocational training and whose parents or guardian consent to such training.

8481. The governing board of any school district maintaining any of grades seven, eight, and nine, may, upon application by the board to, and approval by, the Superintendent of Public Instruction, establish a program having the following essential elements:

(a) Identification, by appraisal and recommendation of teachers and other school authorities, aptitude tests, and such other tests and means as may be authorized by the State Board of Education, of pupils whose academic attainment level and behavior as school pupils indicates that in all probability they will terminate public school enrollment prior to completion of grade 12, but who demonstrate aptitude for one or more types of prevocational training afforded in the schools of the district.

(b) Prevocational courses of study arranged and conducted in such a manner as will permit pupils to concentrate educational effort in those courses of study pursuant to this chapter.

(c) Counseling and guidance procedures which will effectuate the purposes of this chapter.

8482. Notwithstanding any provisions of this division or any other provisions of law prescribing, on a mandatory basis, courses of study to be taught in grades seven, eight, and nine to the contrary, the State Board of Education is hereby authorized and directed to prescribe, by rule and regulation, the particular courses of study otherwise required by law to be afforded pupils in such grades which shall be waived or dispensed with in the case of pupils enrolled in programs under this chapter. The otherwise mandatory courses of study to be so waived or dispensed with shall be those of lower essentiality in connection with instilling in pupils the traits and attributes necessary for good citizenship, as determined by the board.

8483. Any pupil coming within the provisions of subdivision (a) of Section 8481 shall, as a matter of free personal choice, and with the consent of the pupil's parent or guardian, without duress or coercion, be authorized to elect to enroll in prevocational courses for which such pupil possesses demonstrated aptitudes, as follows:

(a) In grade seven, one such course of study in each semester of the school year.

(b) In grade eight, two such courses of study in each semester of the school year, provided that the pupil successfully completed any course of study in which enrolled under subdivision (a) during the preceding school year.

(c) In grade nine, three such courses of study in each semester of the school year, provided that the pupil successfully completed any course of study in which enrolled under subdivision (b) during the preceding school year.

8484. It shall be unlawful, for the governing board of a school district, a county board of education, a county superintendent of schools, or any officer or employee whatever of the public school system, to willfully:

(a) Cause, or aid or abet in the forced or coerced enrollment of a public school pupil in any prevocational course of study as a disciplinary measure, whether pursuant to this chapter or otherwise.

(b) Cause, or aid or abet in effecting any distinction in the form, appearance, or content of any diploma issued upon graduation from elementary school or high school based on a pupil's having enrolled in a program under this chapter as distinguished from the regular educational programs of the district involved.

8485. The State Board of Education shall adopt rules and regulations prescribing the particular procedures, tests, and other methods to be utilized in identifying pupils who come within the provisions of subdivision (a) of Section 8481, and prescribing all other necessary standards and policies to govern the administration of programs established under this chapter.

The Superintendent of Public Instruction shall administer the provisions of this chapter, and shall adopt all necessary rules and regulations for those purposes. He shall have the power of initial and continuing review and approval of any programs established pursuant to this chapter and the power to deny or revoke approval of such programs. He may require the submission of such reports and other data as he may deem necessary for purposes of carrying out his duties under this chapter.

CHAPTER 1931

An act to amend Sections 29001, 29007, and 29009 of the Education Code, relating to education.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 29001 of the Education Code is amended to read:

29001. As used in this article "degree" means any "academic degree" or "honorary degree" or title of any designation, mark, appellation, series of letters or words such as, but

not limited to, associate, bachelor, master, doctor or fellow which signifies, purports or is generally taken to signify satisfactory completion of the requirements of an academic, educational, or professional program of study beyond the secondary school level or is a recognized honorary title conferred for some meritorious recognition.

As used in this article "diploma" means any "diploma," "certificate," "transcript," "document," or other writing in any language other than a degree representing that any person has completed any course of study beyond high school.

Any person, firm, association, partnership or corporation qualifying under this division to issue "degrees" or "diplomas" is considered as being authorized to issue appropriate related documents, setting forth the training and attendance completed by students enrolled in the course of study.

Graduation from high school or its equivalent need not be nor purport to be a prerequisite for undertaking or completing such course of study.

SEC. 2. Section 29007 of said code is amended to read:

29007. Except as otherwise provided by law, no person, firm, association, partnership or corporation may issue, confer or award an academic or honorary "degree" or "title", (meaning any designation, mark, appellation, series of letters or words such as, but not limited to, associate, bachelor, master, doctor or fellow) which signifies, purports or is generally taken to signify satisfactory completion of the requirements of an academic or professional program of study beyond the secondary school level unless such person, firm, association, partnership or corporation meets the requirements of any one of the three subdivisions of subdivision (a) of this section.

No person, firm, association, partnership or corporation may issue, confer, or award any "diploma" bearing the words diploma, certificate, transcript, document or other writing, other than the awarding of a "degree" title, representing that any person has completed any course of study beyond high school unless such person, firm, association, partnership or corporation meets the requirements of one of the subdivisions (b), (c), (d), (e), or (f) of this section.

(a)(1) A person, firm, association, partnership or corporation which at the time of the issuance of a "degree" has accreditation of the course upon which the "degree" is based by a national accrediting agency recognized by the United States Department of Health, Education, and Welfare, Office of Education, or is accredited by the applicable regional accrediting agency recognized by the United States Department of Health, Education, and Welfare, Office of Education, and provided further that the educational institution has filed with the Superintendent of Public Instruction an affidavit by the president of the institution stating that the institution is so accredited.

(2) A person, firm, association, partnership or corporation approved by the Superintendent of Public Instruction to

award or issue specified degrees. Such permission shall be granted upon a year-to-year basis by the Superintendent of Public Instruction. Application for such authorization shall be on forms furnished by the Bureau of Readjustment Education, State Department of Education. The Superintendent of Public Instruction shall not approve an institution to issue degrees until it is determined, based on information submitted to him, that the course of instruction has the facilities and the faculty to afford students and require of students the completion of a program of education which will prepare them for the attainment of a recognized professional, vocational, or educational objective; and the curriculum is consistent in content and quality with curricula offered by established institutions that issue the appropriate degree upon the satisfactory completion thereof. For the purpose of this subdivision the Superintendent of Public Instruction may compare with the requirements and standards of an accrediting agency generally accepted by the class of institution concerned. This shall include the determination that the course for which the degree is granted achieves its professed or claimed objective for higher education. The provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code shall be applicable to any determination of the Superintendent of Public Instruction made pursuant to this subdivision.

(3) A corporation which has filed with the Superintendent of Public Instruction an affidavit by the president or other head of the corporation, stating that the corporation owns an interest in real or personal property or both real and personal property used exclusively for the purpose of education, of a fair market value of not less than fifty thousand dollars ($50,000). Such affidavit shall be accompanied by an appraisal by a state inheritance tax appraiser appointed for the county in which the institution is located, describing the real or personal property or both, and showing the value of the interest of the corporation therein to be at least fifty thousand dollars ($50,000). The value of the interest of the property required to be owned by the corporation for the purposes of this section shall be deemed to be the appraised value of the interest owned by the corporation less the unpaid balance on any note secured by a mortgage or deed of trust thereon or the unpaid balance on a contract of sale thereof. Filing pursuant to this section shall not be interpreted to mean, and it shall be unlawful for any corporation to expressly or impliedly represent by any means whatsoever that the State of California, the Superintendent of Public Instruction, the State Board of Education, the California State Department of Education, or any division or bureau thereof has made any evaluation, recognition, accreditation, approval, or endorsement of the course of study.

(b) A hospital licensed under the provisions of Division 2, Chapter 2 (commencing with Section 1400) of the Health and

Safety Code, which issues diplomas in connection with the operation of a hospital.

(c) A person, firm, association, partnership or corporation which is accredited, approved, or licensed by a state board or agency as a school and which issues or confers diplomas in the profession, vocation or occupation controlled by the board or agency accrediting, approving, or licensing it; provided, that this subdivision shall not be construed as authorizing the issuing of a diploma which is not customarily granted for the training given and which is limited to the profession, vocation or occupation controlled by the accrediting, approving, or licensing board.

(d) Any educational institution accredited for teacher training by the State Board of Education for credentials in the field of teacher training; provided, that this subdivision shall not be construed as authorizing the issuance of a diploma which is not based exclusively on the courses of instruction accredited by the State Board of Education.

(e) Any educational institution approved for veteran training by the Bureau of Readjustment Education of the Department of Education; provided, that this subdivision shall not be construed as authorizing the issuance of a degree by such institution or as authorizing the issuance of any diploma which is not based exclusively on courses of instruction approved by said bureau.

(f) A person, firm, association, partnership or corporation authorized by the Superintendent of Public Instruction to issue specified diplomas. Such permission shall be granted upon a year-to-year basis by the Superintendent of Public Instruction upon the submission of information to him that the courses of instruction, and the faculty or requirements of such applicant will afford students or require of students a course of education comparable to that being furnished by persons, firms, associations, partnerships and corporations offering similar instruction and complying with other subdivisions hereof. For the purpose of this subdivision, the Superintendent of Public Instruction may rely on the findings of an accrediting or approving agency generally accepted by the class of institution concerned and shall consider the results of the examination taken pursuant to Business and Professions Code, Section 2941.5 by students of any applicant. The provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code shall be applicable to any determination of the superintendent made pursuant to this subdivision.

SEC. 3. Section 29009 of said code is amended to read:

29009. Every person, firm, association, partnership, or corporation, meeting the requirements of Sections 29007, 29007.2 and 29007.5 except those so accredited and qualifying under Section 29007(a)(1), issuing or conferring degrees or honorary degrees or diplomas shall between the first and thirty-

first days of January of each year, commencing on January 1, 1964, file with the Superintendent of Public Instruction an affidavit by the owner, president or other head, setting forth the following information covering the preceding calendar year:

(a) All names, whether real or fictitious, of the person, firm, association, partnership or corporation under which it has done and is doing business.

(b) The address, including city and street, of every place of doing business of the person, firm, association, partnership or corporation, within the State of California.

(c) The address, including city and street, of the location of the records of the person, firm, association, partnership or corporation, and the name and address, including city and street, of the custodian of such records.

(d) The names and addresses, including city and street, of the directors, if any, and principal officers of the person, firm, association, partnership or corporation.

(e) That the records required by Section 29010 of this article are maintained at the address stated, and are true and accurate.

(f) Any change in items included in subdivisions (a) to (d), inclusive, shall be reported to the Superintendent of Public Instruction within 20 days of such change.

CHAPTER 1932

An act to authorize a grant to be made from the funds pursuant to the Davis-Grunsky Act to Tuolumne County Water District No. 2 in connection with the Tuolumne River Project.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. The Department of Water Resources is hereby authorized to make a grant to the Tuolumne County Water District No. 2, pursuant to the Davis-Grunsky Act (Chapter 5 (commencing with Section 12880), Part 6, Division 6, Water Code), of such amount as may be determined by the department upon approval of an application therefor pursuant to said act, but not exceeding six million six hundred sixty-five thousand dollars ($6,665,000), for fish and wildlife enhancement and recreational functions of the proposed Tuolumne River Project as described in the application and report on feasibility filed with the Department of Water Resources on January 7, 1963.

No further legislative approval shall be required with respect to the grant authorized by this act; but such grant shall

not be made to the district until the district can actually demonstrate the nature and extent of the statewide interest in the project, the public necessity for the project, the urgency of the need, and the engineering feasibility, economic justification, and the financial feasibility of the project.

CHAPTER 1933

An act to add Article 3 (commencing with Section 23471) to Chapter 3 of Division 17 of the Education Code, relating to higher education.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Article 3 (commencing with Section 23471) is added to Chapter 3 of Division 17 of the Education Code, to read:

Article 3. California College of Medicine

23471. The existing institution known as the California College of Medicine, located in the City of Los Angeles, is affiliated with the University of California, and is a medical department thereof.

23472. The college shall afford facilities for the acquisition of medical learning in all branches of medicine.

23473. The college shall grant and issue diplomas to such students as successfully complete the courses of study of the college.

23474. The college shall be administered by the existing nonprofit corporation known as the "California College of Medicine," with full powers of organization and government, subject to such legislative control as may be necessary to insure compliance with its articles of incorporation and the security of its funds. The trustees of the college, as a board, may elect such officers as they deem necessary and may transact such business, perform such acts, and exercise such powers as provided by its articles of incorporation and bylaws adopted pursuant thereto.

SEC 2. This act shall become operative on January 1, 1965.

CHAPTER 1934

An act to amend Section 1381 of the Penal Code, relating to time for trial of prisoners for other offenses.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 1381 of the Penal Code is amended to read:

1381. Whenever a defendant has been convicted, in any court of this State, of the commission of a felony or indictable misdemeanor and has been sentenced to and has entered upon a term of imprisonment in a state prison or has been committed to and placed in an institution subject to the jurisdiction of the Department of the Youth Authority or whenever any person has been committed to the custody of the Director of Corrections pursuant to Chapter 11 (commencing with Section 6400) of Title 7 of Part 3 of this code and has entered upon his term of commitment, and at the time of the entry upon such term of imprisonment or commitment there is pending, in any court of this State, any other indictment, information, or complaint charging such person with the commission of any crime it is hereby made mandatory upon the district attorney of the county in which such charge is pending to bring the same to trial within 90 days after such person shall have delivered to said district attorney written notice of the place of his imprisonment or commitment and his desire to be brought to trial upon said charge unless a continuance beyond said 90 days is requested or consented to by such person, in open court, and such request or consent entered upon the minutes of the court in which event the 90-day period herein provided for shall commence to run anew from the date to which such consent or request continued the trial. In the event such action is not brought to trial within the 90 days as herein provided the court in which such charge is pending must, on motion or suggestion of the district attorney, or of the defendant or person committed to the custody of the Director of Corrections or his counsel, or of the State Department of Corrections, or of the Department of the Youth Authority, or on its own motion, dismiss such charge. If a charge is filed against a person during the time such person is serving a sentence in any state prison of this State or a commitment pursuant to Chapter 11 of Title 7 of Part 3 or commitment in any institution subject to the jurisdiction of the Department of the Youth Authority it is hereby made mandatory upon the district attorney of the county in which such charge is filed to bring the same to trial within 90 days after said person shall have delivered to said district attorney written notice of the place of his imprisonment or commitment and his desire to

be brought to trial upon said charge, unless a continuance is requested or consented to by such person, in open court, and such request or consent entered upon the minutes of the court, in which event the 90-day period herein provided for shall commence to run anew from the date to which such request or consent continued the trial. In the event such action is not brought to trial within the 90 days as herein provided the court in which such action is pending must, on motion or suggestion of the district attorney, or of the defendant or person committed to the custody of the Director of Corrections or his counsel, or of the State Department of Corrections, or of the Department of the Youth Authority, or on its own motion, dismiss such charge.

CHAPTER 1935

An act to add Section 1423 to the Health and Safety Code and Section 2313 to the Welfare and Institutions Code, relating to institutions for the care of the sick and the aged.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1423 is added to the Health and Safety Code, to read:

1423. The director shall require as a condition precedent to the issuance, or the renewal, of any license for a nursing and convalescent home, if the operator of the nursing and convalescent home handles or will handle any money of patients within such home, that the applicant for the license or the renewal of the license file or have on file with the director a bond issued by a surety company admitted to do business in this State in a sum to be fixed by the director based upon the magnitude of the operations of the applicant, but which sum shall not be less than one thousand dollars ($1,000), running to the State of California and conditioned upon his faithful and honest handling of the money of patients within the home.

Every person injured as a result of any improper or unlawful handling of the money of a patient of a nursing and convalescent home may bring an action in a proper court on the bond required to be posted by the operator pursuant to this section for the amount of damage he suffered as a result thereof to the extent covered by the bond.

Whenever the director determines that the amount of any bond which is filed with him pursuant to this section is insufficient to adequately protect the money of patients which is being handled by the operator of a nursing and convalescent home, or whenever the amount of any such bond is impaired by any recovery against the bond, the director may require the operator to file with the director an additional bond in

such amount as the director determines is necessary to adequately protect the money of patients which is being handled by the operator of a nursing and convalescent home.

The failure of the operator of any licensed nursing and convalescent home to maintain on file with the director a bond in the amount prescribed by the director pursuant to this section is a ground for the revocation of the license of the nursing and convalescent home.

The provisions of this section shall not apply if the operator of the nursing and convalescent home handles less than twenty-five dollars ($25) per patient and less than five hundred dollars ($500) for all patients in the home in any month.

SEC. 2. Section 2313 is added to the Welfare and Institutions Code, to read:

2313. The director shall require as a condition precedent to the issuance, or the renewal, of any license or permit for any institution, boarding home, or other place for the reception or care of aged persons pursuant to this chapter if the operator handles or will handle money of aged persons received or cared for therein, that the applicant for the license or the renewal of the license file or have on file with the director a bond issued by a company admitted to do business in this State in a sum to be fixed by the director based upon the magnitude of the operations of the applicant, but which sum shall not be less than one thousand dollars ($1,000), running to the State of California and conditioned upon his faithful and honest handling of money of aged persons received or cared for in such institution, home or other place for the reception or care of aged persons.

Every person injured as a result of any improper or unlawful handling of the money of an aged person in an institution, home, or other place for the reception or care of aged persons, may bring an action in a proper court on the bond required to be posted by the operator pursuant to this section for the amount of damage he suffered as a result thereof to the extent covered by the bond.

Whenever the director determines that the amount of any bond which is filed with him pursuant to this section is inadequate to protect the money of the aged persons in an institution, home, or other place for the reception or care of aged persons, which is being handled by the operator thereof, or whenever the amount of any such bond is impaired by any recovery against the bond, the director may require the operator to file with the director an additional bond in such amount as the director determines is necessary to adequately protect the money of the aged persons which is being handled by the operator of the institution, home, or other place for the reception or care of aged persons.

The failure of the operator of any institution, home, or other place for the reception or care of aged persons which has a license or permit issued pursuant to this chapter to maintain

on file with the director a bond in the amount prescribed by the director pursuant to this section is a ground for the revocation of the license or permit of the institution, home, or other place for the reception or care of aged persons.

The provisions of this section shall not apply if the operator of the institution, boarding home, home, or other place for the reception or care of aged persons handles less than twenty-five dollars ($25) per patient and less than five hundred dollars ($500) for all patients in the institution, home, or other place in any month.

CHAPTER 1936

An act to amend Sections 905 and 1603 of, and to add Section 21054 to, the Education Code, and to amend Sections 1011 and 1703 of Divisions 4 and 5 of the Education Code as added by Senate Bill No. 718, relating to newly organized school districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 905 of the Education Code is amended to read:

905. Contracts mentioned in this article (commencing with Section 901) shall not be made in excess of the school moneys accruing to the district and usable for the purposes of the contracts during the school year for which the contracts are made. The district shall not be liable for contracts made in violation of this section.

For the purposes of this section, moneys transferred to the funds of a newly organized school district pursuant to Section 21054 are deemed school moneys accruing to the district and usable for the purposes of contracts made for the school year preceding the date the district became effective for all purposes.

SEC. 2. Section 1603 of said code is amended to read:

1603. In any district which is created or whose boundaries or status is changed by an action to organize or reorganize districts, the changes shall be effective on the date the action is completed for the purposes set forth below:

(a) The determination of the assessed valuation of any district or districts affected by the action.

(b) The appointment or election of members of the governing board.

(c) The preparation and submission of the school district budgets.

(d) The election or appointment of an executive officer and other employees required to service the immediate needs of the district.

(e) The election or appointment of employees for the ensuing school year.

(f) The calling and conducting of any elections authorized by law relative to the financing of the district, including bonded indebtedness, tax rates, and state school building aid.

(g) The expenditure of funds available to the district.

(h) The participation in any proceeding authorized by law for the further reorganization of the district.

(i) The exercise by the governing board of the school district of other powers and duties vested in governing boards of school districts of the same type or class and not inconsistent with other provisions of this code.

(j) The receipt and expenditure of funds transferred pursuant to Section 21054.

SEC. 3. Section 21054 is added to said code, to read:

21054. Upon the request of the county board of education on behalf of a newly organized school district, and upon the order of the county board of supervisors of the county or city and county, the auditor and treasurer of the county or city and county shall make a temporary transfer from any funds of the county or city and county not immediately needed to pay claims against them to the general fund of the newly organized school district for the purpose of meeting the current expense of the district until such time as the district receives its first state apportionments or district tax funds. Upon the making of the transfer, the auditor shall immediately notify the superintendent of schools of the county or the city and county of the amount transferred.

The funds transferred under this section to the general fund of a newly organized school district shall be retransferred by the auditor and the treasurer to the fund from which they were taken from the first moneys accruing to the school district after it becomes effective for all purposes pursuant to Education Code Section 1601 and before any other obligation of the school district is paid from the money accruing.

SEC 4. Section 1011 of Division 4 of the Education Code as proposed to be added by Senate Bill No. 718 is amended to read:

1011. The governing board of any school district is liable as such in the name of the district for all debts and contracts, including the salary due any teacher, not made in excess of the school moneys accruing to the district and usable for the purposes of the debts and contracts during the school year for which the debts and contracts are made. The district shall not be liable for debts and contracts made in violation of this section.

For the purposes of this section, moneys transferred to the funds of a newly organized school district pursuant to Section 21054 are deemed school moneys accruing to the district and usable for the purposes of contracts made for the school year preceding the date the district became effective for all purposes.

SEC. 5. Section 1703 of Division 5 of the Education Code as proposed to be added by Senate Bill No. 718 is amended to read:

1703. In any district which is created or whose boundaries or status is changed by an action to organize or reorganize districts, the changes shall be effective on the date the action is completed for the purposes set forth below:

(a) The determination of the assessed valuation of any district or districts affected by the action.

(b) The appointment or election of members of the governing board.

(c) The preparation and submission of the school district budgets.

(d) The election or appointment of an executive officer and other employees required to service the immediate needs of the district.

(e) The election or appointment of employees for the ensuing school year.

(f) The calling and conducting of any elections authorized by law relative to the financing of the district, including bonded indebtedness, tax rates, and state school building aid.

(g) The expenditure of funds available to the district.

(h) The participation in any proceeding authorized by law for the further reorganization of the district.

(i) The exercise by the governing board of the school district of other powers and duties vested in governing boards of school districts of the same type or class and not inconsistent with other provisions of this code.

(j) The receipt and expenditure of funds transferred pursuant to Section 21054.

SEC. 6. Sections 4 and 5 of this act shall become operative only if Divisions 4 and 5 of the Education Code as proposed by Senate Bill No. 718 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as Senate Bill No 718 takes effect; at which time Sections 905 and 1603 of the Education Code as amended by Sections 1 and 2 of this act are repealed.

SEC. 7. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

School districts have been formed since February 1, 1962, but do not become effective for all purposes until July 1, 1964 They need funds prior to the time they become effective for all purposes to carry on the necessary planning and to perform the limited actions authorized by Education Code Section 1603 until the districts do become effective for all purposes. It is, therefore, necessary in order to permit transfer of funds in time to allow such districts to perform the necessary planning and limited actions that the act become effective immediately.

CHAPTER 1937

An act to add Section 214.4 to the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 214.4 is added to the Revenue and Taxation Code, to read:

214.4. For the purposes of Section 214 a school of "less than collegiate grade" is (a) any institution of learning attendance at which exempts a student from attendance at a public full-time elementary or secondary day school under Section 12154 of the Education Code or (b) any institution of learning a majority of whose students are persons that have been excused from attendance at a full-time elementary or secondary day school under Section 12152 or 12156 of the Education Code.

CHAPTER 1938

An act to create a California Heritage Preservation Commission.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. This act shall be known as the California Heritage Preservation Act of 1963.

SEC. 2. In order to provide for the restoration, preservation and display of the historical documents of the State of California on deposit with the Secretary of State, including but not limited to the Spanish Census of 1798, the Constitution of 1849, the minutes of the Constitutional Convention of 1849, the manuscript returns of the election of 1849, the Joaquin Murietta papers, the documents of Treaty of Peace and Friendship with the Stanislaus Indians dated 1851, Indian War Papers of 1850-60, Vallejo's Capitol Plan Papers, and many other priceless documents, there is hereby established a California Heritage Preservation Commission composed of the Secretary of State or his designate and the following members:

(a) One representative of the Interpretative Services Section of the Division of Beaches and Parks appointed by the Director of Parks and Recreation.

(b) Six private citizens appointed by the Governor.

(c) One member affiliated with a private college or university, appointed by the Governor.

(d) One member appointed by the Regents of the University of California.

(e) One member appointed by the Trustees of the State Colleges.

(f) One representative of the California State Library appointed by the California State Librarian.

(g) Two Members of the Senate, appointed by the President pro Tem of the Senate and two Members of the Assembly, appointed by the Speaker, shall meet with, and participate in, the work of the commission to the extent that such participation is not incompatible with their positions as Members of the Legislature. The Members of the Legislature appointed to the commission shall serve at the pleasure of the appointing power. For the purposes of this act, such Members of the Legislature shall constitute a joint interim legislative committee on the subject of this act and shall have the powers and duties imposed upon such committees by the Joint Rules of the Senate and Assembly.

SEC. 3. The members of the commission shall serve at the pleasure of their appointing authority.

The commission shall elect its own chairman.

The Secretary of State is the secretary of the commission.

The Secretary of State shall notify the appointees of the time and place of the first meeting which shall be no later than December 1, 1963.

The members of the commission shall serve without compensation.

The commission shall prepare a plan for the restoration, preservation and display in the State Capitol of the historic documents of the State of California on deposit with the Secretary of State. The plan for the displays shall be directed to the instruction and inspiration of all California citizens, particularly students.

The commission shall report such plan to the Legislature no later than the 31st legislative day of the 1965 Regular Session.

SEC. 4. The commission is authorized to accept funds, donations, gifts, and grants from any source, public or private, to assist it to carry out the purposes of this chapter. All funds shall be deposited in the California Heritage Preservation Fund which is hereby created in the State Treasury.

The Legislature may authorize the use of such funds to carry out the purposes of this chapter in accordance with plans and recommendations of the California Heritage Preservation Commission.

CHAPTER 1939

An act to amend Section 136½ of the Penal Code, relating to bribes to dissuade witnesses from attending.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 136½ of the Penal Code is amended to read:

136½. Every person who gives or offers or promises to give to any witness or person about to be called as a witness, any bribe upon any understanding or agreement that such person shall not attend upon any trial or other judicial proceeding, or every person who attempts by means of any offer of a bribe to dissuade any such person from attending upon any trial or other judicial proceeding, is guilty of a felony.

CHAPTER 1940

An act to add Section 15809.1 to the Education Code, relating to lease of buildings for housing of school district employees.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 15809.1 is added to the Education Code, to read:

15809.1. The governing board of any school district, when leasing a building for housing of school district employees, may lease such building for any period they deem necessary.

CHAPTER 1941

An act to amend the title of, and to amend Sections 1, 2, 5, 7, 8, and 28 of, and to repeal Section 20 of, of the Santa Clara County Flood Control and Water Conservation District Act (Chapter 1405, Statutes of 1951), relating to the Santa Clara County Flood Control and Water Conservation District.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. The title of the Santa Clara County Flood Control and Water Conservation District Act (Chapter 1405, Statutes of 1951) is amended to read:

An act to create a flood control district to be called Santa Clara County Flood Control and Water District; to provide for the control and conservation of flood and storm waters and the protection of watercourses, watersheds, public highways, life and property from damage or destruction from such waters; to provide for the acquisition, retention, and reclaiming of drainage, storm, flood, and other waters and to save, conserve, and distribute such waters for beneficial use in said district; to authorize the incurring of indebtedness, the issuance and sale of bonds, and the levying and collection of taxes and assessments on property within said district and in the respective zones thereof; to define the powers of said district; to provide for the government, management, and operation of said district and for the acquisition and construction of property and works to carry out the purposes of the district, declaring the urgency thereof, to take effect immediately.

SEC. 2. Section 1 of said act is amended to read:

Section 1. This act shall be known and may be cited as the Santa Clara County Flood Control and Water District Act.

SEC. 3. Section 2 of said act is amended to read:

Sec. 2. A flood control district is hereby created to be called the Santa Clara County Flood Control and Water District. Said district shall consist of all the territory of the County of Santa Clara lying within the exterior boundaries of said county. As used in this act "district" means the Santa Clara County Flood Control and Water District.

SEC. 4. Section 5 of said act is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. To adopt a seal and alter it at pleasure.

4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to

appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; and to do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the district, including but not limited to, the acquisition, storage and distribution of water for irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses; to distribute, sell, or otherwise dispose of, outside the district, any waters not needed for beneficial uses within the district; to commence, maintain, intervene in, defend or compromise, in the name of the district in behalf of the landowners therein, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district.

7. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way;

to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold in the name of the State, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to co-operate with, act in conjunction with, enter into and to do any acts necessary for the proper performance of any agreement with the State of California, or any of its engineers, officers, boards, commissions, departments, or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments, or agencies, or with any state, city and county, city, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the ownership, joint acquisition, leasing, disposition, use, management, construction, installation, extension, maintenance, repair, or operation of any rights, works, or other property of a kind which might lawfully be acquired or owned by the Santa Clara County Flood Control and Water District or for the lawful performance of any power or purpose of said district provided for in this act including, but not limited to, the granting of the right to the use of any water or the right to store such water in any reservoir of the district or to carrying such water through any tunnel, canal, ditch or conduit of the district or for the delivery, sale, or exchange of any water right, water supply or water pumped, stored, appropriated or otherwise acquired or secured for the use of said district, or for controlling drainage waters, or flood or storm waters of streams in or running into said district, or for the protection of life or property therein, or for the purpose of conserving any waters for the beneficial use within said district, or in any other works, uses, or purposes provided for in this act and to adopt and carry out any definite plan or system for accomplishing, facilitating and/or financing all work which may lawfully be accomplished by the Santa Clara County Flood Control and Water District and to enforce said plan or system by resolution or ordinance.

8. To carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said district relating to watercourses or streams flowing in or into said district, and in all cases where land may be required for public use by said district, the district, or its agents in charge of such use, shall have the right of access to all properties within the district and elsewhere relating to watercourses and streams flowing in or into said district and may survey and locate the same; but such must be located in a manner which will be most compatible with the greatest public good and the least private injury. The district, or its agents in charge of such public use may enter upon such lands and make examinations, surveys, and maps thereof, and such entry shall constitute no cause of action in favor of the owners of such land, except for injuries resulting from negligence, wantonness, or malice.

9. To prescribe, revise and collect fees and charges for facilities furnished or to be furnished to any new building, improvement or structure by the use of any flood control or storm drainage system constructed or to be constructed in a zone of the district, and whenever a drainage or flood control problem is referred to the district by the County of Santa Clara, or any incorporated city therein, to require the installation of drainage or flood control improvements necessary and/or convenient for needs of the zone, including but not limited to, residential, subdivision, commercial and industrial drainage and flood control needs, said county and cities being hereby authorized to refer all drainage and flood control problems, arising under the Subdivision Map Act or otherwise, to the Santa Clara County Flood Control and Water District for solution. Revenues derived under this section shall be used for the acquisition, construction, reconstruction, maintenance and operation of the flood control or storm drainage facilities of the said zone, to reduce the principal or interest of any bonded indebtedness thereof, or to replace funds expended on behalf of said zone derived from the fund created under authority of Section 13, subdivision 1.

10. To incur indebtedness, and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act.

13. To have the power and right to disseminate information concerning the rights, properties, activities, plans and proposals of the district; provided, however, that expenditures during any fiscal year for such purposes shall not exceed one-

half cent ($0.005) for each one hundred dollars ($100) of assessed valuation of such district.

14. To pay to any city, public agency or district a portion of the cost of water imported by such city, public agency or district into, for use within, and of benefit to the Santa Clara County Flood Control and Water District.

SEC. 4.5. Section 5 of said act is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. To adopt a seal and alter it at pleasure.

4. To acquire by grant, purchase, lease, gift, device, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights of way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; and to do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the district, including but not limited to, the acquisition, storage and distribution of water for irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses; to distribute, sell, or otherwise dispose of, outside the district, any waters not needed for beneficial uses within the district; to commence, maintain, intervene in, defend or compromise, in the name of the district in behalf of the landowners therein, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean

supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district.

7. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold in the name of the State, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to co-operate with, act in conjunction with, enter into and to do any acts necessary for the proper performance of any agreement with the State of California, or any of its engineers, officers, boards, commissions, departments, or agencies, or with the government of the United States, or any of its

engineers, officers, boards, commissions, departments, or agencies, or with any state, city and county, city, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the ownership, joint acquisition, leasing, disposition, use, management, construction, installation, extension, maintenance, repair, or operation of any rights, works, or other property of a kind which might lawfully be acquired or owned by the Santa Clara County Flood Control and Water District or for the lawful performance of any power or purpose of said district provided for in this act including, but not limited to, the granting of the right to the use of any water or the right to store such water in any reservoir of the district or to carrying such water through any tunnel, canal, ditch or conduit of the district or for the delivery, sale, or exchange of any water right, water supply or water pumped, stored, appropriated or otherwise acquired or secured for the use of said district, or for controlling drainage waters, or flood or storm waters of streams in or running into said district, or for the protection of life or property therein, or for the purpose of conserving any waters for the beneficial use within said district, or in any other works, uses, or purposes provided for in this act and to adopt and carry out any definite plan or system for accomplishing, facilitating and/or financing all work which may lawfully be accomplished by the Santa Clara County Flood Control and Water District and to enforce said plan or system by resolution or ordinance.

8. To carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said district relating to watercourses or streams flowing in or into said district, and in all cases where land may be required for public use by said district, the district, or its agents in charge of such use, shall have the right of access to all properties within the district and elsewhere relating to watercourses and streams flowing in or into said district and may survey and locate the same; but such must be located in a manner which will be most compatible with the greatest public good and the least private injury. The district, or its agents in charge of such public use may enter upon such lands and make examinations, survey, and maps thereof.

9. To prescribe, revise and collect fees and charges for facilities furnished or to be furnished to any new building, improvement or structure by the use of any flood control or storm drainage system constructed or to be constructed in a zone of the district, and whenever a drainage or flood control problem is referred to the district by the County of Santa Clara, or any incorporated city therein, to require the installation of drainage or flood control improvements necessary and/or convenient for needs of the zone, including but not limited to, residential, subdivision, commercial and industrial drainage and flood control needs, said county and cities being hereby authorized to

refer all drainage and flood control problems, arising under the Subdivision Map Act or otherwise, to the Santa Clara County Flood Control and Water District for solution. Revenues derived under this section shall be used for the acquisition, construction, reconstruction, maintenance and operation of the flood control or storm drainage facilities of the said zone, to reduce the principal or interest of any bonded indebtedness thereof, or to replace funds expended on behalf of said zone derived from the fund created under authority of Section 13, subdivision 1.

10. To incur indebtedness, and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act.

13. To have the power and right to disseminate information concerning the rights, properties, activities, plans and proposals of the district; provided, however, that expenditures during any fiscal year for such purposes shall not exceed one-half cent ($0.005) for each one hundred dollars ($100) of assessed valuation of such district.

14. To pay to any city, public agency or district a portion of the cost of water imported by such city, public agency or district into, for use within, and of benefit to the Santa Clara County Flood Control and Water District.

SEC. 5. Section 7 of said act is amended to read:

Sec. 7. The Board of Supervisors of Santa Clara County shall be and is hereby designated as, and empowered to act as, ex officio the Board of Supervisors of the Santa Clara County Flood Control and Water District. As used elsewhere in this act the terms "board" and "board of supervisors" mean the Board of Supervisors of the Santa Clara County Flood Control and Water District.

All ordinances, resolutions and other legislative acts for said district shall be adopted by said board of supervisors, and certified to, recorded and published, in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the County of Santa Clara.

SEC. 6. Section 8 of said act is amended to read:

Sec. 8. The district attorney, county counsel, county surveyor, county assessor, county tax collector, county auditor and county treasurer of the County of Santa Clara and their successors in office, and all their assistants, deputies, clerks and employees, and all other officers of said Santa Clara County, their assistants, deputies, clerks and employees, shall be ex officio officers, assistants, deputies, clerks and employees respectively of said Santa Clara County Flood Control and Water District, and shall respectively perform, unless otherwise pro-

vided by the board, the same various duties for said district as for said Santa Clara County, in order to carry out the provisions of this act; provided, however, that where the county surveyor is a registered civil engineer and is employed by the board of supervisors to supervise the engineering work of said district, the board may provide for compensation for his services hereunder payable from the funds of the district, in addition to his salary as county surveyor of Santa Clara County.

SEC. 7. Section 20 of said act is repealed.

SEC. 8. Section 28 of said act is amended to read:

Sec. 28. There is hereby granted to Santa Clara County Flood Control and Water District the right-of-way for the location, construction and maintenance of flood control channels, ditches, waterways, conduits, canals, storm dikes, embankments, and protective works in, over and across public lands of the State of California, not otherwise disposed of or in use, not in any case exceeding in length or width that which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right-of-way for such works or adjuncts thereto is made by the district the board thereof must transmit to the State Lands Commission, the Controller of the State and the recorder of the county in which the selected lands are situated, a plat of the lands so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the State Lands Commission shall approve the selections so made it shall endorse its approval upon the plat and issue to the district a permit to use such right-of-way and lands.

SEC. 9. The change in the name of the Santa Clara County Flood Control and Water Conservation District made by this act shall be operative on July 1, 1964.

SEC. 10 Section 4 5 of this act shall not become effective unless Senate Bill No. 499 is enacted by the Legislature at the 1963 Regular Session; in which case, Section 4 of this act is repealed and notwithstanding the order of signing or the provisions of Section 9605 of the Government Code, Section 4.5 of this act shall become effective immediately after Senate Bill No. 499 and shall prevail over Section 17 of Senate Bill No. 499.

CHAPTER 1942

An act to amend Section 15812 of the Government Code, relating to the State Building Construction Act.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 15812 of the Government Code is amended to read:

15812. The unused balance of any amount heretofore or hereafter authorized or appropriated by the Legislature for any public building to be acquired or constructed pursuant to this part which the Director of Finance, with the approval of the board, determines is not required for the building for which it was authorized or appropriated may be transferred on order of the Director of Finance to and in augmentation of any authorization or appropriation made for any other building or buildings under this part and is hereby authorized or appropriated, as the case may be, for the acquisition or construction of any other building or buildings authorized under this part.

This section shall not apply to amounts authorized or appropriated for acquistion or construction of buildings authorized by Chapter 1072 of the Statutes of 1957.

CHAPTER 1943

An act to amend Section 29363 of the Vehicle Code, relating to logs and poles.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 29363 of the Vehicle Code is amended to read:

29363 Bunks shall have reasonably sharp top edges to minimize load end shift and shall not be bent down in excess of one inch at either end. When transporting poles treated with a preservative, said bunks may be capped with a rough-cut timber measuring at least 6 inches by 6 inches and securely fastened to the bunk.

CHAPTER 1944

An act to add Section 13171 to the Government Code, relating to a monument to Father Junípero Serra and making an appropriation therefor.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 13171 is added to the Government Code, to read:

13171. Subject to the approval of the Capitol Building and Planning Commission, the department shall acquire and do all acts necessary to erect and maintain a monument to Father Junípero Serra on the grounds of the State Capitol.

SEC. 2. The sum of thirty thousand dollars ($30,000) is appropriated from the General Fund to the Department of Finance to carry out the provisions of this act; provided, that no funds shall be expended unless matched by a like amount made available from private or sources other than the State.

CHAPTER 1945

An act to amend Sections 6826, 6852, 6871.1, 6871.2, 6871.3, 6872, 6873, 6873.1, 6873.2, 6874, 6875, and 6877 of the Public Resources Code, relating to oil and gas leases on state lands.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6826 of the Public Resources Code is amended to read:

6826. The commission may permit geological or geophysical surveys on state lands and may grant permits therefor upon such terms and conditions as the commission shall specify by regulation, but any such permit shall not give the permittee any preferential right to an oil and gas lease. The taking of cores and other sample may be conducted on and under state lands; provided, that the commission shall require that a permit first be obtained covering such types of drilling operations for the purpose of obtaining geological samples as the commission may determine by regulation, such permit to be issued upon such terms and conditions as the commission may specify by regulation, but any such permit shall not give the permittee any preferential right to an oil and gas lease.

The commission shall require, as a condition to the issuance of any permit for the conduct of geological or geophysical surveys on tide and submerged lands under this section, that the permittee make available to the commission, upon request, all factual and physical exploration results, logs, and records resulting from the operations under the permit. Any such factual or physical exploration results, logs, or records which the permittee is required to make available to the commission shall be for the confidential use of the commission and shall not be open to inspection by any other person or agency without the written consent of the permittee.

It is a misdemeanor for any member of the commission, any officer or employee of the commission, or any person performing any function or work assigned to him by the commission, to disclose to any person who is not a member, officer, employee of the commission or to any person who is not performing any function or work assigned to him by the commission, any information obtained from the inspection of such factual

or physical exploration results, logs, or records, or to use such information for purposes other than the administration of the functions, responsibilities, and duties vested in the commission by law, except upon the written consent of the permittee making available such information to the commission.

SEC. 2. Section 6852 of said code is amended to read:

6852. Whenever it appears to the commission that it is for the best interests of the State to lease any such lands for the production of oil or gas therefrom, or whenever a person who possesses the qualifications provided in this chapter makes written request therefor, the commission may offer the same for bidding at such times and in such parcels as the commission shall determine to be in the best interests of the State.

SEC. 3. Section 6871.1 of said code is amended to read:

6871.1. Except as provided in Section 6871.2 of this code, the tide and submerged lands of the State along the coast of the Pacific Ocean which may be leased pursuant to Section 6871.3 of this code for the production of oil and gas are those extending from the northerly city limits of the City of Newport Beach, Orange County, to the northerly boundary of the State of California.

SEC. 4. Section 6871.2 of said code is amended to read:

6871.2. Except as provided in Sections 6872 and 6872.1 of this code, the commission shall not enter into any lease for the extraction of oil and gas from state-owned tide and submerged lands within the areas to which this section is applicable.

The provisions of this section shall be applicable only to the lands within the following described areas, but shall not be construed so as to prohibit operations or activities under any state oil and gas leases of any portion or portions of the tide and submerged lands to which this section is applicable and which leases are in effect on January 1, 1955, nor to prohibit renewals or extensions of any such leases in accordance with the provisions thereof.

(a) All those tide or submerged lands situated in the areas of the County of Los Angeles described as follows:

Area No. 1: Beginning at the point of intersection of the ordinary high-water mark of the Pacific Ocean with the southerly point of Point Fermin; thence in a generally northerly and westerly direction along said ordinary high-water mark to the Ventura county line; thence due south three nautical miles to a point in the Pacific Ocean; thence in a generally easterly and southerly direction parallel to said ordinary high-water mark to a point in the Pacific Ocean three nautical miles due south from the point of beginning; thence due north to the point of beginning.

Area No. 2: The tide and submerged lands surrounding the Islands of San Clemente and Santa Catalina waterward of the ordinary high-water mark of the Pacific Ocean on such islands to a distance three nautical miles therefrom.

(b) All those tide and submerged lands being in the County of Santa Barbara and lying within an area beginning at the point of intersection of the ordinary high water mark of the Pacific Ocean with the westerly line of that certain 408.60 acres, more or less, tract of land shown as belonging to the University of California, Santa Barbara College, upon that certain map thereof, recorded in Book 29 at page 143 Record of Surveys, in the Office of the Santa Barbara County Recorder; thence in a general easterly direction along said ordinary high water mark of the Pacific Ocean to a point distant 500 feet westerly from, measured at right angles thereto, the southerly prolongation of the easterly line of that certain tract of land deeded to Nino Brambilla, et ux, by that certain deed, recorded April 2, 1947, in Book 724 at page 353 of Official Records, in said county recorder's office; thence due south to a point in the Pacific Ocean three nautical miles from said ordinary high water mark; thence in a general westerly direction, parallel with the ordinary high water mark of the Pacific Ocean to a point due south from the point of beginning; thence due north to the point of beginning;

(c) All those tide and submerged lands being in the County of San Luis Obispo and lying within an area beginning at a point on the ordinary high water mark of the Pacific Ocean at the center line of the pier at the Pismo Beach State Beach Park; thence southerly along the ordinary high water mark of the Pacific Ocean to a point 10 statute miles distant in a direct line from said point of beginning; thence on a line due west into the Pacific Ocean a distance of three nautical miles to a point; thence northerly on a line parallel to the ordinary high water mark of the Pacific Ocean to a point which lies due west a distance of three nautical miles from a point on the ordinary high water mark of the Pacific Ocean, which point is distant in a direct line one statute mile northerly from the intersection of the ordinary high water mark of the Pacific Ocean with the center line of the pier in the State Beach Park at Cayucos; thence southerly along the ordinary high water mark of the Pacific Ocean to the point of beginning.

(d) All those tide and submerged lands being in the County of Monterey, and lying within an area beginning at the intersection of the ordinary high water mark of the Pacific Ocean and the west line of Section 32, T. 24 S., R. 6 E., M D.B.&M ; thence northerly and westerly along the ordinary high water mark of the Pacific Ocean to a point on said ordinary high water mark one-half mile northerly of the south line of T. 12 S., M.D.B.; thence in a true southwesterly direction to a point in Monterey Bay, said point being three nautical miles from the ordinary high water mark; thence southerly and easterly on a line parallel to and three nautical miles distant from said ordinary high water mark of the Pacific Ocean to a point due west from the point of beginning; thence due east to the point of beginning.

(e) All those tide and submerged lands being in the Counties of Humboldt and Mendocino and lying within an area beginning at the intersection of the ordinary high water mark of the Pacific Ocean and the south line of Township 5 South, Humboldt Base Line; thence northerly and westerly along the ordinary high water mark of the Pacific Ocean to the intersection of said high water mark and the north line of Township 1 North, Humboldt Base Line; thence due west to a point in the Pacific Ocean, said point being three nautical miles from the ordinary high water mark; thence in a southerly and easterly direction, parallel to and three nautical miles distant from said high water mark to a point due west from the point of beginning; thence due east to the point of beginning.

SEC. 5. Section 6871.3 of said code is amended to read:

6871.3. Whenever it appears to the commission that it is for the best interests of the State to lease lands subject to the provisions of Sections 6871.1 or 6877 of this code for the production of oil or gas therefrom, or whenever a person who possesses the qualifications provided in this chapter makes written request therefor, the commission may, subject to the provisions of Section 6871.4, offer the same for bidding at such times and in such parcels as the commission shall determine to be in the best interests of the State.

SEC. 6. Section 6872 of said code is amended to read:

6872. Tide and submerged lands other than those which may be leased under Section 6871.1 and Section 6872.1, may be leased by the commission if the commission shall determine (1) that oil or gas deposits are believed to be contained in such lands, (2) that the same are being drained by means of wells upon adjacent lands, and (3) that the leasing of the same for the production of oil and gas will be in the best interests of the State.

SEC. 7. Section 6873 of said code is amended to read:

6873. When leasing tide or submerged lands or beds of navigable rivers or lakes, the commission shall prepare a form of lease which shall contain, in addition to other provisions deemed desirable and necessary by the commission, appropriate provisions contained in this chapter and the following:

(a) Each well drilled pursuant to the terms of the lease may be drilled or slant-drilled to and into the subsurface of the tide or submerged lands or beds of navigable rivers or lakes, covered by the lease from upland, riparian or littoral drill sites owned or controlled by the State or owned by or available, at any time, to the lessee, or from drill sites located upon any filled lands heretofore or hereafter filled, whether contiguous or noncontiguous to the riparian or littoral lands or uplands, or from any pier heretofore or hereafter constructed owned by or available to the lessee and available for such purpose, or from platforms or other fixed or floating structure in, on or over the tide or submerged lands or beds of navigable rivers or lakes, covered by the lease or otherwise available to the lessee.

(b) Pollution and contamination of the ocean, and tidelands, or navigable rivers or lakes, and all impairment of and interference with bathing, fishing or navigation in the waters of the ocean or any bay or inlet thereof, or any navigable river or lake, is prohibited, and no oil, tar, residuary product of oil or any refuse of any kind from any well or works shall be permitted to be deposited on or pass into the waters of the ocean or any bay or inlet thereof or any navigable river or lake; provided, however, that this subsection (b) shall not be deemed to apply to deposit on or passage into said waters of water not containing any hydrocarbons or vegetable or animal matter.

(c) If the lessee, as disclosed by information submitted with his bid, proposes to drill one or more wells from filled lands, whether contiguous or noncontiguous to the riparian or littoral lands or uplands, or from any pier or from platforms or other fixed or floating structures to be constructed for such purpose, and if permission from any federal or state agency is legally required in order to construct any such filled land or structures, the lessee shall be allowed a reasonable time following the execution of the lease within which to secure the necessary permission from such federal and state agencies as shall be legally required, and, upon the securing of such permission, a further reasonable time, determined with regard to the nature of the filled lands or structure or structures to be constructed, within which to commence operations for the drilling of such well or wells. The drilling term of the lease shall be extended by the commission by a period equal to such reasonable time to secure such permission, and, if necessary, to the date to which the time to commence operations for the drilling of such well or wells has been extended.

(d) Any offshore filled lands or structure or structures constructed for the purpose of drilling pursuant to this section shall conform to the rules and regulations of the commission in effect at the time of invitation for bids in pursuance of which the lease is awarded. Drilling, whether from upland, riparian, littoral or offshore locations, shall be conducted in conformance with such rules and regulations in effect at the time of invitation for bids in pursuance of which the lease is awarded.

In the case of any existing lease of tide or submerged lands, the commission may, with the consent of the other party thereto, amend the same so as to contain or conform with subdivisions (a), (b), (c) and (d) hereof, or any of them, except that the provisions of said subdivision (d) when incorporated into such a lease by such an amendment shall refer to the rules and regulations in effect at the time such amendment is made rather than to those in effect at the time of invitation for bids in pursuance of which the lease is awarded and said subdivision (a) may not be incorporated into such a lease without also incorporating said subdivision (d) therein.

SEC. 8. Section 6873.1 of said code is amended to read:

6873.1. Filled lands shall include, but not be limited to, tide or submerged lands or beds of navigable rivers or lakes, reclaimed artificially through raising such lands above the highest probable elevation of the tides, or high water line on the river banks or shore, to form dry land, by placement of a fill or deposit of earth, rock, sand or other solid imperishable material. Such fill may be retained in place or protected by bulkheads, seawalls, revetments or similar enclosures and may be placed at any location approved by the commission under a lease heretofore or hereafter issued pursuant to this article.

SEC. 9. Section 6873.2 of said code is amended to read:

6873.2. Before offering any tide or submerged land area or beds of navigable rivers or lakes in any area for an oil and gas lease, the commission shall publish notice thereof, and any affected city or county may, within thirty (30) days after the publication of such notice, request in writing to the commission that a hearing be held with respect thereto. Upon receipt of such request, the commission shall hold such a hearing and give not less than ten (10) days' written notice thereof to the city or county, or both such city and county, making such request, and to the Department of Natural Resources, and shall publish such notice. The commission in its discretion and irrespective of any such requests may hold such hearings as it shall determine. Published notices shall be given in the manner prescribed in Section 6834 of this chapter.

In not less than thirty (30) days after such hearing the commission shall determine whether or not to offer the land for lease, as provided under Sections 6871.3, 6872 and 6872.1. In such determination the commission shall consider whether the issuance of a lease as to all or a part of such lands would result in an impairment or interference with the developed riverbank or shoreline recreational or residential areas adjacent to the proposed leased acreage, or whether to offer such land for lease as to all or a part thereof and include in the offer for lease such reasonable rules and regulations which, in the opinion of the commission, are necessary for the exploration, development, and operation of said lease in a manner which will not impair or interfere with said developed riverbank or shoreline recreational or residential areas; provided, however, that no tide or submerged lands or beds of navigable rivers or lakes shall be offered for lease under any conditions, rules, or regulations which will result in a discrimination between bidders as prohibited by Section 6874.

The commission in determining whether the issuance of such lease or leases would result in such impairment or interference with the developed riverbank or shoreline, recreational or residential areas adjacent to the proposed leased acreage or in determining such rules and regulations as shall be necessary in connection therewith shall at said hearing receive evidence upon and consider whether such proposed lease or leases would

(a) Be detrimental to the health, safety, comfort, convenience, or welfare of persons residing in, owning real property, or working in the neighborhood of such areas;

(b) Interfere with the developed riverbank or shoreline, residential or recreational areas to an extent that would render such areas unfit for recreational or residential uses or unfit for park purposes;

(c) Destroy, impair, or interfere with the esthetic and scenic value of such recreational, residential or park areas;

(d) Create any fire hazard or hazards, or smoke, smog or dust nuisance, or pollution of waters surrounding or adjoining said areas.

Authority to hold the hearings provided in this section may be delegated by the commission to its officers or employees.

SEC. 10. Section 6874 of said code is amended to read:

6874. Each bid shall be accompanied by information giving a description of the location or locations, structure or structures, from which the bidder proposes to drill. In awarding a lease, the commission shall not discriminate between bidders by prohibiting drilling from upland, littoral or riparian drill sites, or drilling from sites upon filled lands, whether contiguous or noncontiguous to the riparian or littoral lands or uplands, or upon any pier or platform or other fixed or floating structure in, on or over tide and submerged lands or beds of navigable rivers or lakes, with respect to which the State or other owner thereof has consented, or may thereafter consent, to such use; provided, however, that in the event state-owned tide or submerged lands or beds of navigable rivers or lakes are determined by the commission to contain oil or gas deposits which are being drained by wells owned by others upon adjacent lands, and such state-owned tide and submerged lands or beds of navigable rivers or lakes cannot be developed by a particular method of exploration, development or operation without interfering with or impairing developed riverbank or shoreline, recreational or residential areas, then the commission may offer and award an oil and gas lease on such lands with a prohibition against said particular method of exploration, development or operation.

SEC. 11. Section 6875 of said code is amended to read:

6875. If the Legislature has transferred to any city or county the administration of the trust, whether or not limited, under which tide or submerged lands or beds of navigable rivers and lakes are held by the State, the commission, pursuant to this chapter, may enter into agreements upon behalf of the State to compensate any such city or county for the use of surface drilling and operating sites upon such lands from the royalty or revenue to be derived by the State from oil and gas taken from such lands by lessees of the State.

Any such compensation shall include an amount sufficient reasonably to compensate any such city or county for any damage to or interference with the use or uses to which the surface of such lands are being or may be utilized by or upon

behalf of such city or county. The consideration to the State in any such agreement shall include the right to a lessee of the State to carry on all operations on any such tidelands or beds of navigable rivers and lakes necessary to accomplish the purposes of this chapter and such terms and conditions as shall be determined by the commission to be in the interests of the State.

The consideration to the State in any such agreement shall also include a compromise, settlement and release of any and all claims and rights which such city or county has or may have against the State arising out of or in connection with the extraction and removal of oil and gas from such lands. All money paid to any city or county under this section shall be used by it solely in furtherance of the trust under which the administration of tide and submerged lands and beds of navigable rivers and lakes has been transferred to such city or county and for the purposes expressed in the act so transferring administration of such lands.

SEC. 12. Section 6877 of said code is amended to read:

6877. All the beds of navigable rivers and lakes belonging to the State may be leased pursuant to Section 6871.3 of this code for the production of oil and gas, subject to the same limitations and conditions imposed by this article, and in accordance with the provisions of this chapter insofar as not in conflict with this article.

CHAPTER 1946

An act relating to the Golden Gate Bridge and Highway District.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. The Golden Gate Bridge and Highway District shall, after sufficient funds have been accumulated and set aside for the retirement of the bonded indebtedness of the district and for the payment of the obligations of the district entered into and pursuant to Chapter 1505, Statutes of 1945, reimburse all counties within the district for taxes which were collected from the taxpayers of such counties and paid to the district for district purposes, together with interest at the average rate of interest earned in district investments from the date of organization of the district to the date of such repayment, but not to exceed four percent (4%) per year.

CHAPTER 1947

An act to amend Section 504 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 504 of the Revenue and Taxation Code is amended to read:

504. A penal assessment shall not exceed 10 times the value of the property penally assessed.

CHAPTER 1948

An act to amend Section 728 of the Public Utilities Code, relating to the rates of telephone corporations.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 728 of the Public Utilities Code is amended to read:

728. Whenever the commission, after a hearing, finds that the rates or classifications, demanded, observed, charged, or collected by any public utility for or in connection with any service, product, or commodity, or the rules, practices, or contracts affecting such rates or classifications are insufficient, unlawful, unjust, unreasonable, discriminatory, or preferential, the commission shall determine and fix, by order, the just, reasonable, or sufficient rates, classifications, rules, practices, or contracts to be thereafter observed and in force.

In determining and fixing rates for a telephone corporation pursuant to this section or pursuant to Section 455, or in determining whether or not a proposed rate increase is justified pursuant to Section 454, the commission shall, among other things, take into consideration any evidence offered concerning the quality of the particular telephone corporation's services as compared with that of telephone corporations in adjacent territory, and the permissible rates for comparable service charged by telephone corporations in adjacent territory.

CHAPTER 1949

An act to amend Sections 73640, 73641, 73642, 73643, 73643.1, 73645.1 and 73648 of, to add Section 73648.1 to, and to repeal Sections 73644 and 73645 of, the Government Code, relating to municipal courts.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 73640 of the Government Code is amended to read:

73640. This article applies to the municipal court established in a district embracing the Judicial District of El Cajon.

SEC. 2. Section 73641 of said code is amended to read:

73641. There shall be two judges.

SEC. 3. Section 73642 of said code is amended to read:

73642. There shall be one clerk who shall be appointed by the judges of the court and who shall receive a monthly salary at a rate specified in Schedule 39 of the salary schedule provided in Section 74343.1.

SEC. 4. Section 73643 of said code is amended to read:

73643. The clerk may appoint with the approval of the judges:

(a) Two deputy clerks IV each of whom shall receive a monthly salary at a rate specified in Schedule No. 29. The position of chief deputy clerk shall succeed to the position of deputy clerk IV.

(b) Twelve deputy clerks III, each of whom shall receive a monthly salary at a rate specified in Schedule No. 24. The position of deputy clerk shall succeed to the position of deputy clerk III.

(c) Three deputy clerks II, each of whom shall receive a monthly salary at a rate specified in Schedule No. 21. The position of junior deputy clerk shall succeed to the position of deputy clerk II.

(d) Two deputy clerks I, each of whom shall receive a monthly salary at a rate specified in Schedule No. 18. Appointments to this position shall be at step B of the schedule.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 74343.1, and the provisions of subdivisions (a), (b), (c), and (d) of that section are applicable to the attachés appointed pursuant to this section.

SEC. 5. Section 73643.1 of said code is amended to read:

73643.1. In the event that there is an increase in the number of judges the clerk of the court may appoint one deputy clerk IV, one deputy clerk III and one deputy clerk II, for each additional judgeship created. Such additional deputy

clerks shall receive the monthly salaries specified for their respective classifications by Section 73643.

SEC. 6. Section 73644 of said code is repealed.

SEC. 7. Section 73645 of said code is repealed.

SEC. 8. Section 73645.1 of said code is amended to read:

73645.1. In no event shall the salary of the clerk or any deputy clerk who occupied his position on the day prior to the effective date of this section be less than the amount of his salary on such day.

SEC. 9. Section 73648 of said code is amended to read:

73648. (a) All persons holding positions on the 91st day after any regular session of the Legislature shall continue in their respective positions without further examination or qualification and at the added compensation provided in this article, including increments for continuous prior service in such positions in the court. Any person whose title is changed as a result of this act shall receive credit for continued service to which he would be entitled under his previous position and shall receive compensation at the step covering such length of service. Thereafter, any increments earned by additional service in grade shall take effect upon the first day of the month following completion of such required service.

(b) In addition to the compensation provided in this article, the attachés of the municipal court shall receive, and they shall be entitled to the same vacations, sick leave, leaves of absence and similar privileges and benefits as are now or may hereafter be provided for the employees of the County of San Diego, including the right to participate in a retirement plan, and in any group health, accident or life insurance plan adopted by the Board of Supervisors of San Diego County. Such privileges and benefits shall be retroactively applied. The municipal court judges may adopt rules for the conduct of and personnel privileges to be afforded the attachés of the court.

(c) All attachés may be appointed, promoted, removed, suspended or discharged for cause by the appointing authority subject in such appointment, promotion, removal, suspension or discharge to civil service provisions applicable to the classified personnel of San Diego County. Whenever a person or attaché is appointed or promoted to a position, such person or attaché must serve a probationary period of at least six months.

(d) Notwithstanding the provisions of Section 71183, a person appointed by the clerk or marshal from an eligible list certified by the Civil Service Commission of the County of San Diego to fill a temporary position established pursuant to Section 72150 and employed in such temporary position immediately prior to the 91st day after the final adjournment of a regular session of the Legislature, may be appointed by such clerk or marshal to a like permanent position in such clerk's or marshal's office without further examination, qualification or certification on a civil service eligible list; provided, that the number of such positions in the clerk's or marshal's office

has been increased by the last regular session of the Legislature so as to make such temporary position a permanent position.

SEC. 10. Section 73648.1 is added to said code, to read:

73648.1. The first six months served in any position shall be considered probationary and the appointing power shall have the authority to dismiss without cause, in the case of a new employee, or demote without cause in the case of a promoted employee, during said six-month period.

CHAPTER 1950

An act to amend Sections 1091 and 1091.5 of the Government Code, relating to public officers' interest in contracts.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1091 of the Government Code is amended to read:

1091. (a) An officer shall not be deemed to be interested in a contract entered into by a body or board of which he is a member within the meaning of this article if he has only a remote interest in the contract and if the fact of such interest is disclosed to the body or board of which he is a member and noted in its official records, and thereafter the body or board authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer or member with the remote interest.

(b) As used in this article "remote interest" means:

(1) That of a nonsalaried officer of a nonprofit corporation;

(2) That of an employee or agent of the contracting party, if such contracting party has 10 or more other employees and if the officer was an employee or agent of said contracting party for at least three years prior to his initially accepting his office.

For the purposes of this subsection, time of employment with the contracting party by the officer shall be counted in computing the three-year period specified in this subsection even though such contracting party has been converted from one form of business organization to a different form of business organization within three years of the initial taking of office by such officer. Time of employment in such case shall be counted only if, after the transfer or change in organization, the real or ultimate ownership of the contracting party is the same or substantially similar to that which existed before such transfer or change in organization. For the purposes of this subsection, stockholders, bondholders, partners, or other persons holding an interest in the contracting party are regarded as having the "real or ultimate ownership" of such contracting party.

(3) That of a parent in the earnings of his minor child for personal services;

(4) That of a landlord or tenant of the contracting party;

(5) That of an attorney of the contracting party; or

(6) That of a member of a nonprofit corporation formed under the Agricultural Code or a nonprofit corporation formed under the Corporations Code for the sole purpose of engaging in the merchandising of agricultural products.

(7) That of a supplier of goods or services when such goods or services had been supplied to the contracting party by the officer for at least five years prior to his election or appointment to office.

(c) The provisions of this section shall not be applicable to any officer interested in a contract who influences or attempts to influence another member of the body or board of which he is a member to enter into the contract.

(d) The willful failure of an officer to disclose the fact of his interest in a contract pursuant to this section shall be punishable as provided in Section 1097. Such violation shall not void the contract however, unless the contracting party had knowledge of the fact of the remote interest of the officer at the time the contract was executed.

SEC. 2. Section 1091.5 of said code is amended to read:

1091.5. An officer or employee shall not be deemed to be interested in a contract if his interest is:

(a) The ownership of less than 3 percent of the shares of a corporation for profit, provided the total annual income to him from dividends, including the value of stock dividends, from the corporation does not exceed 5 percent of his total annual income, and any other payments made to him by the corporation do not exceed 5 percent of his total annual income;

(b) That of an officer in being reimbursed for his actual and necessary expenses incurred in the performance of official duty;

(c) That of a recipient of public services generally provided by the public body or board of which he is a member, on the same terms and conditions as if he were not a member of the board.

CHAPTER 1951

An act to amend Section 6388 of the Revenue and Taxation Code, relating to sales and use taxes.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

Code is amended to read:

SECTION 1. Section 6388 of the Revenue and Taxation

6388. Where a new truck, new truck tractor, new semi-trailer, or new trailer, any of which has an unladen weight of 6,000 pounds or more, or new trailer coach or new auxiliary dolly, is purchased from a dealer located outside this State for use without this State and is delivered by the manufacturer to the purchaser within this State, and such purchaser drives or moves such vehicle from the manufacturer's place of business in this State to any point outside this State within 30 days from and after the date of the delivery, there are exempted from the taxes imposed by this part the gross receipts from the sale of and the storage, use or other consumption of such vehicle within the State, provided that the purchaser furnishes the following to the manufacturer:

(a) Written evidence of an out-of-state registration for such vehicle.

(b) The purchaser's affidavit attesting that he is not a resident of California and that he purchased such vehicle from a dealer at a specified location without the State for use outside this State.

(c) The purchaser's affidavit that such vehicle has been moved or driven to a point outside this State within 30 days of the date of the delivery of the vehicle to him.

CHAPTER 1952

An act to amend Sections 1812 2 and 1812.5 of the Civil Code, relating to repossession and sale of goods.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1812.2 of the Civil Code is amended to read:

1812 2. In the event of any default by the buyer in the performance of his obligations under a contract or installment account, the holder, pursuant to any rights granted therein, may proceed to recover judgment for the balance due without retaking the goods, or he may retake the goods and proceed as hereinafter provided. If he retakes the goods, he shall, within 10 days, give notice to the buyer of his intention to sell the goods at public sale or give notice to the buyer of his intention to retain the goods in satisfaction of the balance due. The notice must state the amount of the overdue payments, that the buyer must pay, if he pays within 10 days of the notice, in order to redeem the goods. In either case the buyer shall have an absolute right to redeem the goods within 10 days after the notice is given by paying or tendering the amount owing under the contract. If the holder gives notice of election to sell the goods the buyer shall also have the absolute right to

redeem the goods at any time before sale by paying or tendering the amounts specified above and also any expense reasonably incurred by the seller or holder in good faith in repairing, reconditioning the goods or preparing them for sale. If the holder gives notice of his intention to retain the goods in satisfaction of the indebtedness he shall be deemed to have done so at the end of the 10-day period if the goods are not redeemed; at the time the notice is given, the holder shall furnish the buyer a written statement of the sum due under the contract and the expenses provided for in this section. For failure to render such a statement the holder shall forfeit to the buyer ten dollars ($10) and also be liable to him for all damages suffered because of such failure.

SEC. 2. Section 1812.5 of said code is amended to read:

1812.5. If the proceeds of the sale are not sufficient to cover items (1), (2) and (3) of Section 1812.4, the holder may not recover the deficiency from the buyer or from anyone who has succeeded to the obligations of the buyer.

CHAPTER 1953

An act to amend Section 75075 of the Government Code, relating to the retirement of judges.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 75075 of the Government Code is amended to read:

75075. Any judge hereafter retiring pursuant to the provisions of Section 75025 or Section 75060 may elect to receive the benefits accorded by this article (a) if he retires on the day of attainment of the age of 70 years, or prior thereto, or (b) regardless of age at retirement, if he is a judge on the effective date of this article and (1) retires within five years after said effective date or (2) if not eligible to retire within said five-year period, he retires within two years after he attains eligibility.

Every judge who qualifies under this section shall be deemed to elect to receive the benefits accorded by this article, unless he makes an election to the contrary by filing written notice thereof with the Secretary of State at or prior to retirement.

CHAPTER 1954

An act to add Section 1633 to the Welfare and Institutions Code, relating to care of children.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1633 is added to the Welfare and Institutions Code, to read:

1633. Before issuing a license to any person to operate a boarding home, foster home, or other place maintained to receive and care for children, the department or the county or city inspection service, as the case may be, shall secure from the Federal Bureau of Investigation or State Bureau of Criminal Identification and Investigation a full criminal record to determine whether the applicant or his spouse has ever been convicted of a crime other than a minor traffic violation. If it is found that the applicant or his spouse living in the same location has been so convicted, the application shall be denied, unless otherwise provided pursuant to the following paragraph.

After review of the record, the Director of the Department of Social Welfare, or the person in charge of the county or city inspection service, as the case may be, may exempt any applicant for a license from the provisions of this section if the record reveals no conviction of a felony involving intentional bodily harm or a sex offense, and if the director or person in charge of the county or city inspection service believes the applicant to be of such good character as to justify issuance of a license.

CHAPTER 1955

An act to amend Section 13144.1 of, and to add Sections 13144.2, 13144.3, and 13144.4 to, the Health and Safety Code, relating to fire protection.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 13144.1 of the Health and Safety Code is amended to read:

13144.1. The State Fire Marshal shall prepare and publish in looseleaf form lists of construction materials and equipment and methods of construction and of installation of equipment, together with the name of any person, firm, corporation, association, or similar organization listed as the manufacturer, representative, or supplier, which are in conformity with fire and panic safety standards provided by Title 19 of the Cali-

fornia Administrative Code. The State Fire Marshal shall periodically prepare and publish in looseleaf form revisions to this list.

Copies of such lists or revisions shall be distributed at the cost of printing by the State Fire Marshal to persons who have filed written requests for such approved lists or revisions.

It shall not be construed that because a material, assemblies of materials, method of construction and installation of equipment has not been listed, as permitted by this section, that such a material, assemblies of materials, method of construction and installation of equipment does not conform to the fire and panic safety standards provided by Title 19 of the California Administrative Code.

SEC. 2. Section 13144.2 is added to said code, to read:

13144.2. Any person, firm, corporation, association, or similar organization desiring listing pursuant to Section 13144.1 shall first make application to the State Fire Marshal on forms provided by him. Such applications shall be accompanied by the listing fee as follows:

(a) Except as provided in subdivisions (b) and (c), the original and annual renewal fee for the listing of a material, equipment, method of construction, or method of installation of equipment for any person, firm, corporation, association, or similar organization shall be fifty dollars ($50). The original and annual renewal fee for the next four additional materials, equipment, methods of construction or of installation of equipment shall be twenty-five dollars ($25) for each listing. The original and annual renewal fee for additional materials, equipment, methods of construction, or method of installation of equipment shall be ten dollars ($10) for each listing in excess of five listings.

(b) The original and annual renewal fee for the listing of one series of fire alarm control units for any person, firm, corporation, association or similar organization shall be twenty-five dollars ($25). The original and annual renewal fee for each additional series of fire alarm control units for any person, firm, corporation, association, or similar organization shall be ten dollars ($10).

(c) The original and annual renewal fee for the listing of one series of fire alarm devices, annunciators, bells, boxes, detectors (flame, heat, particles of combustion, radiation, smoke or similar types) horns, sirens, whistles or similar devices for any person, firm, corporation, association, or similar organization shall be ten dollars ($10). The original and annual renewal fee for the listing of additional series of fire alarm devices for any person, firm, corporation, association, or similar organization shall be five dollars ($5).

The State Fire Marshal may list in generic terms without a listing fee materials or assemblies of materials classed by him as industrywide and conforming to standards established by the regulations adopted pursuant to Sections 13108 and 13143. He may list without a listing fee methods of construction and

of installation of equipment classed by him as industrywide in application and use.

SEC. 3 Section 13144.3 is added to said code, to read:

13144 3. The annual and renewal listing established by Section 13144.2 shall be for the fiscal year period from July 1st to June 30th or for the remaining portion thereof. All moneys collected from original and annual renewal fees pursuant to Section 13144 2 shall be deposited in the General Fund.

SEC. 4. Section 13144.4 is added to said code, to read:

13144.4. The State Fire Marshal may adopt regulations to implement, interpret, make specific or otherwise carry out the provisions of Sections 13144 1, 13144 2, and 13144.3.

CHAPTER 1956

An act to amend Section 1002 of the Fish and Game Code, relating to taking and possessing wildlife specimens for scientific, propagation or exhibition purposes.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 1002 of the Fish and Game Code is amended to read:

1002. The department may issue permits, subject to such restrictions and regulations as the commission deems desirable, to take or possess, in any part of the State, for scientific, educational or propagation purposes, mammals, birds and the nests and eggs thereof, fish, amphibia or any other form of plant or animal life.

The fee for such permits is five dollars ($5) per year, except that a permit without fee may be issued authorizing only the banding of birds and the exhibition of live or dead wildlife specimens by public zoological gardens, scientific or educational institutions. The license year for such permits is the calendar year or any part thereof. It is not necessary for the possessor of such a permit to have a sport fishing or hunting license to pursue the scientific collecting of any fish, aquatic animal or plant, bird, or mammal in this State.

A special student permit may be issued pursuant to this section, on the payment of an annual fee of one dollar ($1), to any student in a school of collegiate level who is required by an instructor in wildlife research in such school to collect specimens used in laboratory work in the school under supervision and in connection with a course in wildlife research or in the conduct of wildlife investigations and studies on behalf of the public.

Nothing in this section authorizes any act which violates Section 597 of the Penal Code.

Such a permit does not authorize the taking of fish or mammals from the ocean waters of this State which are within the boundaries of any city if the city has filed with the department an objection to such taking.

CHAPTER 1957

An act to amend Section 7044 of, and to repeal Section 7050 of, the Business and Professions Code, relating to contractors.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 7044 of the Business and Professions Code is amended to read:

7044. This chapter does not apply to: (a) an owner of property, building or improving structures thereon, or appurtenances thereto, or (b) to an owner of property who contracts for such a project with a licensed contractor, or (c) to an owner of property who does such work himself or with his own employees with wages as their sole compensation. Provided that such structure or structures with or without the appurtenances thereto is not intended or offered for sale and contains no more than three dwelling units of which one dwelling unit shall be the actual domicile of such owner-builder if designed wholly or partially for residential occupancy.

In all actions brought under this chapter, proof of the sale or offering for sale of such structures by the owner-builder within one year after completion of same is presumptive evidence that such structure was undertaken for purposes of sale.

The registrar may take disciplinary action as provided in this chapter against any licensee whenever the grounds or cause for disciplinary action arose upon any project being undertaken on behalf of an owner or the owner's agents by such licensee.

The amendments to this section made at the 1963 Regular Session of the Legislature shall not apply to any such owner of property with respect to any structure or structures or appurtenances thereto upon which he has commenced construction prior to the effective date of such amendments.

SEC. 2. Section 7050 of said code is repealed.

CHAPTER 1958

An act to amend Sections 26211, 26234, 26243, 26288, 26290, 26292, and 26330 of, to repeal Sections 26289 and 26290.5 of, and to add Sections 26211.1, 26218, 26219, 26220, 26243.5, 26250.5, 26276, 26289, 26289.5, 26290.5, and 26304 to the Health and Safety Code, relating to drugs and devices.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 26211 of the Health and Safety Code is amended to read:

26211. "New drug" means (1) any drug the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling thereof; or (2) any drug the composition of which is such that such drug, as a result of investigations to determine its safety and effectiveness for use under such conditions, has become recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions. This section shall not apply to any drug which (1) was commercially sold or used in this State on the date immediately preceding the effective date of the amendments to this section enacted at the 1963 Regular Session of the Legislature, or which was commercially sold or used in the United States on October 9, 1962, (2) was not a new drug as defined by this section prior to the enactment of this chapter and (3) was not covered by an effective application under Section 26288 as amended of this chapter or under Section 505 of the federal act, when such drug is solely intended for use under conditions prescribed, recommended or suggested in labeling with respect to such drug on whichever of the above dates is applicable.

SEC. 1.5. Section 26211.1 is added to said code, to read:

26211.1. "New device" means (1) any device the composition, construction, or properties of which are such that such device is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of devices, as having been adequately shown, through scientific investigations to be safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling thereof; or (2) any device the composition, construction, or properties of which are such that such device, as a result of such investigation to determine its safety and effectiveness for use under such conditions, has become so recognized, but which has not, otherwise than in such investiga-

tions, been used to a material extent or for a material time under such conditions.

SEC. 2. Section 26218 is added to said code, to read:

26218. The term "substantial evidence" means evidence consisting of adequate and well-controlled investigations, including clinical investigations, by experts qualified by scientific training and experience to evaluate the effectiveness of the drug or device involved, on the basis of which it could fairly and responsibly be concluded by such experts that the drug or device will have the effect it purports or is represented to have under conditions of use prescribed, recommended, or suggested in the labeling or advertising thereof.

SEC. 3. Section 26234 of said code is amended to read:

26234. A drug or device shall be deemed to be adulterated (1) if it consists in whole or in part of any filthy, putrid or decomposed substance; or (2) if it has been produced, prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health; or (3) if it is a drug and the methods used in, or the facilities or controls used for, its manufacture, processing, packing, or holding do not conform to or are not operated or administered with current good manufacturing practice to assure that such drug meets the requirements of this chapter as to safety and has the identity and strength and meets the quality and purity characteristics which it purports or is represented to possess. The board shall promulgate such interpretative regulations as the board determines as necessary to define "current good manufacturing practice" as used in this chapter; provided, that such regulations shall conform, insofar as practicable, to those promulgated by the Secretary of Health, Education, and Welfare.

SEC 4. Section 26243 of said code is amended to read:

26243. A drug shall be deemed to be misbranded unless its label bears, to the exclusion of any other nonproprietary name (except the applicable systematic chemical name or the chemical formula), (1) the established name of the drug, if such there be; and (2) in case it is fabricated from two or more ingredients, the established name and quantity of each active ingredient, including the kind and quantity or proportion of any alcohol, and also including, whether active or not, the established name and quantity or proportion of any bromides, ether, chloroform, acetanilid, acetphenetidin, antipyrine, atropine, hyoscine, hyoscyamine, codeine, arsenic, digitalis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, barbituric acid, or any derivative or preparation of any such substances, contained therein; provided, that the requirement for stating the quantity of the active ingredients, other than the quantity of those specifically named in this paragraph, shall apply only to prescription drugs; and for any prescription drug the established name of such drug or ingredient, as the case may be, on such label (and on any labeling on which a

name for such drug or ingredient is used) shall be printed prominently and in type at least half as large as that used thereon for any proprietary name or designation for such drug or ingredient.

SEC. 4.5. Section 26243.5 is added to said code, to read:

26243.5. A drug shall be deemed to be misbranded if it is, or purports to be, or is represented as a drug composed wholly or partly of any kind of penicillin, streptomycin, chlortetracycline, chloramphenicol, bacitracin, or any other antibiotic drug, or any derivative thereof, unless (1) it is from a batch with respect to which a certificate or release has been issued pursuant to Section 507 of the federal act, and (2) such certificate or release is in effect with respect to such drug: provided, that this section shall not apply to any drug or class of drugs exempted by regulations promulgated under subdivision (c) or (d) of Section 507 of the federal act. For the purpose of this section, the term "antibiotic drug" means any drug intended for use by man containing any quantity of any chemical substance which is produced by a micro-organism and which has the capacity to inhibit or destroy micro-organisms in dilute solution (including the chemically synthesized equivalent of any such substance).

SEC. 5. Section 26219 is added to said code, to read:

26219. As used in this chapter the term "established name," with respect to a drug or ingredient thereof, means (1) the applicable official name designated by the Secretary of Health, Education, and Welfare, or (2) if there is no such name and such drug, or such ingredient, is an article recognized in an official compendium, then the official title thereof in such compendium, or (3) if neither clause (1) nor clause (2) of this section applies, then the common or usual name, if any, of such drug or of such ingredient: Provided further, that where clause (2) of this section applies to an article recognized in the United States Pharmacopeia and in the Homeopathic Pharmacopeia under different official titles, the official title used in the United States Pharmacopeia shall apply unless it is labeled and offered for sale as a homeopathic drug, in which case the official title used in the Homeopathic Pharmacopeia shall apply.

SEC. 6. Section 26250.5 is added to said code, to read:

26250.5. A drug shall be deemed to be misbranded if it was manufactured, prepared, propagated, compounded, or processed in an establishment not duly registered with the Secretary of Health, Education, and Welfare.

SEC. 7. Section 26276 is added to said code, to read:

26276. In the case of any prescription drug distributed or offered for sale, a manufacturer, packer, or distributor thereof shall include in all advertisements and other descriptive printed matter issued or caused to be issued by the manufacturer, packer, or distributor with respect to that drug a true statement of:

(1) The established name, printed prominently and in type at least half as large as that used for any trade or brand name thereof;

(2) The formula showing quantitatively each ingredient of such drug to the extent required for labels under Section 26243; and

(3) Such other information in brief summary relating to side effects, contraindications, and effectiveness as shall be required by regulations promulgated by the board.

SEC. 9. Section 26288 of said code is amended to read:

26288. The sale, offering for sale, holding for sale, delivering or giving away of any new drug or device is unlawful and prohibited unless (1) an application with respect thereto has been approved under Section 505 of the federal act, or (2) if the drug or device is not subject to the federal act unless such drug or device has been tested and has been found to be safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling thereof, and prior to selling or offering for sale such drug or device there has been approved an application filed with the board setting forth:

(a) Full reports of investigations which have been made to show whether or not such drug or device is safe for use, and whether such drug or device is effective in use;

(b) A full list of the articles used as components of such drug or device;

(c) A full statement of the composition of such drug or device;

(d) A full description of the methods used in, and the facilities and controls used for, the manufacture, processing and packing of such drug, or in the case of a device, a full statement of its composition, properties and construction and the principle or principles of its operation;

(e) Such samples of such drug or device and of the articles used as components of the drug or device as the board may require; and

(f) Specimens of the labeling and advertisements proposed to be used for such drug or device.

SEC. 10. Section 26289 of said code is repealed.

SEC. 11. Section 26289 is added to said code, to read:

26289. Within 180 days after the filing of an application provided for in subdivision (2) of Section 26288, or such additional period as may be agreed upon by the board and the applicant, the board shall either:

(1) Approve the application if it finds that none of the grounds for denying approval specified in Section 26290 applies, or

(2) Give the applicant notice for an opportunity for a hearing before the board on the question whether such application is approvable If the applicant elects to accept the opportunity for hearing by written request within 30 days after such notice, such hearing shall commence not more than 90 days after the

expiration of such 30 days unless the board and the applicant otherwise agree. Any such hearing shall thereafter be conducted on an expedited basis and the board order thereon shall be issued within 90 days after the date fixed by the board for filing final briefs.

SEC. 12. Section 26289.5 is added to said code, to read:

26289.5. (a) In the case of any drug or device for which an approval of an application filed pursuant to this chapter is in effect, the applicant shall establish and maintain such records, and make such reports to the board, of data relating to clinical experience and other data or information, received or otherwise obtained by such applicant with respect to such drug or device, as the board may prescribe on the basis of a finding that such records and reports are necessary in order to enable the board to determine, or facilitate a determination, whether there is or may be ground for suspension of the application.

(b) Every person required under this section to maintain records, and every person in charge of custody thereof shall, upon request of an agent of the board, permit such agent at all reasonable times to have access to and copy and verify such records.

SEC. 13. Section 26290 of said code is amended to read:

26290. The board shall issue an order refusing to permit the application to become effective, if, after due notice to the applicant and opportunity for a hearing, the board finds any of the following:

(a) The investigations, reports of which are required to be submitted to the board pursuant to subdivision (2) of Section 26288, do not include adequate tests by all methods reasonably applicable to show whether or not a drug or device is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof.

(b) The results of tests specified in subdivision (a) show that a drug or device is unsafe for use under the conditions specified in subdivision (a) or do not show that the drug or device is safe for use under such conditions.

(c) The methods used in, and the facilities and controls used for, the manufacture, processing, and packing of a drug or device are inadequate to preserve its identity, strength, quality, and purity.

(d) Upon the basis of the information submitted to it as part of the application, or upon the basis of any other information before it with respect to a drug or device, it has insufficient evidence to determine whether the drug or device is safe for use under the conditions specified in subdivision (a).

(e) Evaluated on the basis of the information submitted to it as part of the application and any other information before it with respect to such drug or device there is a lack of substantial evidence that the drug or device will have the effect it purports or is represented to have under the conditions

of use prescribed, recommended, or suggested in the proposed labeling or advertising thereof.

(f) The application contains any untrue statement of a material fact.

SEC. 14. Section 26290.5 of said code is repealed.

SEC. 15. Section 26290.5 is added to said code, to read:

26290.5 (a) The board shall issue an order withdrawing approval of an application concerning any drug or device if, after due notice to the applicant and opportunity for a hearing, the board finds any of the following:

(1) That clinical or other experience, tests, or other scientific data show that such drug or device is unsafe for use under the conditions of use upon the basis of which the application was approved;

(2) That new evidence of clinical experience, not contained in such application or not available to the board until after such application was approved, or tests by new methods, or tests by methods not deemed reasonably applicable when such application was approved, evaluated together with the evidence available to the board when the application was approved, shows that such drug or device is not shown to be safe for use under conditions of use upon the basis of which the application was approved; or

(3) On the basis of new information with respect to such drug or device, evaluated together with the evidence available to the board when the application was approved, that there is a lack of substantial evidence that the drug or device will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling or advertising thereof; or

(4) That the application contains any untrue statement of a material fact.

(b) If the board finds that there is an imminent hazard to the public health, it may suspend the approval of such application immediately.

(c) The board may also, after due notice and opportunity for hearing, withdraw the approval of an application with respect to any drug or device under this section if the board finds any of the following:

(1) That the applicant has failed to establish a system for maintaining required records, or has repeatedly or deliberately failed to maintain such records or to make required reports, or the applicant has refused to permit access to, or copying or verification of, such records; or

(2) That on the basis of new information before the board, evaluated together with the evidence before it when the application was approved, the methods used in, or the facilities and controls used for, the manufacture, processing, and packing of such drug are inadequate to assure and preserve its identity, strength, quality, and purity and were not made adequate within a reasonable time after receipt of written notice from the board specifying the matter complained of; or

(3) That on the basis of new information before it, evaluated together with the evidence before it when the application was approved, the labeling of such drug or device, based on a fair evaluation of all material facts, is false or misleading in any particular and was not corrected within a reasonable time after receipt of written notice from the board specifying the matter complained of.

(d) Any order under this section shall state the findings upon which it is based.

SEC. 16. Section 26292 of said code is amended to read:

26292. Section 26288 shall not apply to any of the following:

(1) To a drug or device intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety and effectiveness of drugs or devices, if all of the following conditions are complied with:

(a) The label of the drug or device bears the statement "Caution: New drug (or device). Limited by law to investigational use."

(b) The drug or device has had adequate testing on appropriate experimental animals to demonstrate a lack of toxicity and hazard sufficient to permit its use in or on human beings in equivalent dosage and to establish with clarity the margins of safety ordinarily recognized by experts qualified by scientific training and experience to investigate the safety and effectiveness of such drugs or devices.

(c) The drug or device is to be used solely for investigational use by or under the direction of, an expert qualified by scientific training and experience to investigate the safety and effectiveness of such drug or device.

(d) A written statement signed by the expert has been filed with the board. The statement shall show that the expert has adequate facilities for the investigation to be conducted by him, and that the drug or device will be used solely by him or under his direction for the investigation, unless and until an application becomes effective, concerning such drug or device, under Section 26289.

(e) The statement referred to in subdivision (d) is kept by the expert and complete records showing the date, quantity and batch or code mark (if any) of each such shipment and delivery.

(f) All records and statements referred to in subdivisions (d) and (e) are made available by the expert for inspection upon the request of any agent of the board at any reasonable hour until two years after the introduction of such shipment or delivery into intrastate commerce.

(g) The manufacture, or the sponsor of the investigation, of a drug or device to be used solely for investigational use shall require that experts using such drugs or devices certify to the manufacturer or sponsor that they will inform any human beings to whom such drugs or devices, or any controls used in connection therewith, are being administered, or their repre-

sentatives, that such drugs or devices are being used for investigational purposes and will obtain the consent of such human beings or their representatives, except where they deem it not feasible or, in their professional judgment, contrary to the best interests of such human beings.

(2) To a drug or device sold in this State at any time prior to the effective date of this chapter, or to a drug introduced into interstate commerce at any time prior to the enactment of the federal act.

(3) To any drug which is licensed under the Federal Virus, Serum, and Toxin Act of March 4. 1913 (37 Stat. 832), or Chapter 4 (commencing at Section 1600) of Division 2 of this code.

(4) To products produced by a laboratory licensed under Section 351 of Title III of the Public Health Service Act (Public Law 410, Chapter 373, 78th Congress—Second Session).

(5) To any antibiotic drug subject to Section 26243.5 of this code.

SEC. 17. Section 26304 is added to said code, to read:

26304. In the case of a prescription drug distributed or offered for sale, the failure of the manufacturer, packer, or distributor thereof to maintain for transmittal, or to transmit, to any practitioner licensed by applicable state law to administer such drug who makes written request for information as to such drug, true and correct copies of all printed matter which is required to be included in any package in which that drug is distributed or sold is prohibited. Nothing in this section shall be construed to exempt any person from any labeling requirement imposed by or under other provisions of this chapter.

SEC. 18. Section 26330 of said code is amended to read:

26330. The board or its duly authorized agent shall have free access at all reasonable hours to any factory, warehouse, or establishment in which drugs or devices are manufactured, processed, packed, or held for introduction into commerce, or to enter any vehicle being used to transport or hold such drugs and devices, in commerce, for the purpose:

(1) Of inspecting such factory, warehouse, establishment, or vehicle to determine if any of the provisions of this chapter are being violated; and in the case of any factory, warehouse, establishment, or consulting laboratory in which prescription drugs are manufactured, processed, packed, or held, the inspection shall extend to all things therein (including records, files, papers, processes, controls, and facilities) bearing on whether prescription drugs which are adulterated or misbranded within the meaning of this chapter, or which may not be manufactured, introduced into commerce, or sold, or offered for sale by reason of any provision of this chapter, have been or are being manufactured, processed, packed, transported, or held in any such place, or otherwise bearing on violation of this chapter. No inspection authorized for prescription drugs by

the preceding sentence shall extend to (a) financial data, (b) sales data other than shipment data, (c) pricing data, (d) personnel data (other than data as to qualifications of technical and professional personnel performing functions subject to this chapter), and (e) research data (other than data, relating to new drugs subject to reporting under this chapter).

(2) To secure samples or specimens of any drugs and devices after paying or offering to pay for such sample.

SEC. 19. Section 26220 is added to said code, to read:

26220. The term "manufacture, preparation, propagation, compounding, or processing" shall include repackaging or otherwise changing the container, wrapper, or labeling of any drug package in furtherance of the distribution of the drug from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer.

CHAPTER 1959

An act to amend Section 1425 of the Penal Code, relating to jurisdiction of justice courts.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1425 of the Penal Code is amended to read:

1425. Justice courts shall have jurisdiction in all criminal cases amounting to misdemeanor only, punishable by fine not exceeding one thousand dollars ($1,000), or imprisonment not exceeding one year, or by both such fine and imprisonment, where the offense charged was committed within the county in which the court is established except those of which other courts are given exclusive jurisdiction and except cases arising under Section 272 of the Penal Code. Each justice court shall have exclusive jurisdiction in all cases involving the violation of ordinances of cities or towns situated within the district in which such court is established.

CHAPTER 1960

An act to amend Sections 8516, 8615, 8674, and 10177 of, and to add Sections 8518, 8614, and 8616 to, the Business and Professions Code, relating to structural pest control.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 8516 of the Business and Professions Code is amended to read:

8516. (a) The provisions of this section shall apply only to wood-destroying pests or organisms.

(b) No licensee shall commence work on a contract, or sign, issue or deliver any documents expressing an opinion or statement relating to the absence or presence of wood-destroying pests or organisms until an inspection has been made. The licensee shall retain for three years all field reports from which a verbal or written estimate of or solutions for work are made. A written inspection report conforming to this section and on a form prescribed by the board shall be prepared and delivered to the person requesting the inspection or his designated agent. A copy of each such report shall be filed with the board at the time the report is delivered or not later than five days after the date the inspection is made. The report shall be delivered to the person requesting the inspection, or his designated agent before work is commenced. The following shall be set forth in the report:

1. The date of the inspection and the name of the person making the inspection.

2. The name and address of the person or firm ordering the report.

3. The name and address of any person who is a party in interest to whom the board is to send certified copies of inspection reports and completion notices as provided in subdivision (e) of this section.

4. The address or location of the property.

5. A general description of the building or premises inspected.

6 A foundation diagram or sketch of the structure or structures or portions of such structure or structures inspected, indicating thereon the approximate location of any infested or infected areas evident, and the parts of the structure where conditions exist which would ordinarily subject such parts to attack by wood-destroying pests or organisms.

7. Information regarding the substructure, foundation walls and footings, porches, patios and steps, air vents, abutments, attic spaces or other parts subject to attack by wood-destroying pests or organisms. Conditions usually deemed likely to lead to infestation or infection, such as earth contacts, excessive cellulose debris, faulty grade levels, excessive moisture conditions and insufficient ventilation are to be reported.

8 Indication or description of any areas normally subject to damage which are inaccessible or for other reason not inspected, with suggestion for further inspection if practicable. If, after the report has been made in compliance with the provisions of this section, authority is given later to open inaccessible areas, a supplementary report on conditions in these areas shall be made.

9 Recommendations for corrective measures.

(c) Such report and any contract entered into shall also state specifically when any guarantee for the work is made,

and if so, the specific terms of the guarantee and the period of time for which the guarantee shall be in effect.

(d) Control service is defined as the regular reinspection of a property after a report has been made in compliance with the provisions of this section and such corrections as have been agreed upon have been completed. Under a control service agreement a licensee shall refer to the original report and contract in such manner as to identify them clearly, and said report shall be assumed to be a true report of conditions as originally issued, except it may be modified after a control service inspection. A licensee is not required to issue a report as outlined in subsections 1 to 9 inclusive after each control service inspection. If after control service inspection, no modification of the original report is made in writing, then it will be assumed that conditions are as originally reported. A control service contract shall state specifically the particular wood-destroying pests or organisms and the portions of the buildings or structures covered by such contract.

(e) Whenever a report is filed pursuant to subdivision (b) of this section, the board shall forthwith send to any person or firm designated under paragraph 3 of said subdivision a certified copy of all inspection reports and completion notices made on the property and filed with the board during the preceding two years.

SEC. 2. Section 8518 is added to said code, to read:

8518. When a licensee completes work under a contract, he shall not later than five days thereafter file with the board a notice of work completed, on a form prescribed by the board. The notice shall include a statement of the cost of the completed work and estimated cost of work not completed. Each such notice shall have affixed thereto a stamp issued by the board in the denomination fixed by the board pursuant to Section 8674 as the fee for filing a notice of work completed. The board shall provide for the sale of such stamps and for the refund of moneys paid for stamps which are returned to it unused.

SEC. 3. Section 8614 is added to said code, to read:

8614. Any person, whether or not a party to a real property transaction, has a right to request and, upon payment of the required fee, to obtain directly from the board a certified copy of all inspection reports and completion notices prepared and filed by any structural pest control operator during the preceding two years.

SEC. 4. Section 8615 of said code is amended to read:

8615. The certified copy fee required by this chapter shall accompany each request for certified copies made to the board pursuant to Section 8614. In return for such fee the board shall prepare and transmit to the requester certified copies of all inspection reports and completion notices filed with the board on the subject property within the preceding two years, except that if a search of the board's records discloses that no inspection report and completion notice has been filed on the

property within the preceding two years, the board shall retain the fee as a search fee.

The certified copy fee may be paid in stamps issued by the board in the denomination fixed by it pursuant to Section 8674. If the fee is so paid, the person requesting the certified copies shall affix to his request a stamp in the proper denomination. The board shall provide for the sale of such stamps and for the refund of moneys paid for stamps which are returned to it unused.

SEC. 5. Section 8616 is added to said code, to read:

8616. Where a wood-destroying organism inspection of the property is requested by any party to a real property transaction, the real estate broker shall give a separate written notice of the provisions of Section 8614 to each party and shall obtain from each such person written acknowledgment that said person has received such written notice.

SEC. 6. Section 8674 of said code is amended to read:

8674. The amount of the fees prescribed by this chapter is that fixed by the following schedules.

Duplicate license	$2
Change of name	2

	Minimum	Maximum
Operator's examination	$10	$25
Operator's license	25	50
Renewal operator's license	25	50
Principal office registration	25	50
Renewal principal office registration	25	50
Branch office registration	10	25
Renewal branch office registration	10	25
Field representative's examination	5	15
Field representative's license	5	15
Renewal field representative's license	5	15
Solicitor trainee's permit	10	25
Inspection report filing	0 50	3
Certified copy of inspection report	0.50	3
Notice of work completed	0.50	2

In the foregoing schedule, where a minimum and maximum amount is set forth, the board with the approval of the director shall determine and set the fee to be paid.

SEC. 7. Section 10177 of said code is amended to read:

10177. The commissioner may suspend or revoke the license of any real estate licensee, or may deny the issuance of a license to an applicant, who has done any of the following:

(a) Procured, or attempted to procure, a real estate license, for himself or any salesman, by fraud, misrepresentation or deceit, or by making any material misstatement of fact in an application for a real estate license.

(b) Entered a plea of guilty or nolo contendere to, or been found guilty of, or been convicted of, a felony or a crime involving moral turpitude, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of an order granting probation following such conviction, suspending the imposition of sentence, or of a subsequent order under the provision of Section 1203.4 of the Penal Code allowing such licensee to withdraw his plea of guilty and to enter a plea of not guilty, or dismissing the accusation or information.

(c) Knowingly authorized, directed, connived at or aided in the publication, advertisement, distribution, or circulation of any material false statement or representation concerning his business or any land or subdivision (as defined in Chapter 1 of Part 2 of this division) offered for sale.

(d) Willfully disregarded or violated any of the provisions of the Real Estate Law (commencing with Section 10000 of this code) or of Chapter 1 (commencing with Section 11000) of Part 2 of this division or of the rules and regulations of the commissioner for the administration and enforcement of the Real Estate Law and Chapter 1 of Part 2 of this division.

(e) Willfully used the term "realtor" or any trade name or insignia of membership in any real estate organization of which the licensee is not a member.

(f) Acted or conducted himself in a manner which would have warranted the denial of his application for a real estate license.

(g) Demonstrated negligence or incompetence in performing any act for which he is required to hold a license.

(h) If, as a broker licensee, failed to exercise reasonable supervision over the activities of his salesmen.

(i) Has used his employment by a governmental agency in a capacity giving access to records, other than public records, in such manner as to violate the confidential nature of such records.

(j) Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing.

(k) Violated any of the terms, conditions, restrictions, and limitations contained in any order granting a restricted license.

(*l*) Violated Section 8616 of this code.

SEC. 8. The act shall become operative on September 1, 1964.

CHAPTER 1961

An act to add Section 9311 of the Education Code, relating to textbooks for use in the elementary schools.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 9311 is added to the Education Code, to read:

9311. In adopting basic textbooks pursuant to Section 9302, the State Board of Education may adopt separate basic textbooks designed to meet the various learning or language abilities of children in the same age group or grade level. In adopting such separate basic textbooks, the State Board of Education shall so select and adopt the textbooks that the textbooks adopted for each level of learning or language ability constitute a uniform and co-ordinated series which shall be co-ordinated with other textbooks adopted for the same grade level but for children with a lower or higher learning or language ability. The state board may adopt other textbooks, supplementary textbooks and teachers' manuals for use in the elementary schools, subject to the provisions of this section.

The board shall determine the level of learning or language ability in the particular grade or grades for which each basic textbook, other textbook, supplementary textbook, or teachers' manual, adopted pursuant to this section, is adopted.

Whenever the board adopts basic textbooks, other textbooks, supplementary textbooks, or teachers' manuals pursuant to this section, the board shall determine, at the time they are adopted, the quantities in which they shall be provided for pupils and teachers.

CHAPTER 1962

An act authorizing a Davis-Grunsky grant to the Helix Irrigation District in connection with the Chet Harritt Dam and Reservoir.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. The Department of Water Resources is hereby authorized to make a grant to the Helix Irrigation District, pursuant to the Davis-Grunsky Act (Chapter 5 (commencing with Section 12880), Part 6, Division 6, Water Code), of such amount as may be determined by the department upon approval of an application therefor pursuant to said act, but

not exceeding the amount of nine hundred thousand dollars, ($900,000), for recreational functions incidental to the construction of the Chet Harritt Dam and Reservoir in San Diego County.

No further legislative approval shall be required with respect to the grant authorized to be made to the district by this act; but such grant shall not be made to the district until the district can actually demonstrate the nature and extent of the statewide interest in the project, the public necessity for the project, the urgency of the need, and the engineering feasibility, economic justification, and the financial feasibility of the project

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CHAPTER 1963

An act to add Sections 8501.1, 17308, 18351.1, 18351.2, and 18351.3 to, to amend Sections 17301, 17303.5, 18351, 18352, and 18353 of, and to repeal Section 18352.2 of, the Education Code, relating to public schools.

[Approved by Governor July 19, 1963 Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 8501.1 is added to the Education Code, to read:

8501.1. Any services of the county superintendent of schools authorized by this chapter which relate to the co-ordination of the educational program or co-ordination of the course of study among districts under his jurisdiction, the preparation of courses of study, the development of courses of study or curricula materials, or research or development studies in connection with the curricular and special services of the county superintendent of schools are subject to the budget and other restrictions of Section 18351.2 and any other applicable sections.

SEC. 2. Section 17301 of said code is amended to read:

17301. (a) The State Controller shall during each fiscal year transfer from the General Fund of the State to the State School Fund such sums, in addition to the sums accruing to the State School Fund from other sources, as shall provide in the State School Fund for apportionment during the fiscal year a total amount per pupil in average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school and junior college schools in the State and to the county school tuition funds, as certified by the Superintendent of Public Instruction, one hundred eighty dollars ($180).

(b) The Controller shall also transfer, as needed during each fiscal year, such additional amounts from the General Fund to the State School Fund as are certified from time to

time by the Superintendent of Public Instruction to be necessary to meet actual computed apportionments from the State School Fund for the purposes set forth in Section 17303.5, but the total of such additional amounts transferred in a fiscal year shall not exceed, except pursuant to subdivision (c) of this section, twenty-one dollars and thirty-six cents ($21.36) per pupil in average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school and junior college schools in the State and to the county school tuition funds, as certified by the Superintendent of Public Instruction less the amount, if any, by which one dollar and sixty cents ($1.60) multiplied by the number of units of average daily attendance credited during the preceding fiscal year to all kindergarten, elementary, high school and junior college schools in the State and to the county school tuition funds exceeds twenty-one dollars and fifty cents ($21.50) multiplied by the total average daily attendance credited during the preceding school year to elementary school districts which during the preceding school year had less than 901 units of average daily attendance, to high school districts which during the preceding school year had less than 301 units of average daily attendance, and to unified districts which during the preceding school year had less than 1,501 units of average daily attendance.

(c) In addition to the amounts authorized to be transferred to the State School Fund from the General Fund under subdivisions (a) and (b) of this section, the Controller shall transfer from the General Fund to the State School Fund during the fiscal year, upon certification of the Superintendent of Public Instruction, if necessary to meet actual computed apportionments for the fiscal year for the purposes set forth in Sections 17303 and 17303.5, an amount not to exceed the lesser of: (1) 1 percent of the total apportionment from the State School Fund in the preceding fiscal year for the purposes set forth in Sections 17303 or 17303.5, and (2) the net amount, if any, by which the total amounts authorized to be transferred from the General Fund to the State School Fund under subdivisions (a) and (b) of this section in prior fiscal years have exceeded the total amounts actually apportioned in prior fiscal years for the purposes set forth in Sections 17303 and 17303.5.

(d) He shall also transfer to the State School Fund any additional amounts appropriated thereto by the Legislature in augmentation of any of the amounts prescribed for any of the purposes set forth in Sections 17303 and 17303.5 and such additional amounts shall be allowed and apportioned by the Superintendent of Public Instruction and warrants therefor drawn by the Controller in the manner provided in Articles 1 and 2 (Sections 17301 to 17354, inclusive) of this chapter and in Sections 11256, 11257, and 17251, and Sections 17401 to 17417, inclusive, and Sections 17601 to 18460, inclusive.

SEC. 3. Section 17303.5 of said code is amended to read:

17303.5. The amount transferred pursuant to subdivision (b) of Section 17301 shall be expended in accordance with the following schedule:

(a) Twenty-one dollars and fifty cents ($21.50) multiplied by the total average daily attendance credited during the second preceding school year to elementary school districts which during the second preceding school year had less than 901 units of average daily attendance, to high school districts which during the second preceding school year had less than 301 units of average daily attendance, and to unified districts which during the second preceding school year had less than 1,501 units of average daily attendance, but not to exceed an amount equal to one dollar and sixty cents ($1.60) multiplied by the average daily attendance credited during the preceding fiscal year to all kindergarten, elementary, high school, and junior college schools in the State and to county school tuition funds, for allowance to county school service funds pursuant to subdivision (a) of Section 18352.

(b) Ninety-eight cents ($0.98) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, and junior college schools in the State and to county school tuition funds during the preceding school year for the purposes of Article 10 (commencing with Section 18051) of Chapter 3 of this division.

(c) Two dollars and sixty-six cents ($2.66) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, and junior college schools in the State and to county school tuition funds during the preceding school year, for the purposes of Section 18060, and Articles 11, 12, and 13 (commencing with Sections 18102, 18152, and 18202, respectively) of Chapter 3 of this division.

(d) Seven dollars and thirty-four cents ($7.34) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, and junior college schools in the State and to county school tuition funds during the preceding school year for the purposes of Article 9 (commencing with Section 18001) of Chapter 3 of this division.

(e) Eight dollars and seventy-eight cents ($8.78) multiplied by the average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, and junior college schools in the State and to county school tuition funds during the preceding school year, for basic and equalization aid, and for allowances in lieu of basic and equalization aid allowed pursuant to Sections 17905.2, and 18355 to 18401, inclusive, to be apportioned on account of average daily attendance during the preceding school year credited to all kindergarten, elementary, high school and junior college schools in the State and county school tuition funds.

SEC. 4. Section 17308 is added to said code, to read:

17308. The county school service fund contingency account is hereby established in the General Fund. The amount credited to such account for the 1963-64 fiscal year and each succeeding fiscal year shall be one hundred thousand dollars ($100,000). Notwithstanding any provision of Section 17301 to the contrary, the amount to be credited to the county school service fund contingency account each fiscal year shall not be transferred from the General Fund as required or authorized to be transferred by Section 17301 but the amounts required or authorized to be transferred by Section 17301 shall be reduced by the amount to be credited to the contingency account and shall remain in the General Fund to the credit of the contingency account.

The money in the General Fund to the credit of the contingency account shall be transferred by the Controller to the State School Fund in amounts as are certified from time to time by the Superintendent of Public Instruction to be necessary to meet actual costs to reimburse county superintendents of schools for expenses incurred in providing emergency education to pupils and making financial grants to school districts pursuant to Section 20105 and to reimburse county superintendents of schools for the actual and necessary travel expenses incurred in connection with co-operative county publication projects by the county superintendent of schools or members of his staff, and to reimburse county superintendents of schools for expenses incurred in making emergency financial grants to school districts pursuant to Section 8955.

Commencing with the 1964-65 fiscal year, the amount credited, pursuant to this section, in each fiscal year to the county school service fund contingency account in the General Fund shall be reduced by the amount of the balance remaining to the account on June 30 of the preceding fiscal year and an equal reduction shall be made in the amount of the reduction in the amounts required or authorized to be transferred under Section 17301 in accordance with this section.

SEC. 5. Section 18351 of said code is amended to read:

18351. The county superintendent of schools shall on or before April 1st of each year submit to the Superintendent of Public Instruction a budget for the succeeding fiscal year, in such form as the Superintendent of Public Instruction shall prescribe, setting forth all known and estimated revenues of the county school service fund for such fiscal year from all sources, and the proposed expenditures from the county school service fund for such fiscal year. The budget shall be approved by the Superintendent of Public Instruction. When a budget is submitted to the Superintendent of Public Instruction for his approval, he shall make a line item budget review of each purpose and position prior to approving the budget. No allowance shall be made under Sections 18351 to 18354, inclusive, whichever are in effect, to a county superintendent of schools for any item of current expenses or capital outlay with respect

to which the county superintendent has failed to comply with the regulations of the Superintendent of Public Instruction which he is herewith authorized to adopt applicable to such item. The regulations adopted by the Superintendent of Public Instruction hereunder shall not be limited to, but shall, among other matters:

(a) Prescribe procedures relating to budgeting, purchasing and replacing capital outlay items.

(b) Prescribe procedures relating to the purchase, replacement, operation and maintenance of automotive equipment.

(c) Prescribe the conditions under which the county superintendent of schools may provide services to districts by contract.

(d) Prescribe the conditions under which allowances may be made to the county superintendent of schools to contract for the services of special consultants.

(e) Prescribe the conditions under which allowances may be made to the county superintendent of schools to assume functions authorized by law to be performed either by the county superintendent of schools or another public agency.

(f) Prescribe conditions under which allowances will be made to meet conditions of an emergency nature requiring the establishment and maintenance of emergency schools, the providing of emergency teachers for regular elementary schools, the providing of emergency transportation to regular elementary schools, or emergency apportionments to school districts

(g) Define county school service fund publications and prescribe the procedures to be followed relating to budgeting, printing and distributing such publications.

(h) Establish, solely for budget approval purposes, a classification of county school service fund personnel and a salary schedule for each classification.

Upon the approval of the budget by the Superintendent of Public Instruction, he shall note his approval thereon and transmit one copy thereof to the county superintendent of schools and one copy to the county auditor of the county.

SEC. 6. Section 18351.1 is added to said code, to read:

18351.1. The amount of any expenditure by a county superintendent of schools in excess of the amount set forth for the particular purpose in the line item for that purpose of an approved budget of a county school service fund shall be withheld by Superintendent of Public Instruction from the allowances made in the next succeeding fiscal year to that county school service fund.

SEC. 7. Section 18351.2 is added to said code, to read:

18351.2. Whenever any budget is submitted to the Superintendent of Public Instruction which includes items for the preparation of courses of study, the development of courses of study or curricula materials, or research and development studies or development of publication in connection with curricular and special services of the county superintendent of schools, the county superintendent of schools submitting such

budget shall submit with the budget documents in justification as may be required by the Superintendent of Public Instruction. In reviewing the budget pursuant to Section 18351, the Superintendent of Public Instruction shall also review the justification documents and shall submit an analysis of the documents to the Legislature prior to the fifth day of each regular session.

The State Board of Education shall establish definitions for publications, and each county superintendent of schools, upon making any publication shall transmit a copy thereof to the State Board of Education

In evaluating and analyzing justification documents, the Superintendent of Public Instruction shall be advised by an advisory committee composed of county superintendents of schools, which committee the Superintendent of Public Instruction is hereby authorized to appoint.

SEC. 8. Section 18351.3 is added to said code, to read:

18351.3. In approving submitted budgets, the Superintendent of Public Instruction shall eliminate surpluses in the county school service fund by reducing the total amount requested in the submitted budget by the amount of the surplus in the fund. As used in this section "surplus" shall have the meaning prescribed in Sections 18361 and 18361.5. Trust funds and otherwise dedicated funds and amounts derived from county school taxes collected and levied prior to 1935, as described in Sections 18361 and 18361 5, shall be excluded in determining surpluses.

SEC. 9. Section 18352 of said code is amended to read:

18352. The Superintendent of Public Instruction shall during each fiscal year allow to the county school service fund of each county from the State School Fund such amounts as the budget submitted by the county superintendent of schools and approved by the Superintendent of Public Instruction, under Section 18351, shows is necessary, but:

(a) The total amount allowed by the Superintendent of Public Instruction under this section to all county school service funds for supervision of instruction and health, attendance, and guidance services pursuant to Sections 8601 to 8753, inclusive, for pupils in elementary school districts which during the next preceding fiscal year had less than 901 units of average daily attendance, in high school districts which, during the preceding year had less than 301 units of average daily attendance, and in unified school districts which during the next preceding fiscal year had less than 1,501 units of average daily attendance shall not exceed the sum provided by law for such purpose or the amounts shown necessary by such budgets, for such purpose, whichever is the lesser.

(b) The total amount allowed by the Superintendent of Public Instruction under this section to all county school service funds for all other purposes shall not exceed the sum provided by law for such purposes or the amounts shown necessary by such budgets, whichever is the lesser.

SEC. 10. Section 18352.2 of said code is repealed.

SEC. 11. Section 18353 of said code is amended to read:

18353. The Superintendent of Public Instruction shall allow at such times as needed to the county school service fund of each county eligible to receive reimbursement from the amount credited to the county school service fund contingency account in the State General Fund, the amounts claimed by the county superintendent of schools as expenditures from the county school service fund eligible for reimbursement. No amounts for purposes specified in Section 17308 shall be included in the budgets submitted by a county superintendent of schools to the Superintendent of Public Instruction.

CHAPTER 1964

An act to amend Section 13336 of, and to add Section 13336.5 to, the Education Code, relating to certified employees.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 13336 of the Education Code is amended to read:

13336. Governing boards of school districts shall classify as substitute employees those persons employed in positions requiring certification qualifications, to fill positions of regularly employed persons absent from service.

SEC. 2. Section 13336.5 is added to said code, to read:

13336.5. Any employee classified as a substitute employee, who teaches during one school year for at least 75 percent of the number of days the regular schools of the district were maintained in such school year any class or classes which would have been taught by one person absent from service, shall be deemed to have been a probationary employee during the entire school year in which he so teaches, with the rights and duties of other probationary employees of the district, and shall be deemed to have served a complete school year as a probationary employee. No such employee shall be entitled to the benefits of this section unless he has also met the requirements, if any, including selection for probationary status from the appropriate eligibility list, established as a result of competitive examination, by the governing board; provided that no such requirements shall limit or affect the class teaching services or time periods prescribed by the preceding sentence.

This section shall not apply to any school districts governed by the same governing board, in which the average daily attendance of all said districts combined is in excess of 400,000.

CHAPTER 1965

An act to amend Section 31765.1 of the Government Code, relating to the County Employees Retirement Law.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 31765.1 of the Government Code is amended to read:

31765.1. Upon the death of any member of a retirement system established in a county subject to the provisions of Section 31676.1 or Section 31695.1, eligible for retirement pursuant to Article 7.5, 8, or 8.7 who leaves a spouse designated as beneficiary, such surviving spouse may, in lieu of the death benefit provided for in Article 12, elect to receive a retirement allowance equal to 60 percent of the amount to which the member would have been entitled had the member retired on the date of his death with a retirement allowance not modified in accordance with one of the optional settlements specified in Article 11. Such surviving spouse may elect in writing, before the first payment of any allowance is made, to receive in a lump sum payment all or any part of the member's accumulated additional contributions. The sum so paid shall not be included in the calculations of the annuity of the surviving spouse.

If, at the death of such spouse, she or he is survived by one or more unmarried children of such member, under the age of 18, such retirement allowance shall continue to such child or children, collectively, until every child dies, marries, or attains age 18. If such spouse dies, either before or after the death of such member without either making such election or receiving any portion of the death benefit, and no part of the death benefit has been paid to any person, prior to the payment of any benefits, the legally appointed guardian of such children shall make the election herein provided for on behalf of such surviving children as in his judgment may appear to be in their interest and advantage and the election so made shall be binding and conclusive upon all parties in interest.

In cases where any qualified surviving spouse or children of such deceased member has been receiving an allowance under this section of less than the minimum now provided herein, such monthly allowance shall be increased to an amount equal to such minimum, effective as of October 1, 1961.

CHAPTER 1966

An act to add Section 3305.1 to the Corporations Code, relating to service on corporations.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 3305.1 is added to the Corporations Code, to read:

3305.1. Every corporation which was dissolved before, on, or after August 14, 1929, or which was suspended or shall hereafter be suspended, or which has forfeited or which shall hereafter forfeit its charter, for any cause, whether voluntary or involuntary, shall survive and continue to exist indefinitely for the purpose of being sued in any quiet title action. In the event any such corporation has been sued or shall hereafter be sued in any such quiet title action, such action against the corporation shall be deemed to be an action against all of its stockholders or members or other persons having or holding any equity or other interest in such corporation and any judgment rendered in any such action shall bind each and all of such persons, to the extent of their interest, if any, therein. Any such action against the corporation, proceeded with in the name of or against the corporation in the corporate name, shall have the same force and effect as an action which is brought under the provisions of Section 416 of the Code of Civil Procedure. Service of summons or other process in any such action may be made in the manner provided in subdivision 6 of Section 411 of the Code of Civil Procedure, or in Sections 412 and 413 of the Code of Civil Procedure, or as provided in Section 3302 of the Corporations Code.

CHAPTER 1967

An act to add Section 6408 to the Corporations Code, relating to foreign corporations.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6408 is added to the Corporations Code, to read:

6408. Any foreign corporation which transacts intrastate business in this State and which does not hold a valid certificate from the Secretary of State and is not exempt from the requirement of holding such a certificate by the provisions of Section 6403.2 of this code may be subject to a penalty of twenty dollars ($20) for each day that such unauthorized

intrastate business is transacted; and such foreign corporation, by transacting unauthorized business in this State, shall be deemed to consent to the jurisdiction of the courts of California in any civil action arising in this State wherein such corporation is named a party defendant and shall be deemed to have designated the Commissioner of Corporations as the agent upon whom process directed to the corporation may be served within this State.

Upon receipt of any such process, the Commissioner of Corporations shall make diligent inquiry to ascertain the address of the corporation and, if located, shall mail the process to that address. A fee equal to the amount expended by the commissioner in making the inquiry and mailing the process shall be a recoverable cost in the action and payable to the commissioner.

The penalty established by this section shall be assessed according to the number of days it is found that the corporation has been willfully doing unauthorized business in this State and made payable to the Commissioner of Corporations.

CHAPTER 1968

An act to amend Section 6359 of the Revenue and Taxation Code, relating to sales and use taxes.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6359 of the Revenue and Taxation Code is amended to read:

6359. There are exempted from the taxes imposed by this part the gross receipts from the sale of and the storage, use, or other consumption in this State of food products for human consumption.

"Food products" include cereals and cereal products, oleomargarine, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products other than candy and confectionery, coffee and coffee substitutes, tea, cocoa and cocoa products other than candy or confectionery.

"Food products" include milk and milk products, milkshakes, malted milks and any other similar type beverages which are composed at least in part of milk or a milk product and which require the use of milk or a milk product in their preparation.

"Food products" do not include spirituous, malt or vinous liquors, soft drinks, sodas, or beverages such as are ordinarily dispensed at bars and soda fountains or in connection there-

with, medicines, tonics, and preparations in liquid, powdered, granular, tablet, capsule, lozenge, and pill form sold as dietary supplements or adjuncts.

None of the exemptions provided for in this section shall apply: (a) when the food products are served as meals on or off the premises of the retailer, or (b) when the food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware provided by the retailer, or (c) when the food products are ordinarily sold for immediate consumption on or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location, even though such products are sold on a "takeout" or "to go" order and are actually packaged or wrapped and taken from the premises of the retailer.

CHAPTER 1969

An act authorizing a grant to the Placer County Water Agency for recreation in connection with the Middle Fork American River Project.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. The Department of Water Resources is hereby authorized to make a grant to the Placer County Water Agency, pursuant to the Davis-Grunsky Act (Chapter 5 (commencing with Section 12880), Part 6, Division 6, Water Code), of such amount as may be determined by the department upon approval of an application therefor pursuant to said act, but not exceeding the amount of three million dolllars ($3,000,000), for recreational functions incidental to the construction of the Middle Fork American River Project in Placer and El Dorado Counties.

No further legislative approval shall be required with respect to the grant authorized to be made to the agency by this act; but such grant shall not be made to the agency until the agency can actually demonstrate the nature and extent of the statewide interest in the project, the public necessity for the project, the urgency of the need, and the engineering feasibility, economic justification, and the financial feasibility of the project.

CHAPTER 1970

An act authorizing a grant to the Nevada Irrigation District for recreation in connection with four proposed reservoirs.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. The Department of Water Resources is hereby authorized to make a grant to the Nevada Irrigation District, pursuant to the Davis-Grunsky Act (Chapter 5 (commencing with Section 12880), Part 6, Division 6, Water Code), of such amount as may be determined by the department upon approval of an application therefor pursuant to said act, but not exceeding the amount of three million five hundred thousand dollars ($3,500,000), for recreational functions incidental to the construction of four proposed dam and reservoir units of the district's project, as described in a document entitled "Nevada Irrigation District: Study of Water System and Future Requirements," published by Ebasco Services Incorporated, October 1958.

No further legislative approval shall be required with respect to the grant authorized by this act; but such grant shall not be made to the district until the district can actually demonstrate the nature and extent of the statewide interest in the project, the public necessity for the project, the urgency of the need, and the engineering feasibility, economic justification, and the financial feasibility of the project.

CHAPTER 1971

An act to add Section 7071.9 to the Business and Professions Code, relating to contractors.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 7071.9 is added to the Business and Professions Code, to read:

7071.9. Except as provided in Section 7071.5, the board shall require, on or after January 1, 1964, as a condition precedent to the issuance, reinstatement, reactivation, or reissuance of a license, and on or after July 1, 1965, as a condition precedent to the renewal of a license, that the applicant file or have on file with the registrar a bond issued by an admitted surety in the sum of one thousand dollars ($1,000) in favor of the State of California, or in lieu thereof, that such applicant post with the registrar a cash deposit in the

sum of one thousand dollars ($1,000). Such bond or cash deposit required by this section shall be for the benefit of (a) any person damaged as a result of a violation of this chapter by the licensee, (b) any person damaged by fraud of the licensee in the execution or performance of a contract, and (c) any employee of the licensee damaged by the licensee's failure to pay wages.

SEC. 2. This act shall become operative only if Assembly Bill No. 1789 is enacted by the Legislature at the 1963 Regular Session.

CHAPTER 1972

An act to amend Section 7071.5 of, and to add Sections 7071.6, 7071.7, and 7071.8 to, the Business and Professions Code, relating to contractors.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 7071.5 of the Business and Professions Code is amended to read:

7071.5. If application for a license, or for restoration of a license, is made by

(1) Any person whose license has been suspended or revoked as a result of disciplinary action for violation of this chapter,

(2) Any person who was an officer, director, member, partner or qualifying individual for a licensee at any time during which cause for disciplinary action occurred resulting in suspension or revocation of said licensee's license and who had knowledge of or participated in the act or omission which was the cause for such disciplinary action for violation of this chapter,

(3) Any partnership, corporation, firm or association of which any officer, director, member, partner or qualifying person has had his license suspended or revoked as a result of disciplinary action for violation of this chapter, or

(4) Any partnership, corporation, firm or association of which any officer, director, member, partner or qualifying person was a member, officer, director, partner or qualifying person of a licensee at any time during which cause for disciplinary action occurred resulting in suspension or revocation of said license, and who had knowledge of or participated in the act or omission which was the cause for such disciplinary action for violation of this chapter, the board shall require as a condition precedent to the issuance, reissuance or restoration of a license to such applicant, or removal of suspension, that such applicant file or have on file with the registrar a bond issued by an admitted surety in a sum to be fixed by the registrar based upon the seriousness of the violation, but which sum

shall not be less than three thousand dollars ($3,000) nor more than ten thousand dollars ($10,000) in favor of the State of California, or in lieu thereof that such applicant or licensee post with the registrar a cash deposit in an amount based upon the seriousness of the violation but of a sum of not less than three thousand dollars ($3,000) nor more than ten thousand dollars ($10,000). Such bond or cash deposit shall be for the benefit of (a) any person damaged as a result of a violation of this chapter by the licensee, (b) any person who, after entering into a construction contract with the licensee, is damaged by the failure of the licensee to perform the contract, and (c) any person furnishing labor or materials used in the direct performance of a construction contract.

Such bond shall remain on file or in lieu thereof cash deposit be posted with the registrar for a period of at least two years and during such additional time as there may be unsatisfied claims outstanding against the same.

Each applicant or licensee shall be required to file only one bond of the type described in this section.

Nothing contained in this section shall apply to a person or firm whose license has been suspended or revoked pursuant to Section 7124.1 or for a failure to comply with Section 7083.

SEC. 2. Section 7071.6 is added to said code, to read:

7071.6. Any person claiming against any bond or cash deposit required by this article may maintain an action at law against the licensee and the surety or the cash depository.

If the surety desires to make payment without court action, the amount of the bond shall be reduced to the extent of any payments made by the surety in good faith hereunder. If the licensee desires to make payment without court action, the licensee may authorize the cash depository, in writing, to pay the claimant and the cash deposit shall be reduced to the extent of any payment made.

The claim of any employee of the contractor for wages shall be a preferred claim against any bond or cash deposit.

If any bond or cash deposit which may be required is insufficient to pay all claims in full, the sum of the bond or cash deposit shall be distributed among all claimants in proportion to the amount of their respective claims with priority given to claims for wages. The partial payment of any claims shall not be considered satisfaction of said claims and the claimants may institute appropriate legal actions for payment of any unpaid balance in any other manner provided by law, and the registrar may continue suspension or revocation of any license involved until such time as said claims and any other claims arising out of an action against such bond or cash deposit are satisfied in full.

The aggregate liability of the surety for all claims of said persons shall, in no event, exceed the penal sum of said bond.

Upon failure of a licensee to maintain in full force and effect any bond or cash deposit required by this article the registrar shall issue an order suspending or revoking such

license, which shall not be reinstated until a new bond or cash deposit has been filed.

Any judgment or admitted claim against any bond or cash deposit required by this article shall constitute grounds for disciplinary action against such licensee. The board shall require the licensee to file a new bond in an amount not less than three thousand dollars ($3,000) nor more than ten thousand dollars ($10,000) or to increase his cash deposit to such an amount.

SEC. 3. Section 7071.7 is added to said code, to read:

7071.7. The alternative requirement of a cash deposit as provided for in this article can be satisfied by any of the following:

(a) Certificates of deposit payable to the board issued by banks doing business in this State and insured by the Federal Deposit Insurance Corporation;

(b) Investment certificates or share accounts assigned to the board and issued by a savings and loan association doing business in this State and insured by the Federal Savings and Loan Insurance Corporation;

(c) Bearer bonds issued by the United States government or by this State; or

(d) Cash deposited with the board.

The terms and conditions surrounding each of the foregoing types of security shall be prescribed by the board.

SEC. 4. Section 7071.8 is added to said code, to read:

7071.8. Any reference by a contractor in his advertising, soliciting, or other presentments to the public to any bond required to be filed pursuant to this chapter is a ground for the suspension of the license of such contractor.

CHAPTER 1973

An act authorizing a grant to the South Sutter Water District for recreation in connection with the Camp Far West Project, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. The Department of Water Resources is hereby authorized to make a grant to the South Sutter Water District, pursuant to the Davis-Grunsky Act (Chapter 5 (commencing with Section 12880), Part 6, Division 6, Water Code), of such amount as may be determined by the department upon approval of an application therefor pursuant to said act, but not exceeding the amount of nine hundred sixty thousand dollars ($960,000), for recreational functions incidental to the construction of the Camp Far West Project in Placer and Yuba Counties.

No further legislative approval shall be required with respect to the grant authorized to be made to the district by this act; but such grant shall not be made to the district until the district can actually demonstrate the nature and extent of the statewide interest in the project, the public necessity for the project, the urgency of the need, and the engineering feasibility, economic justification, and the financial feasibility of the project.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article 4 of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The South Sutter Water District is presently in the process of constructing the Camp Far West Project and a grant of funds representing the recreation benefits of the project is required for its completion. Legislative approval of the grant proposed by this act is necessary. In order that this much-needed project may be completed at the earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 1974

An act to amend Section 1198 of the Insurance Code, relating to investments of insurers.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1198 of the Insurance Code is amended to read:

1198. Excess funds investments shall not be made in purchases of or loans upon shares of the capital stock of any one corporation in an amount exceeding 10 percent of the excess of the admitted assets of the investing insurer over the liabilities and required reserves of such insurer.

Nor shall the excess amount of any such investment over and above 25 percent of the excess of the admitted assets of the owner thereof over the liabilities and required reserves of such owner be retained. The commissioner may determine the retention of such excess amount over said 25 percent to be a violation of the provisions of this article within the meaning of and subject to all the provisions of Section 1202.

No investment which is permitted under Section 1199 shall be prohibited or its retention limited by this section.

CHAPTER 1975

An act conveying in trust certain tidelands and submerged lands lying under the waters of the Pacific Ocean to the City of Palos Verdes Estates in furtherance of navigation and commerce and the fisheries and providing for the government, management and control thereof and reserving rights to the State.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby granted to the City of Palos Verdes Estates, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California held by said State by virtue of its sovereignty in and to all tidelands and submerged lands, whether filled or unfilled, which are described as follows:

That part of State owned tide and submerged land which lies directly joining the Mean High Tide Line of the Pacific Ocean along the City of Palos Verdes Estates, California, and is limited to the following extent:

In the south by a line which is a westerly prolongation of the southerly boundary of Tract 4400, as recorded in Book 72, pages 95-96 of Maps in the office of the Recorder of Los Angeles County.

In the north by a line which is a westerly prolongation of the northerly boundary of Tract 4400 as recorded in Book 72, pages 95-96 of Maps in the office of the Recorder of Los Angeles County.

In the east by the Mean High Tide Line of the Pacific Ocean between the above described southerly and northerly limits.

In the west by the southwesterly boundary of the County of Los Angeles between the above described southerly and northerly limits.

To be forever held by said city and by its successors in trust for the use and purposes, and upon the express conditions following, to wit:

(a) That said lands shall be used by said city and its successors for purposes in which there is a general statewide interest as follows:

(1) For the establishment, improvement and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of commerce and navigation.

(2) For the establishment, improvement and conduct of an airport and heliport or aviation facilities, including but not limited to approach, takeoff and clear zones in connection with airport runways, and for the construction, reconstruction, re-

pair, maintenance and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas, and all other works, building, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of air commerce and air navigation.

(3) For the construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary or convenient for the promotion and accommodation of any of the uses set forth in this Section 1.

(4) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including but not limited to public golf courses, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(5) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including but not limited to snackbars, cafés, restaurants, motels, hotels, apartments, residences, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas.

(b) Said city, or its successors shall not, at any time, grant, convey, give or alienate said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said city, or its successors, may grant franchises thereon for limited periods, not exceeding 66 years, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce and navigation, and collect and retain rents and other revenues from such leases, franchises and privileges. Such lease or leases, franchises and privileges may be for any and all purposes which shall not interfere with commerce and navigation.

Nothing contained in this paragraph (a) shall be deemed to affect the validity or term of any franchise previously granted by said city under the Franchise Act of 1937 (Chapter 2 (commencing at Section 6101), of Division 3 of the Pub-

lic Utilities Code), and any such franchise shall be effective with respect to said land when title thereto passes to said city hereunder.

(c) Said lands shall be improved without expense to the State; provided, however, that nothing contained in this act shall preclude expenditures for the development of said lands for any public purpose not inconsistent with commerce, navigation and fishery, by the State, or any board, agency or commission thereof, when authorized or approved by the city, nor by the city of any funds received for such purpose from the State or any board, agency or commission thereof.

(d) In the management, conduct, operation and control of said lands or any improvements, betterments, or structures thereon, the city or its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

(e) The State of California shall have the right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon said lands for any vessel or other watercraft or railroad owned or operated by the State of California.

(f) There is hereby reserved to the people of the State of California the right to fish in the waters on said lands with the right of convenient access to said water over said lands for said purpose.

(g) There is hereby excepted and reserved in the State of California all deposits of minerals, including oil and gas, in said lands, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said lands.

(h) Said lands are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest.

(i) The State Lands Commission shall, at the cost of the city, survey and monument the granted lands and record a description and plat thereof in the office of the County Recorder of Los Angeles County.

(j) Within 10 years from the effective date of this act the granted lands shall be substantially improved by the city without expense to the State and if the State Lands Commission determines that the city has failed to improve said lands as herein required, all right, title, and interest of said city in

and to all lands granted by this act shall cease and all said right, title and interest in the granted lands shall revert and rest in the State.

CHAPTER 1976

An act to amend Section 12640.02 of the Insurance Code, relating to mortgage guaranty insurance.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 12640.02 of the Insurance Code is amended to read:

12640 02. The definitions set forth in this article shall govern the construction of the terms used in this chapter but shall not affect any other provisions of this code.

(a) "Mortgage guaranty insurance" means insurance against financial loss by reason of nonpayment of principal, interest and other sums agreed to be paid under the terms of any note or bond or other evidence of indebtedness secured by a mortgage, deed of trust, or other instrument constituting a lien or charge on real estate.

(b) "Authorized real estate security" means an amortized note, bond or other evidence of indebtedness, not exceeding ninety (90) percent of the fair market value of the real estate, secured by a mortgage, deed of trust, or other instrument constituting a first lien or charge on real estate; provided:

(1) The real estate loan secured in such manner is one which a bank, savings and loan association, or an insurance company, which is supervised and regulated by a department of this State or an agency of the federal government, is authorized to make.

(2) The improvement on such real estate is a residential building or buildings designed for occupancy by not more than four families.

(3) The lien on such real estate may be subject and subordinate to the following:

(i) The lien of any public bond, assessment, or tax, when no installment, call or payment of or under such bond, assessment or tax is delinquent.

(ii) Outstanding mineral, oil or timber rights, rights-of-way, easements or rights-of-way or support, sewer rights, building restrictions or other restrictions or covenants, conditions or regulations of use, or outstanding leases upon such real property under which rents or profits are reserved to the owner thereof.

(c) "Contingency reserve" means an additional premium reserve established for the protection of policyholders against the effect of adverse economic cycles.

(d) "Policyholders surplus" means the aggregate of capital, surplus and contingency reserve.

CHAPTER 1977

An act to amend the heading of Article 10.7 (commencing with Section 70025) of Chapter 5 of Title 8 of, to add Sections 70025 and 70026 to, and to repeal Sections 70025 and 70026 of the Government Code, relating to superior court reporters and fees.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. The heading of Article 10.7 (commencing with Section 70025) of Chapter 5 of Title 8 of the Government Code is amended to read:

Article 10.7. Official Reporters in Counties With a Population of 300,000 to 310,000

SEC. 2. Section 70025 of said code is repealed.

SEC. 3. Section 70025 is added to said code, to read:

70025. In a county having a population of more than 300,000 and less than 310,000, as determined by the 1960 federal census, each regular official reporter of the superior court shall receive a salary of eight hundred forty-two dollars ($842) per month, and each official reporter pro tempore of the superior court shall receive compensation at the rate of forty dollars ($40) per day, for reporting in shorthand all proceedings in the superior court as required by law or the order of the court.

SEC. 4. Section 70026 of said code is repealed.

SEC. 5. Section 70026 is added to said code, to read:

70026. In a county mentioned in Section 70025, an additional fee of seven dollars and fifty cents ($7.50) shall be paid to the county clerk by each party, or jointly by parties appearing jointly, whenever a filing fee is required to be paid by Section 26821, 26822, 26823, 26826 or 26827, and no other fee for reporting service, except for transcripts, shall be charged any party. Such additional fee shall be taxed as costs in favor of any party paying it and who is entitled to recover his costs. Such fee shall not be subject to the provisions of Section 6103.

CHAPTER 1978

An act to amend Section 10244 of the Business and Professions Code, relating to real property loans.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 10244 of the Business and Professions Code is amended to read:

10244. Any loan made by any person and secured directly by a lien on real property, other than a note given back to the seller by the purchaser on account of the purchase price, which provides for installment payments and the term of which is less than three years, shall require substantially equal installment payments over the period of the loan with the final payment not payable until the maturity date thereof. No installment including the final installment shall be greater than twice the amount of the smallest installment.

If any loan having an original maturity period of less than three (3) years is renewed or refinanced, the total amount of charges to be paid on both the original obligation and the balance of such obligation, as renewed or refinanced, shall not in the aggregate exceed the amount of charges as provided in Section 10242, and if such a loan is renewed or refinanced through the person who negotiated the original loan, the total amount of costs and expenses to be paid on both the original obligation and the renewed or refinanced obligation shall not exceed in the aggregate the amount of costs and expenses authorized in subdivision (a) of said section.

The provisions of this section do not apply to a bona fide loan, secured by a first trust deed on real property, made in connection with the financing of the usual costs of the development of a residential, commercial or industrial building or buildings on the property under a written agreement providing for the disbursement of the loan funds as costs are incurred or in relation to the progress of the work and providing for title insurance insuring the priority of the security as against mechanic's and materialmen's liens or for the final disbursement of at least ten (10) percent of the loan funds after the expiration of the period for the filing of mechanics and materialmen's liens.

CHAPTER 1979

An act to amend Sections 18401, 18754 and 18756 of the Elections Code, relating to election returns.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 18401 of the Elections Code is amended to read:

18401. The election board of each county shall meet, at its usual place of meeting, at 1 o'clock in the afternoon of the first Thursday after each election. If, at the time of the meeting, the returns from each precinct in the county in which polls were opened have been received, it shall then and there canvass the returns.

In any county having a registrar of voters, the canvass of the returns shall be made by the registrar of voters and in any other county the election board may, by resolution duly adopted prior to the date of election, order the canvass to be made by the county clerk. When the canvass is thus made, it shall be unnecessary for the election board to meet as provided in this section, and the registrar of voters or county clerk shall perform the duties of the election board as provided in this article.

SEC. 2. Section 18754 of said code is amended to read:

18754. The county clerk shall seal the abstract of result of votes cast for measures and for candidates for other than county offices, indorse it "Election returns," and by mail or express, without delay, and in no event later than 6 o'clock p.m. of the 25th day following the election, transmit it to the Secretary of State.

SEC. 3. Section 18756 of said code is amended to read:

18756. Except as to presidential electors, not later than the 35th day after the day of election, or as soon as the returns have been received from all the counties of the State, if received within that time, the Secretary of State shall compare and estimate the vote and make out and file in his office a statement thereof.

CHAPTER 1980

An act making an appropriation to the City of Berkeley for the development of a small craft harbor.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. The sum of one million eight hundred thousand dollars ($1,800,000) is appropriated from the Small Craft Harbor Revolving Fund in the State Treasury to the Division of Small Craft Harbors, Department of Parks and Recreation, for expenditure by the division for the purpose of making a loan to the City of Berkeley, pursuant to the Small Craft Harbors Law (Division 5.7 (commencing with Section 5801), Public Resources Code), for the acquisition, construction, development and improvement of a small craft harbor.

SEC. 2. Section 1 of this act shall become operative only if Assembly Bill No. 239 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as Assembly Bill No. 239 takes effect.

CHAPTER 1981

An act to amend Sections 14121 and 14304 of the Education Code, relating to administration of the State Teachers' Retirement System.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 14121 of the Education Code is amended to read:

14121. The county superintendent shall supply an annual report to the Retirement Board giving the names of members from whose salary payments contributions were deducted, the amount of the contributions in the case of each member, and such other information as the board may require. Said report shall cover the earnings of members for the school year ending on the preceding June 30th. The original of the report shall be sent by the county superintendent of schools to the Retirement Board.

Such annual reports are due on July 31st and shall be considered delinquent if not received in the retirement office in Sacramento in acceptable form on or before the December 31st following the close of the period ending on the preceding June 30. If the report of a county superintendent is delinquent the State Controller shall, upon order of the Retirement Board, withhold subsequent payments from the State School Fund to said county for deposit in the county school service fund until said report is received in acceptable form and the board directs the State Controller to make such payments to the county as would have been paid had no payments been withheld. If monthly requisitions are required, the reports with respect to members' contributions to the Annuity Deposit Fund alone, or with respect to all members' contributions, may at the option of the board be required monthly.

SEC. 2. Section 14304 of said code is amended to read:

14304. Every application for retirement shall state the date on which the member desires to retire. Such application shall be executed within a period of time as prescribed by the Retirement Board.

CHAPTER 1982

An act to add Article 6.1 (commencing with Section 105) to the Lake Cuyamaca Recreation and Park District Act (Chapter 1654, Statutes of 1961), relating to the Lake Cuyamaca Recreation and Park District.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963]

The people of the State of California do enact as follows:

SECTION 1. Article 6.1 (commencing with Section 105) is added to the Lake Cuyamaca Recreation and Park District Act (Chapter 1654, Statutes of 1961), to read:

Article 6.1. Long-term Leases

SEC. 105. Whenever the district board determines, by a four-fifths vote of its entire membership, that to provide adequate recreational facilities and services within the district it is necessary to enter into a long-term lease agreement for services or property of any kind, including water, from another public agency or from any person, firm or corporation, such lease agreement for not to exceed a term of 40 years may be consummated provided that not less than two-thirds of those voters of the district voting at an election called for that purpose by the district board vote in favor of such consummation.

SEC. 106. Such election shall be called and conducted by the district board in accordance with the provisions of Article 5 hereof. The notice calling the election shall, among other things, specify the date of the election, a brief description of the lease, including the proposed term, the facilities and/or services to be provided and the rental or consideration to be paid, and shall refer the voters to the location where they may examine the proposed lease agreement in its entirety.

SEC. 107. Notwithstanding any other provisions of this chapter, any lease agreement or lease agreements consummated pursuant to this article may require the payment of an annual consideration or rent which in total shall not exceed, as of the fiscal year in which the lease agreement or lease agreements are consummated, the amount produced by the levy of a tax on all taxable property within the Lake Cuyamaca Recreation and Park District of one dollar ($1) on each one hundred dollars ($100) of assessed valuation. Whenever a lease agreement is consummated pursuant to this article, the district board shall establish on the records of the district a Lease Agreement Redemption Fund from which all rental or other consideration for said lease shall be paid, and the supervising authority annually shall levy a special lease agreement tax to be deposited in said fund the proceeds from which tax, together with any surplus in said fund, shall be sufficient to meet all payments by the district to become due prior to the avail-

ability of tax revenue for the following fiscal year. The district board may transfer to or deposit in the Lease Agreement Redemption Fund any surplus in the district's general fund, any gifts, bequests or devises received by the district, and any income from any other source available for meeting the obligations of the district under such lease agreement.

SEC. 108. If the district is dissolved by operation of law or by proceedings under Article 8 of this chapter, or if any territory is withdrawn from the district subsequent to the execution of any lease agreement or lease agreements consummated pursuant to this article, the property in the territory constituting the district at the time of its dissolution, or the property in the territory withdrawn, shall continue to be subject to tax, levied as provided in Section 107, until the obligation of the district under the terms of any lease agreement consummated pursuant to this article have been discharged. Following any such dissolution the supervising authority may exercise any powers of the district board for the management, modification or termination of any such lease agreement in order that the obligation of the district thereunder may be discharged.

CHAPTER 1983

An act to add Sections 5656.5, 25513 and 25514 to, and to amend Sections 20802 and 25541.5 (as added by Chapter 100 of the Statutes of 1963) of, and to repeal Section 20802 of, the Education Code, relating to education, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 5656.5 is added to the Education Code, to read:

5656.5. The principal of any high school may, with the approval of the governing board of the school district, permit 11th and 12th grade students to attend vocational education classes maintained by the junior college district in which the high school is located, in accordance with Section 25513.

SEC. 2. Section 25513 is added to said code, to read:

25513. The principal of any two-year junior college may admit 11th and 12th grade students to vocational education classes maintained for such pupils who may profit from the instruction and are recommended by the high school principal, provided:

(a) The high school students are enrolled in a high school within the junior college district.

(b) A contract is entered into between the governing board of the district maintaining the high school and the district maintaining the junior college for the payment of the current expense to the junior college district incurred on account of such attendance.

(c) Notwithstanding the provisions of Section 11251 of this code, the hours of attendance of such students is credited to the high school district of enrollment but in no case shall the credited hours of attendance of a student in both attendance centers exceed one day of attendance on any one calendar day.

(d) Scholastic credit for courses completed is at the high school level.

For the purposes of this section, such vocational education classes may be considered to be classes maintained by the high school within the boundaries of the district maintaining the high school.

SEC. 3. Section 25514 is added to said code, to read:

25514. Notwithstanding any provision in this code to the contrary, the governing board of any school district maintaining a high school and the governing board of a junior college district may enter into a contract, subject to the approval of the Superintendent of Public Instruction, for the education of junior college students in vocational education classes to be conducted for such students by the district maintaining the high school. The average daily attendance of junior college students enrolled in such classes, under the provisions of this section, shall be credited to the junior college district and junior college credit may be granted students who satisfactorily complete the course of instruction in such classes.

SEC. 4. Section 20802 of said code is amended to read:

20802. The maximum rate of tax of any junior college district and of any unified school district maintaining a junior college is hereby increased by such amount as will produce the amount proposed to be expended by the district pursuant to any interdistrict attendance agreement and is hereby increased by such amount as will produce the amount proposed to be expended by the district pursuant to any lease agreement for plant and equipment as shown by the budget as finally adopted by the governing board of the district for the current fiscal year, less any unencumbered balances remaining at the end of the preceding fiscal year derived from the increase in the rate of tax provided by this section.

The increase provided by this section shall not exceed the rate of tax levied in the county pursuant to Section 20202 during the fiscal year next preceding the formation of the district for all purposes, or ten cents ($0.10) per each one hundred dollars ($100) of the assessed value of the property within the district, whichever is the greater.

If the district is situated in two or more counties, the increase provided by this section shall not exceed the highest rate of tax levied in any of the counties in which the district is situated pursuant to Section 20202 during the fiscal year

next preceding the formation of the district for all purposes, or ten cents ($0.10) per each one hundred dollars ($100) of the assessed value of property within the district, whichever is the greater.

If at the end of any school year there remains an unencumbered balance derived from the revenue of the increase in tax rate hereby provided, such balance shall be used exclusively in the following school year for the payment of any obligation incurred under the terms of an interdistrict attendance agreement for such school year.

Any junior college district or unified school district maintaining a junior college which became effective for all purposes on or after July 1, 1956, shall be deemed, for the purposes of this section except the last paragraph of this section, to have been effective for all purposes on July 1, 1958.

The increase provided by this section to produce the amount proposed to be expended pursuant to this section shall remain in effect until the end of the third consecutive fiscal year following the date of the first election at which the first district bond issue for junior college purposes is passed, or until the end of any four-year period in which no bond issue is submitted to voters.

SEC. 5. Section 20802 of said code is repealed.

SEC. 6. Section 25541.5 of said code (as added by Chapter 100 of the Statutes of 1963) is amended to read:

25541.5. The maximum rate of tax of any junior college district and of any unified school district maintaining a junior college is hereby increased by such amount as will produce the amount proposed to be expended by the district pursuant to any interdistrict attendance agreement and is hereby increased by such amount and will produce the amount proposed to be expended by the district pursuant to any lease agreement for plant and equipment as shown by the budget as finally adopted by the governing board of the district for the current fiscal year, less any unencumbered balances remaining at the end of the preceding fiscal year derived from the increase in the rate of tax provided by this section.

The increase provided by this section shall not exceed the rate of tax levied in the county pursuant to Section 20202 during the fiscal year next preceding the formation of the district for all purposes, or ten cents ($0.10) per each one hundred dollars ($100) of the assessed value of the property within the district, whichever is the greater.

If the district is situated in two or more counties, the increase provided by this section shall not exceed the highest rate of tax levied in any of the counties in which the district is situated pursuant to Section 20202 during the fiscal year next preceding the formation of the district for all purposes, or ten cents ($0.10) per each one hundred dollars ($100) of the assessed value of property within the district, whichever is the greater.

If at the end of any school year there remains an unencumbered balance derived from the revenue of the increase in tax rate hereby provided, such balance shall be used exclusively in the following school year for the payment of any obligation incurred under the terms of an interdistrict attendance agreement for such school year.

Any junior college district or unified school district maintaining a junior college which became effective for all purposes on or after July 1, 1956, shall be deemed, for the purposes of this section except the last paragraph of this section, to have been effective for all purposes on July 1, 1958

The increases provided by this section to produce the amounts proposed to be expended pursuant to this section shall remain in effect until the end of the third consecutive fiscal year following the date of the first election at which the first district bond issue for junior college purposes is passed, or until the end of any four-year period in which no bond issue is submitted to the voters.

SEC. 6. Sections 1, 2 and 3 of this act shall have no force or effect after July 1, 1966. Sections 5 and 6 shall become operative on the 91st day after final adjournment of the 1963 Regular Session.

SEC. 8 This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to provide essential needs for the education of the youth of this State during the ensuing school year it is necessary that this act take effect immediately.

CHAPTER 1984

An act to add Article 4 (commencing with Section 32300) to Chapter 1 of Part 8 of Division 12 of the Water Code, relating to county water districts.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Article 4 (commencing with Section 32300) is added to Chapter 1 of Part 8 of Division 12 of the Water Code, to read:

Article 4. Overlapping Districts

32300. If two or more county water districts overlap so that land is located in more than one county water district, the land lying in the area of overlapping jurisdiction may be

excluded from all but one of the overlapping districts in the manner provided by this article.

32301. The petition for exclusion shall be made to the district or districts, if any, in which no improvements or water service have been made or provided in the area of overlap. If no district has made improvements or provided water service, the petition may be made to any board of a county water district which overlaps in the area which the petition seeks to exclude from the overlapping district.

32302. The proceedings for the exclusion of land shall be as provided for proceedings upon a petition by a landowner to exclude land pursuant to Article 1 (commencing with Section 32200) and Article 2 (commencing with Section 32220); provided, that if a verified petition of the owners in fee of land which has an assessed value with improvements in excess of one-half of the assessed value of all the privately owned land and improvements in the tract proposed to be excluded is filed with the board pursuant to Section 32301, the board shall exclude the land described in the petition for exclusion.

32303. If all of the districts have made improvements or provided water service in the area of overlap, the procedure found in Articles 1 (commencing with Section 32200), 2 (commencing with Section 32220), and 3 (commencing with Section 32240) of this chapter shall apply and the provisions of this article shall not apply.

CHAPTER 1985

An act to add Section 6405 to the Revenue and Taxation Code, relating to sales and use taxes.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6405 is added to the Revenue and Taxation Code, to read:

6405. When a passenger automobile or other motor vehicle being used to transport persons without compensation is damaged as a result of a casualty while outside this State to such an extent that it becomes reasonably necessary to replace it, the amount of any sales or use tax with respect to the purchase of the replacement, paid by the purchaser to another state or to his vendor, shall constitute a credit against the use tax applicable to the vehicle purchased.

CHAPTER 1986

An act to amend Sections 8260, 8262, 8470, and 8474 of the Elections Code, relating to party central committees.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 8260 of the Elections Code is amended to read:

8260. Each state central committee may remove any appointive member who during his term of membership affiliates with or registers as a member of another party, publicly advocates that the voters should not vote for the nominee of the party for any office, or who publicly gives support to or avows a preference for a candidate of another party or candidate who is opposed to a candidate nominated by the party which that member represents.

SEC. 2. Section 8262 of said code is amended to read:

8262. In the event of the appointment of an ineligible person to the state central committee, or whenever any member of the committee dies, resigns, or becomes incapacitated to act, or removes from the jurisdiction of the committee, or ceases to be a member of the committee's party, a vacancy exists which shall be filled in the manner prescribed in Section 8261. A vacancy shall also exist on a committee when a member is removed from the committee pursuant to Section 8232 or Section 8260, and such vacancy shall be filled in the manner prescribed in Section 8261, such member to serve the remainder of the unexpired term of the member removed.

SEC. 3. Section 8470 of said code is amended to read:

8470. In the event of the appointment or election to a county central committee of an ineligible person, or whenever any member of the committee dies, resigns or becomes incapacitated to act, or removes from the jurisdiction of the committee, or ceases to be a member of the committee's party, a vacancy exists which shall be filled by appointment by the committee in which the ineligibility or vacancy occurs. A vacancy shall also exist on a committee when a member is removed from the committee pursuant to Section 8472 or Section 8474.

SEC. 4. Section 8474 of said code is amended to read:

8474. A county central committee may remove any member, other than an ex officio member, who during his term of membership affiliates with, or registers as a member of another party, who publicly advocates that the voters should not vote for the nominee of the party for any office, or who gives support or avows a preference for a candidate of another party or candidate who is opposed to a candidate nominated by the party which that member represents.

CHAPTER 1987

An act authorizing a grant to the Siskiyou County Flood Control and Water Conservation District for recreation in connection with a proposed dam and reservoir.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. The Department of Water Resources is hereby authorized to make a grant to the Siskiyou County Flood Control and Water Conservation District, pursuant to the Davis-Grunsky Act (Chapter 5 (commencing with Section 12880), Part 6, Division 6, Water Code), of such amount as may be determined by the department upon approval of an application therefor pursuant to said act, but not exceeding two million eight hundred thousand dollars ($2.800,000), for costs allocated to the recreational and fish and wildlife enhancement functions of the proposed Box Canyon Dam and Reservoir, as described in Bulletin No. 100 of the Department of Water Resources and entitled "Mount Shasta City-Dunsmuir Area Investigation."

No further legislative approval shall be required with respect to the grant authorized by this act; but such grant shall not be made to the district until the district can actually demonstrate the nature and extent of the statewide interest in the project, the public necessity for the project, the urgency of the need, and the engineering feasibility, economic justification, and the financial feasibility of the project.

CHAPTER 1988

An act to add Sections 466 and 466.1 to the Welfare and Institutions Code, relating to medical assistance.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 466 is added to the Welfare and Institutions Code, to read:

466. It is the intention of the Legislature, whenever feasible, that the needs of recipients for medical and allied care and services, as defined in Section 4500 of this code, be met under the provisions of Chapter 1 (commencing with Section 4500) of Part 3 of Division 5 of this code.

In order to accomplish this result, the State Treasurer, upon the request of the Director of Social Welfare and with the approval of the Director of Finance, shall transfer from the

General Fund to the Medical Care Premium Deposit Fund or to such appropriation as may be made to pay for medical care pursuant to Chapter 1 (commencing with Section 4500) of Part 3 of Division 5 of this code, an amount, not to exceed two dollars and fifty cents ($2.50) per month for each recipient of public social services, and, equivalent to the estimated state share of the amount per recipient per month which would otherwise be payable to recipients as allowances for such medical care and services in their monthly grants. The expenditure of the amounts transferred hereunder is authorized in addition to that authorized in Section 4552 of this code.

SEC. 2. Section 466.1 is added to said code, to read:

466.1. The cost of services and care to be borne by the county as specified in Section 4552.5 shall be increased by an amount equivalent to one-sixth ($\frac{1}{6}$) of the amount transferred during the preceding quarter by the State Controller pursuant to Section 466 of this code. The expenditure of the amount each county is required to bear under the provisions of this subparagraph is authorized in addition to that authorized in Section 4552.5 of this code.

SEC. 3. It is the intention of the Legislature that this act shall not add more to the counties' share of the costs of providing assistance under Chapter 1 (commencing with Section 4500) of Part 3 of Division 5 of the Welfare and Institutions Code than the amount by which the counties' costs under the respective public assistance programs are reduced by the transfer of services provided for in this act from special needs to payments under Chapter 1 (commencing with Section 4500) of Part 3 of Division 5 of the Welfare and Institutions Code.

CHAPTER 1989

An act to amend Sections 74132, 74134, 74135, 74136, 74137, 74138 and 74139 of the Government Code, relating to the municipal courts.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 74132 of the Government Code is amended to read:

74132. (a) Each clerk and marshal and each of their respective assistants, deputies and other employees shall receive a salary computed upon a monthly rate in accordance with the range and step for his position specified in or pursuant to this article, as determined by the following salary schedule:

Range No.	Step 1	Step 2	Step 3	Step 4	Step 5
28	$259	$273	$288	$303	$319
29	273	288	303	319	337
30	288	303	319	337	355
31	303	319	337	355	375
32	319	337	355	375	395
33	337	355	375	395	417
34	355	375	395	417	440
35	375	395	417	440	464
36	395	417	440	464	489
37	417	440	464	489	516
38	440	464	489	516	545
39	464	489	516	545	575
40	489	516	545	575	608
41	516	545	575	608	641
42	545	575	608	641	677
43	575	608	641	677	715
44	608	641	677	715	755
45	641	677	715	755	797
46	677	715	755	797	842
47	715	755	797	842	889
48	755	797	842	889	940

(b) Except as otherwise provided in this article, each new officer or employee shall for the first six full calendar months of continuous service receive a salary at the monthly rate specified for step 1 of the applicable range; on the first day of the next calendar month thereafter, his salary shall increase to the rate for step 2; after one, two and three additional years of continuous service, his salary shall increase to the rates for steps 3, 4 and 5, respectively.

(c) Notwithstanding any other provisions of law, until 90 days after the adjournment of the next regular session of the Legislature, the salary of any officer or employee may, upon approval by the board of supervisors, be increased or decreased within the limits of the applicable range and 11 percent above or below said limits, in order to provide compensation that is comparable to that of county employees of similar qualifications and experience, holding equal or comparable positions in the Riverside County classified service, as the comparability is determined by the board. Subject to the foregoing limitations as to time, the board of supervisors may allow such additional appointive positions in the classes of positions specified in this article as in said board's judgment are necessary to perform the work of the offices of each clerk and marshal.

(d) Such officers and employees shall be entitled to the same vacation, sick leave, leave of absence, and similar benefits, and may be appointed, promoted, demoted, terminated or transferred, or their status otherwise adjusted, in the same manner and with the same effect as is or may be provided by the cur-

rent salary ordinances of Riverside County for other employees of the county, and they shall be subject to such employment qualifications as may be fixed by or pursuant to said ordinance for their positions, in the same manner as for other positions in the employment of said county.

SEC. 2. Section 74134 of said code is amended to read:

74134. In the Riverside Judicial District, the salary of the clerk shall be on range 46 and the clerk may appoint:

(a) 1 assistant clerk on range 42.
(b) 1 deputy clerk (legal filing clerk) on range 38.
(c) 1 deputy (chief traffic clerk) on range 37.
(d) 5 deputy clerks (court clerk) on range 37.
(e) 1 deputy clerk (senior account clerk) on range 35.
(f) 2 deputy clerks (senior clerk) on range 33.
(g) 3 deputy clerks (traffic clerk) on range 31.
(h) 5 deputy clerks (intermediate clerk) on range 30.

SEC. 3. Section 74135 of said code is amended to read:

74135. In the Riverside Judicial District, the salary of the marshal shall be on range 46 and the marshal may appoint:

(a) 1 assistant marshal on range 41.
(b) 4 deputy marshals on range 38.
(c) 1 senior account clerk on range 35.
(d) 1 intermediate clerk on range 30.
(e) 1 account clerk on range 32.

SEC. 4. Section 74136 of said code is amended to read:

74136. In the Desert Judicial District, the salary of the clerk shall be on range 45 and the clerk may appoint:

(a) 1 assistant clerk on range 41.
(b) 2 deputy clerks (court clerk) on range 37.
(c) 2 deputy clerks (senior clerk) on range 33.
(d) 3 deputy clerks (traffic clerk) on range 31.
(e) 5 deputy clerks (intermediate clerk) on range 30.
(f) 2 deputy clerks (legal filing clerk) on range 38.

SEC. 5. Section 74137 of said code is amended to read:

74137. In the Desert Judicial District, the salary of the marshal shall be on range 46 and the marshal may appoint:

(a) 1 assistant marshal on range 41.
(b) 4 deputy marshals on range 38.
(c) 1 senior account clerk on range 35.
(d) 2 intermediate clerks on range 30.
(e) 1 account clerk on range 32.

SEC. 6. Section 74138 of said code is amended to read:

74138. In the Corona Judicial District, the salary of the clerk shall be on range 43 and the clerk may appoint:

(a) 1 deputy clerk (court clerk) on range 37.
(b) 1 deputy clerk (senior clerk) on range 33.
(c) 1 deputy clerk (traffic clerk) on range 31.
(d) 2 deputy clerks (intermediate clerk) on range 30.
(e) 1 deputy clerk (account clerk) on range 32.
(f) 1 deputy clerk (legal filing clerk) on range 38.

SEC. 7. Section 74139 of said code is amended to read:

74139. In the Corona Judicial District, the salary of the marshal shall be on range 44 and the marshal may appoint:

(a) 1 senior account clerk on range 35.

(b) 2 deputy marshals on range 38.

SEC. 8. This act shall become operative on October 1, 1963.

CHAPTER 1990

An act to amend Sections 14601 and 23102 of the Vehicle Code, relating to motor vehicle operation violations.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 14601 of the Vehicle Code is amended to read:

14601. (a) No person shall drive a motor vehicle upon a highway at any time when his driving privilege is suspended or revoked and the person so driving has knowledge of either such fact.

(b) A second or any subsequent conviction within seven years of a prior conviction under this section shall be punished by imprisonment in the county jail for not less than five days nor more than six months.

If any person is convicted of a second or subsequent offense under this section within seven years of a prior conviction and is granted probation, it must be a condition of probation that such person be confined in jail for at least five days.

SEC. 2. Section 23102 of said code is amended to read:

23102. (a) It is unlawful for any person who is under the influence of intoxicating liquor, or under the combined influence of intoxicating liquor and any drug, to drive a vehicle upon any highway. Any person convicted under this section shall be punished upon a first conviction by imprisonment in the county jail for not less than 30 days nor more than six months or by fine of not less than two hundred fifty dollars ($250) nor more than five hundred dollars ($500) or by both such fine and imprisonment and upon a second or any subsequent conviction, within seven years of a prior conviction, by imprisonment in the county jail for not less than five days nor more than one year and by a fine of not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000). A conviction under this section shall be deemed a second conviction if the person has previously been convicted of a violation of Section 23101 of this code.

(b) If any person is convicted of a second or subsequent offense under this section within seven years of a prior convic-

tion and is granted probation, it must be a condition of probation that such person be confined in jail for at least five days but not more than one year and pay a fine of at least two hundred fifty dollars ($250) but not more than one thousand dollars ($1,000).

CHAPTER 1991

An act relating to state park system.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. The Director of Parks and Recreation is authorized to purchase the property known as Lanes Redwood Flat in Mendocino County for the state park system.

CHAPTER 1992

An act to amend Section 1684 of the Labor Code, relating to farm labor contractors.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1684 of the Labor Code is amended to read:

1684. The Labor Commissioner shall not issue to any person a license to act as a farm labor contractor until:

(a) Such person has executed a written application therefor in a form prescribed by the Labor Commissioner, subscribed and sworn to by such person, accompanied by a filing fee of ten dollars ($10), and containing (1) a statement by such person of all facts required by the Labor Commissioner concerning the applicant's character, competency, responsibility, and the manner and method by which he proposes to conduct his operations as a farm labor contractor if such license is issued, and (2) the names and addresses of all persons, except bona fide employees on stated salaries, financially interested, either as partners, associates or profit sharers, in the proposed operation as a labor contractor, together with the amount of their respective interests;

(b) The Labor Commissioner, after investigation, is satisfied as to the character, competency, and responsibility of such person;

(c) Such person has deposited with the Labor Commissioner a surety bond in a penal sum of one thousand five hundred dollars ($1,500). Such bond shall be payable to the people of

the State of California and shall be conditioned that said farm labor contractor will comply with all the terms and provisions of this chapter and will pay all damages occasioned to any person by failure so to do, or by any violation of the provisions of this chapter, or false statements or misrepresentations made in the procurement of his license; and

(d) Such person has paid to the Labor Commissioner a license fee of twenty-five dollars ($25).

CHAPTER 1993

An act authorizing a grant to the Yuba County Water Agency in connection with the Yuba River Development.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. The Department of Water Resources is hereby authorized to make a grant to the Yuba County Water Agency, pursuant to the Davis-Grunsky Act (Chapter 5 (commencing with Section 12880), Part 6, Division 6, Water Code), of such amount as may be determined by the department upon approval of an application therefor pursuant to said act, but not exceeding the amount of five million dollars ($5,000,000), for recreational functions and enhancement of fish and wildlife incidental to the construction of the Yuba River Development of the Yuba County Water Agency in Yuba, Nevada, and Sierra Counties.

No further legislative approval shall be required with respect to the grant authorized to be made to the agency by this act; but such grant shall not be made until the agency can actually demonstrate the nature and extent of the statewide interest in the project, the public necessity for the project, the urgency of the need, and the engineering feasibility, economic justification, and the financial feasibility of the project.

CHAPTER 1994

An act to amend Section 13555 of the Vehicle Code, relating to termination of probation and dismissal of charges.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 13555 of the Vehicle Code is amended to read:

13555. A termination of probation and dismissal of charges pursuant to Section 1203.4 or a dismissal of charges pursuant to Section 1203.4a of the Penal Code does not affect any revocation or suspension of the privilege of the person convicted to drive a motor vehicle under this chapter. Such person's prior conviction shall be considered a conviction for the purpose of revoking or suspending or otherwise limiting such privilege on the ground of two or more convictions.

SEC. 2. Section 1 of this act shall become operative only if Section 1203.4a of the Penal Code as proposed by Assembly Bill No. 2242 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as Assembly Bill No. 2242 takes effect.

CHAPTER 1995

An act to add Section 2929 to, and to amend Section 441 of, the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 2929 is added to the Revenue and Taxation Code, to read:

2929. Taxes on personal property on the unsecured roll may be paid by a remittance sent through the United States mail, properly addressed with postage prepaid.

This section shall be applicable to every taxing agency, including, but not limited to, a chartered city or chartered city and county.

SEC. 2. Section 441 of said code is amended to read:

441. (a) Every person shall file a written property statement, under oath, with the assessor between noon on the first Monday in March and 5 p.m. on the last Monday in May, annually, and within such time as the assessor may appoint. At any time, as required by the assessor for assessment purposes, every person shall furnish information or records for examination.

(b) The property statement may be filed with the assessor through the United States mail, properly addressed with postage prepaid. This subdivision shall be applicable to every taxing agency, including but not limited to, a chartered city and county, or chartered city.

CHAPTER 1996

An act to amend Section 5401 of, and to add Section 5402 to, the Public Utilities Code, relating to sight-seeing trips.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 5401 of the Public Utilities Code is amended to read:

5401. Charges for the transportation to be offered or afforded by a charter-party carrier of passengers shall be computed and assessed on a vehicle mileage or time of use basis, or on a combination thereof, which charges may vary in accordance with the passenger capacity of the vehicle, or the number of persons to be transported, but it shall not be lawful for a charter-party carrier of passengers to directly or through his agent, or otherwise, or for a broker, to contract, agree, or arrange to charge or to demand or receive compensation for the transportation offered or afforded which shall be computed, charged, or assessed on an individual-fare basis, except school-bus contractors who are compensated by parents of children attending public, private, or parochial schools.

SEC. 2. Section 5402 is added to said code, to read:

5402. No person, partnership, corporation, or organization shall sell transportation by a passenger stage on an individual-fare basis for a sightseeing trip in California on a route for which a passenger stage corporation has obtained a certificate of convenience and necessity if the seller intends to charter or charters the passenger stage in California at a rate per passenger which is less than the individual fare for which the transportation is sold.

CHAPTER 1997

An act to amend Section 6700 of the Government Code, relating to holidays.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6700 of the Government Code is amended to read:

6700 The holidays in this State are:

(a) Every Sunday.
(b) January 1st.
(c) February 12th, known as "Lincoln Day."
(d) February 22d.
(e) May 30th.

(f) July 4th.
(g) First Monday in September.
(h) September 9th, known as "Admission Day."
(i) October 12th, known as "Columbus Day."
(j) November 11th, known as "Veterans Day."
(k) December 25th.
(*l*) Good Friday from 12 noon until 3 p.m.
(m) Every day on which an election is held throughout the State.
(n) Every day appointed by the President or Governor for a public fast, thanksgiving, or holiday.

CHAPTER 1998

An act to amend Sections 36514 and 36516 of the Government Code, relating to compensation of city councilmen.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 36514 of the Government Code is amended to read:

36514. Except as provided in this section, city councilmen shall not receive any compensation other than reimbursement for actual and necessary expenses incurred in the performance of official duty. At any general election, the question of whether city councilmen shall receive compensation for services, and the amount of such compensation, may be submitted to the electors. If a majority of the electors voting at the election favors it, all of the councilmen shall receive the compensation specified in the election call. The amount fixed is a charge against the city and payable as other salaries.

SEC. 2. Section 36516 of said code is amended to read:

36516. Compensation of councilmen may be increased or diminished at any general election, in the same manner as it was originally established. A change in compensation does not apply to a councilman during his term of office; however, the prohibition herein expressed shall not prevent the adjustment of the compensation of all members of a council serving staggered terms whenever one or more members of such council becomes eligible for a salary increase by virtue of his beginning a new term of office.

CHAPTER 1999

An act to amend Section 17952 of the Health and Safety Code, relating to housing.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 17952 of the Health and Safety Code is amended to read:

17952. In the event of nonenforcement of this part or the rules and regulations promulgated pursuant thereto or of any ordinance or local regulation adopted pursuant to Section 17951, the provisions of this part and the rules and regulations promulgated thereunder shall be enforced by the department in any such city or county after the department has given written notice to the governing body of such city or county of a violation of this part or the rules or regulations promulgated thereunder and the city or county has failed to initiate proceedings to secure correction of the violation within 30 days of the date of such notice. The city or county may request a hearing before the State Housing Appeals Board within said 30 days to show cause for nonenforcement. Enforcement by the department shall not be initiated until the decision of the board, adverse to the city or county, is rendered.

CHAPTER 2000

An act to add Chapter 9.5 (commencing with Section 3201) to Division 4 of Title 1 of, to add Section 19735 to, to repeal Section 31109 of, and to repeal Article 2 (commencing with Section 45030) of Chapter 1 of Division 5 of Title 4 of, the Government Code, relating to political activities of public employees.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 9.5 (commencing with Section 3201) is added to Division 4 of Title 1 of the Government Code, to read:

CHAPTER 9.5. POLITICAL ACTIVITIES OF PUBLIC EMPLOYEES

3201. This chapter applies to all officers and employees of a local agency. As used herein "local agency" means a county, city, city and county, political subdivision, district, or municipal corporation. For the purposes of this chapter, officers and

employees of a given local agency include officers and employees of any other local agency whose principal duties consist of providing services to the given local agency. This chapter shall not apply to the employees of any school district. The right of school district employees to engage in political activities shall be determined in accordance with the provisions of the Education Code.

3202. An officer or employee of a local agency shall not, directly or indirectly, solicit or receive political funds or contributions, knowingly, from other officers or employees of the local agency or from persons on the employment lists of the local agency.

3203. (a) Every officer or employee of a local agency shall prohibit the entry, into any place under his control, occupied and used for the governmental purposes of said local agency, of any person, for the purpose of therein making, or giving notice of any political assessment, subscription, or contribution.

(b) A person shall not enter or remain in any such place described in subsection (a) of this section for the purpose of therein making, demanding, or giving notice of any political assessment, subscription, or contribution.

(c) This section shall not apply to any auditorium or other place used for the conduct of public or political rallies or similar events, nor to any park, street, public land or other place not being used for the governmental purposes of said local agency.

3204. No one who holds, or who is seeking election or appointment to, any office or employment in a local agency shall, directly or indirectly, use, promise, threaten or attempt to use, any office, authority or influence, whether then possessed or merely anticipated, to confer upon or secure for any person, or to aid or obstruct any person in securing, or to prevent any person from securing, any position, nomination, confirmation, promotion, change in compensation or position, within said local agency, upon consideration or condition that the vote or political influence or action of such person or another shall be given or used in behalf of, or withheld from, any candidate, officer, or party, or upon any other corrupt condition or consideration.

3204.5. No officer or employee of a local agency shall participate in political activities of any kind while he is in uniform.

3205. No officer or employee whose position is not exempt from the operation of a civil service personnel or merit system of a local agency shall take an active part in any campaign for or against any candidate, except himself, for an office of such local agency, or for or against any ballot measure relating to the recall of any elected official of the local agency.

SEC. 2. Section 31109 of said code is repealed.

SEC. 3. Article 2 (commencing with Section 45030) of Chapter 1 of Division 5 of Title 4 of said code is repealed.

SEC. 4. Section 19735 is added to the Government Code, to read:

19735. Except as provided in Section 19251, the limitations set forth in this article shall be the only restrictions on the political activities of state employees.

CHAPTER 2001

An act to amend Section 8412 of the Elections Code, relating to county central committees.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 8412 of the Elections Code is amended to read:

8412. Each county central committee of a party with which are affiliated more than 3,200,000 registered voters shall meet in the courthouse at its county seat, upon call, which shall be given by the county clerk of the county and in quarters to be arranged or provided for by the county clerk of the county, on the second Tuesday in July following the direct primary election, except that in any year in which a national political party shall have set the national convention of the party to include that date, the existing executive committee of the county central committee of that party shall set the date of the meeting, not to exceed 30 days after the date above specified. Each county central committee with which are affiliated less than 3,200,000 registered voters shall meet in the courthouse at its county seat, upon call which shall be given by the county clerk of the county and in quarters to be arranged or provided for by the county clerk of the county, on the first Monday after the first day in January following the direct primary. At such meeting the county central committee shall organize by selecting a chairman, a secretary, and such other officers and committees as it deems necessary for carrying on the affairs of the party. The county clerk, or a deputy county clerk designated by the county clerk, shall preside at the meeting until the committee elects its temporary chairman. The rules of the outgoing committee shall govern the proceedings at the meeting until the committee adopts new rules.

Notwithstanding the foregoing provisions of this section, the county central committee in a county having a population in excess of 4,000,000 shall meet at its county seat in a centrally located public auditorium sufficient to accommodate its membership.

CHAPTER 2002

An act to amend Sections 4835, 4842, 4871 and 4879 of the Public Utilities Code, relating to motor transportation brokers.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 4835 of the Public Utilities Code is amended to read:

4835. The commission, with or without hearing, may issue the license as prayed for, or may refuse to issue it, or may issue it for the partial exercise of the privilege sought. The commission shall not issue a license when, with or without hearing, it determines that (a) the applicant is not a fit and proper person to receive the license, or (b) the motor carriers for whom the applicant proposes to sell transportation have not complied, and are not complying and do not propose to comply, with state or federal laws, or all general orders of the commission, applicable to the operations of the motor carrier, or (c) the applicant is a shipper, or an agent or employee of a shipper, or interested in or affiliated with a shipper, if such shipper is a user of transportation of the kind proposed to be furnished, offered, or provided by the applicant.

SEC. 2. Section 4842 of said code is amended to read:

4842. The fees for licenses, and each renewal thereof, are fifty dollars ($50) a year, or fraction thereof. All applications for licenses shall be accompanied by the fee, and all licenses, subject to the provisions for renewal, which the commission prescribes, shall expire on December 31st of each year.

SEC. 3. Section 4871 of said code is amended to read:

4871. The commission may regulate the rates, charges, contracts, operations, and practices of transportation brokers, and may prescribe rules applicable to any and all such brokers. All powers vested in the commission relating to hearing and determining matters presented to it, are made applicable to the proceedings under the provisions of this chapter.

SEC. 4. Section 4879 of said code is amended to read:

4879. Any person, licensed as a motor transportation broker, who, directly or indirectly, offers, pays or gives to any shipper any money, credit, thing of value, or other consideration as an inducement to secure any transportation of property from such shipper, or who violates any of the provisions of this chapter, is guilty of a misdemeanor, and is, upon conviction, punishable by a fine not to exceed five hundred dollars ($500), or by imprisonment in a county jail not to exceed six months, or both; and in addition thereto, the license as motor transportation broker shall be revoked by the commission.

CHAPTER 2003

An act to amend Section 2601 of, and to add Chapter 5 (commencing with Section 7200) to Division 5 of, the Elections Code, relating to special elections.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 2601 of the Elections Code is amended to read:

2601. At least 30 days before the general election, and at least 70 days, but not more than 180 days, before a special statewide election or a special election to fill a vacancy in the office of Representative in Congress, State Senator or Member of Assembly, the Governor shall issue an election proclamation, under his hand and the Great Seal of the State, and transmit copies to the boards of supervisors of the counties in which the elections are to be held.

SEC. 2. Chapter 5 (commencing with Section 7200) is added to Division 5 of said code, to read:

CHAPTER 5. NOMINATION OF CANDIDATES FOR LEGISLATIVE AND CONGRESSIONAL OFFICES AT SPECIAL ELECTIONS

7200. Candidates at any special election to fill a vacancy in the office of Representative in Congress, State Senator, or Assemblyman shall be nominated as provided in this chapter.

7201. A primary election shall be held in the district in which the vacancy occurred on the fourth Tuesday preceding the day of the special election at which the vacancy is to be filled. Candidates at the primary election shall be nominated in the manner set forth in Chapter 2 (commencing with Section 6400) of Division 5 of this code, except that nomination papers shall not be circulated more than 40 days before the primary election, shall be left with the county clerk for examination not less than 25 days before the primary election, and shall be filed with the Secretary of State not less than 20 days before the primary election.

7202. All candidates shall be listed on one ballot and if any candidate receives a majority of all votes cast, he shall be declared elected, and no special election shall be held.

7203. If no candidate receives a majority of votes cast, the name of that candidate of each qualified political party who receives the most votes cast for all candidates of that party shall be placed on the special election ballot as the candidate of that party.

CHAPTER 2004

An act to add Sections 21716 and 36626 to the Vehicle Code, relating to combinations of vehicles.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 21716 is added to the Vehicle Code, to read:

21716. Notwithstanding the provisions of Section 21715, a motor truck with an unladen weight of not less than 3,500 pounds and a gross weight of not less than 4,200 pounds may tow a combination of two cotton trailers operated on the highways for the exclusive purpose of transporting cotton from a farm to a cotton gin and returning the empty trailers to such farm. Extra weight or ballast may be added to meet the requirements of this section and shall be in the form of 100-pound bags of sand.

SEC. 2. Section 36626 is added to said code, to read:

36626. Notwithstanding the provisions of Section 21715, a motor truck with an unladen weight of not less than 3,500 pounds and a gross weight of not less than 4,200 pounds may tow a combination of two cotton trailers operated on the highways for the exclusive purpose of transporting cotton from a farm to a cotton gin and returning the empty trailers to such farm. Extra weight or ballast may be added to meet the requirements of this section and shall be in the form of 100-pound bags of sand.

SEC. 3. Section 2 of this act shall become operative only if Assembly Bill No. 2702 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as Assembly Bill No. 2702 takes effect; at which time Section 21716 of the Vehicle Code as added by Section 1 of this act is repealed.

CHAPTER 2005

An act to amend and renumber Section 17781 of, and to repeal and add Chapter 7 (commencing with Section 20700), Division 8 of, the Business and Professions Code, relating to petroleum.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 7 (commencing with Section 20700) of Division 8 of the Business and Professions Code is repealed.

SEC. 2. Chapter 7 (commencing with Section 20700) is added to said code, to read:

CHAPTER 7. PETROLEUM

Article 1. General Provisions

20700. "Department," as used in this chapter, means the Department of Agriculture, acting through the Division of Weights and Measures.

20701. "Person," as used in this chapter, includes without limitation any natural person, partnership, association, trustee, receiver, corporation, and any member, officer, agent or employee thereof, or assignee for the benefit of creditors.

20702. "Advertising medium," as used in this chapter, includes banner, sign, placard, poster, streamer and card.

20703. "Gasoline," as used in this chapter, means any petroleum product offered for sale which meets the standards prescribed for gasoline by this chapter.

20704. "State Sealer," as used in this chapter, means the Chief of the Division of Weights and Measures in the Department of Agriculture.

20705. "Deputy State Sealer," as used in this chapter, means any sealer appointed by the State to serve in a county having no county sealer.

20706. "County sealer," as used in this chapter, means any sealer appointed by a county.

20707. "Sealer," when used in this chapter without qualification, includes the State Sealer, Deputy State Sealer, and county sealers and their deputies.

20708. (a) "Sell" or any of its variants, as used in this chapter, includes attempt to sell, offer for sale or assist in the sale of, permit to be sold or offered for sale or delivery or offer for delivery, trade, barter or expose for sale.

(b) "Manufacturer" includes manufacturer, refiner, producer or importer.

(c) "Petroleum products" includes gasoline, liquefied petroleum gas when used as a motor fuel, distillate, kerosene, thinner or solvent, or any motor fuel, or any oil represented as lubricating or motor oil.

(d) "Barrel," when applied to petroleum products, shall consist of forty-two (42) gallons.

20709. "Standard test," as used in this chapter, means test conducted in accordance with the latest published standard adopted by the American Society for Testing Materials.

20710. "Octane number" or "octane rating," when used in this chapter, means the American Society for Testing Materials research octane number of the fuel, which is:

(a) If below 100, the nearest whole number that matches the knock characteristics of the fuel when compared by the method described in the latest published Standard Method D 908 adopted by the American Society for Testing Materials.

(b) If above 100, the nearest whole number, corresponding to the engine rating determined in milliliters of tetraethyl lead and iso-octane in conformance with the latest published

Standard Method D-1656 adopted by the American Society for Testing Materials.

(c) Antiknock values ending in five-tenths octane numbers, as determined by subdivisions (a) and (b) of this section, shall be rounded off to the nearest even whole number.

20711. The department may adopt, amend, and repeal such rules and regulations as may be necessary to enable it to carry into effect the provisions of this chapter. The rules and regulations shall be adopted, amended, and repealed in accordance with Chapter 4 (commencing with Section 11370) of Part 1 or Division 3 of Title 2 of the Government Code.

Article 2. Motor Fuel Pump License

20766. On and after July 1, 1962, it shall be unlawful to sell at retail gasoline, liquefied petroleum gas, diesel fuel, distillate, outboard motor fuel or other petroleum products for use as fuel for internal combustion engines from any motor fuel pump, or container from which fuel for internal combustion engines is sold, or other dispensing device which has not been licensed by the department.

20767 (a) Application for a motor fuel pump license shall be filed with the department by the owner or operator of each such pump, container used as a dispensing device, or other dispensing device on a form prescribed and furnished by the department. The application shall be accompanied by a license fee of two dollars ($2) for each pump, container used as a dispensing device, or other dispensing device. Applications for the renewal of a motor fuel pump license for each fiscal year beginning July 1st shall be made on or before the last day of June next preceding.

(b) After compliance by the owner or operator with the provisions of Sections 20766 and 20767, the department shall grant and issue to each applicant a license for each separate place of business within the State. The license shall be valid only for the location for which it is issued and for the transaction of business at the place and the number of dispensing devices designated on the license and is not assignable or transferable to any other location. The license shall at all times be conspicuously and prominently displayed at the location for which the license is issued.

20768. Each motor fuel pump license issued by the department shall expire at midnight of June 30th of the fiscal year stated thereon. Any motor fuel pump, container used as a dispensing device, or other dispensing device added to the location during the fiscal year will require an additional motor fuel pump license issued by the department. When displayed on the premises in such a manner as to be plainly visible, such license shall serve as evidence that the prescribed license fee has been paid to the expiration of the indicated fiscal year, and no additional fee shall be required during said period because of a change in ownership.

20769. The motor fuel pump license shall be of a form prescribed by the department, and shall have stated upon it the fiscal year to which same is applicable, the fee paid, together with such wording as the department may require for clear and proper identification.

20770. It is unlawful to remove any valid motor fuel pump license from the premises which has been licensed.

20771. It is unlawful to display or use any license, tag, label or design, indicating or tending to indicate that same is a motor fuel pump license, except a valid license issued by the department under the provisions of this article.

20772. In the event that a motor fuel pump license has been lost, destroyed or stolen, the department shall, upon application of the owner or operator of the motor fuel pumps or other dispensing devices for which such license was used or intended to be used, issue a letter of certification that the prescribed fees have been paid. Such certification shall serve as proof of payment until the end of the fiscal year.

20773. After July 31st of any fiscal year and until the last day of June of said fiscal year no sealer shall issue a certificate of accuracy or a seal of accuracy for any pump, container or other dispensing device from which is dispensed at retail any petroleum product for use as fuel for internal combustion engines unless such pump, container or other dispensing device shall have been licensed as provided for in this article.

20774. On and after the first day of August and until the last day of June of any fiscal year the department, or a sealer, may close and seal outlets and inlets of any pump, container or other dispensing device from which is sold at retail gasoline, liquefied petroleum gas, diesel fuel, distillate, outboard motor fuel or other petroleum products for use as fuel for internal combustion engines, unless such pump, container or other dispensing device shall have been licensed as provided for in this article.

Presentation of valid proof, by the owner or operator, that the license has been applied for shall be sufficient evidence of compliance with the provisions of this article and the provisions of Sections 20773 and 20774 shall be disregarded.

20775. It is unlawful for any person, other than the department or a sealer, to break, mutilate or destroy any seal or seals placed upon the outlets or inlets of any pump or other dispensing device as provided by this article.

20776. Any person who violates any of the provisions of this article is guilty of a misdemeanor, and is guilty of a separate offense for each day during any portion of which any violation of this article is committed, continued or permitted by such person.

20777. All license fees collected under the provisions of this article shall be credited to the Department of Agriculture Fund, to be expended for the administration and enforcement of this chapter.

Article 3. Standards for Gasoline

20780. Gasoline, as defined in this chapter, means any liquid petroleum product which conforms to the specifications of this article. Subject to the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, the department shall have the authority to promulgate and enforce such rules and regulations as are necessary to carry out the provisions of this article. In promulgating such rules and regulations, the department shall adopt standards as set forth in American Society for Testing and Materials D-439, except that vapor pressure specifications shall be omitted and a distillation end point specification of 437 degrees Fahrenheit maximum shall be added.

20781. It is unlawful for any person to sell, offer for sale, assist in the sale of, permit to be sold or offered for sale, or deliver or offer to deliver to any premises for the purpose of sale, any product as or purporting to be "gasoline," unless the product conforms to the specifications of this article.

20782. It is unlawful for any person to sell, offer for sale, or cause or permit to be sold or offered for sale, or deliver or offer for delivery, any petroleum product as a fuel for internal combustion engines at any place where petroleum products are kept or stored for sale, which does not conform to the requirements of this article, unless and until there shall be firmly attached to or painted upon each container, receptacle, pump, and inlet end of the fill-pipe of each underground storage tank, from which or into which such petroleum product is drawn or poured for sale or delivery, a sign or label, plainly visible, comprising the brand, trademark or trade name of such fuel, or the words "no brand," which words shall be in letters of gothic type with a stroke of not less than one-eighth inch in width and not less than one inch in height, and also the words "not gasoline" in red letters of gothic type with a stroke of not less than one-half inch in width and not less than three inches in height, on a white background and not less than twice the size of any other letters or words appearing on or near the label or sign.

The provisions of this article, as to the words "not gasoline," shall not apply to signs or labels used in connection with the sale or delivery of distillate, kerosene, jet or turbine fuel, diesel fuel, liquefied petroleum gas, or motor fuel comprised of mixture of gasoline and lubricating oil properly labeled in accordance with the provisions of Article 6 of this chapter.

20783. The sign or label required by this article to be attached to the inlet end of the fill-pipe of an underground storage tank shall consist of a tag or plate firmly attached or affixed and plainly visible while the tank is being filled. The letters on such sign or label may be of any convenient size.

Article 4. Standards for Lubricating Oils

20800. Crankcase drainings, lube-distillate, or any other product shall not be sold, offered for sale, delivered, offered for delivery or stored as a motor oil or lubricating oil for use in an internal combustion engine unless such product conforms to the following specifications:

(a) It shall be free from water and suspended matter when tested by means of centrifuge, in accordance with the standard test therefor.

(b) The flash points for the various S.A.E. (Society of Automotive Engineers) classifications shall not be less than the following when tested in accordance with the standard method of test for flash and fire points by means of the Cleveland open cup:

Viscosity classification	Viscosity SSU at 210° F.	Minimum flash degrees Fahrenheit
SAE 5W		305
SAE 10W		335
SAE 20W		345
SAE 20		345
SAE 30		355
SAE 40		375
SAE 50		400
Grade 60	110 to less than 125	435
Grade 70	125 to less than 150	470

20801. Except as provided in this article if any lubricating or motor oil sold, or offered for sale or delivery, has been previously used for the lubrication of internal combustion engines or any gearing or shafting attached to or connected thereto, or for any other lubricating purposes, or has been rerun or filtered, redistilled or reclaimed, the container shall bear a superimposed sign or label of rectangular shape not less than 4 by 6 inches containing the words "reclaimed motor oil" or "lubricating oil, reclaimed," in red letters of gothic type over a white background with a stroke of not less than one-eighth inch in width and not less than three-fourths inch in height.

On all containers of one gallon or less, a superimposed sign or label of rectangular shape of not less than 2 by 3 inches containing the words "reclaimed motor oil" or "lubricating oil, reclaimed," in red letters of gothic type over a white background with a stroke of not less than one-sixteenth inch in width and not less than one-half inch in height shall be sufficient.

20802. If any reclaimed, rerun or redistilled oil is used in blending or compounding in other petroleum products being sold, offered or kept or stored for sale, the fact of such blending or compounding shall be indicated on all containers as re-

quired by this article for containers of unblended reclaimed, rerun or redistilled lubricating oil.

20803. The sign or label required by this article to be attached to the inlet end of the fill-pipe of an underground storage tank shall consist of a metal tag firmly attached or affixed and plainly visible while the tank is being filled.

The letters on such sign or label may be any convenient size.

20804. Where bottles used for dispensing lubricating or motor oil, either unused or reclaimed, are kept in baskets, stands or racks it is sufficient to label each such basket, stand or rack in lieu of labeling each bottle therein. All bottles kept in such baskets, stand or rack as provided in this article shall contain a product of the same brand, quality and viscosity rating.

20805. No bottles containing reclaimed lubricating or motor oil shall be kept or commingled in any basket, stand or rack containing any bottles used to dispense unused lubricating or motor oils.

20806. Every person who buys, sells, offers for sale, or who stores lubricating oil or motor oil which is required by Section 20801 to be labeled "reclaimed motor oil" or "lubricating oil, reclaimed," shall make and keep for one year a separate record of each such purchase, sale or storage.

Said record shall include the name and address of the person from whom such oil was purchased or to whom such oil was sold, together with the date of such purchase or sale and the quantity thereof in terms of the United States gallon or a binary submultiple of the gallon.

All records required by this section shall be open at all times during business hours to inspection by an official authorized to enforce the provisions of this chapter. Refusal or failure to keep such records or to permit the inspection thereof is a misdemeanor.

The provisions of this section do not apply to the retail sale of such oil in quantities of five gallons or less to any one person.

Article 5. Price Indications on Petroleum Dispensing Apparatus

20820. No person shall sell, offer for sale, or advertise for sale, at retail to the general public, any gasoline or other motor vehicle fuel from any place of business in this State by use of or through or from any dispensing apparatus, unless there is displayed on such dispensing apparatus in a conspicuous place at least one sign showing the actual total price per gallon of all gasoline or other motor vehicle fuel sold, offered for sale, or advertised for sale therefrom. The actual total price per gallon shall include fuel taxes and where sales tax is to be added the sign shall so state and show the rate and tax base.

20820.1. Any person who sells or offers for sale any gasoline or other motor vehicle fuel from any place of business in this State by use of, or through, or from any dispensing apparatus, who offers trading stamps to his customers shall display upon the dispensing apparatus a sticker, decal, or sign affixed thereto, setting forth the number of trading stamps that will be given with each ten-cent ($0.10) purchase or multiple thereof.

20821. Each sign required by this article shall be placed in a conspicuous place on the dispensing apparatus and if service of gasoline or other motor vehicle fuel may be made from more than one side of such dispensing apparatus the sign shall be so placed as to be visible from at least two sides of the dispensing apparatus.

20822. Each sign required by this article shall be not less than five inches nor more than eight inches in height and shall be not less than eight inches nor more than 12 inches in width.

20823. All letters, figures or numerals on each sign required by this article, however affixed, marked, imprinted, placed or embossed, shall be at least three-fourths of an inch in height and all lines or marks used in the making or forming of all such letters, figures or numerals which are a part of the sign shall be at least one-eighth of an inch in width.

20824. All letters, figures or numerals which are part of any sign required by this article shall be plainly legible, and of like color or tint and such color or tint shall contrast with the background and other parts of the sign.

20825. For the purpose of this article a fraction is considered one numeral.

20826. A price indicator used in connection with a computing meter pump or a pump designed to compute price fulfills the requirements of this article; provided, all letters, figures or numerals used to designate the total fuel-tax-included price per gallon are clear and distinct and so located as to be plainly discernible to the purchaser and, provided further, that where sales tax is to be added a sign so stating and designating the rate and tax base shall be conspicuously displayed on the dispensing apparatus.

20826.5. No person shall display on any dispensing apparatus from which gasoline or other motor vehicle fuel is being offered for sale or sold, any sign referring to the price of such gasoline or other motor vehicle fuel, which shall include a price indicator used in connection with a computing meter pump or a pump designed to compute price, unless such sign is limited to the actual total price per gallon of all gasoline or other motor vehicle fuel, as prescribed in Sections 20820 and 20826 of this article.

20827. It is unlawful for any person, firm, corporation or association, or any employee thereof to make or disseminate or cause to be made or disseminated before the public in this State, in any newspaper or other publication, or any advertising device, or by public outcry or proclamation, or in any

other manner or means whatever, any statement relative to price, discount or saving of any motor vehicle fuel which comes under the provisions of this article, which is false, deceptive or misleading in any particular and which is known or which by the exercise of reasonable care should be known, to be untrue, false or misleading.

Article 6. Labeling

20840. It is unlawful for any person to sell, offer for sale, assist in the sale of, permit to be sold or offered for sale, or deliver or offer for delivery, for internal combustion engines any gasoline, distillate, kerosene, diesel fuel, outboard motor fuel, or other motor fuel or any oil represented as lubricating or motor oil at any place where petroleum products are kept or stored for sale, unless and until there is firmly attached to or painted upon each container, receptacle, pump, and inlet end of the fill-pipe of each underground storage tank, from which or into which such product is drawn or poured out for sale or delivery, a sign or label plainly visible consisting of the name of such product or motor fuel in letters not less than one-half of an inch in height, together with the brand, trademark or trade name of such product, which word or words shall also be in letters of not less than one-half of an inch in height. When such sign or label is used in connection with "lubricating oil" or "motor oil," the sign or label shall also have in letters and numerals, plainly visible and not less than one-half of an inch in height, the viscosity grade classification number of the "lubricating oil" or "motor oil."

The Society of Automotive Engineers grade classification number shall be determined in accordance with the Society of Automotive Engineers latest recommended practice of crankcase oil classification, and shall be preceded by the letters "S.A.E." Lubricating oil or motor oil falling within more than one S.A.E. grade classification shall be labeled to show the grade or grades for which the supplier intends it for use.

On any container with a net content of one United States gallon or less the brand, trademark or trade name, and the S.A.E. grade classification number or other grade classification number and the words "motor oil" or "lubricating oil" may be painted, printed, embossed or otherwise firmly affixed on such container in letters and numerals not less than one-sixteenth inch in width and not less than one-fourth inch in height, and such designation shall constitute compliance with the provisions of this section.

20841. If any gasoline has no brand, trademark or trade name, each sign or label required by this article shall consist of the words, in letters of gothic type with a stroke of not less than one-half inch in width, and not less than three inches in height, "gasoline, no brand." Such sign or label shall consist of red letters upon a white background.

20842. If any lubricating or motor oil has no brand, trademark or trade name, each sign or label required by this article therefor shall consist of the words, in letters of gothic type with a stroke of not less than one-half inch in width, and not less than three inches in height, "lubricating oil, no brand," "motor oil, no brand." Such sign shall consist of red letters upon a white background.

20843. If lubricating or motor oil is reclaimed used oil, each sign or label required by this article shall also include the words "reclaimed lubricating oil" or "reclaimed motor oil." Such sign shall consist of red letters upon a white background.

20844. Letters of gothic type with a stroke of not less than one-sixteenth inch in width and not less than one-half inch in height shall be sufficient on all containers with a capacity of one gallon or less to meet the requirements of this article.

20846. The provisions of this article as to size of letters shall not apply to signs or labels at the inlet end of any underground storage tank, which letters may be of any convenient size but such letters shall be plainly visible while such underground storage tank is being filled.

20847. Whenever any pump, receptacle or other container is maintained or used to serve more than one driveway, the signs or labels required by this chapter shall be placed upon both sides of such pump, receptacle or other container so that one set of signs or labels shall be clearly visible from each such driveway.

Wherever any pump, receptacle or other container is maintained or used to serve only one driveway, the signs or labels required by this chapter shall be upon the side of such pump, receptacle or other container adjacent to such driveway.

20848. Small hand measures used for delivery of petroleum products, and filled in the presence of the customer, need not be labeled in accordance with this chapter if the receptacle, container or pump from which petroleum products are drawn or poured into such hand measures is properly labeled as required by this chapter.

20849. It is unlawful for any person to deposit or deliver, or permit to be deposited or delivered, into any tank, pump, container or receptacle, or into any bottle or bottles kept in a basket, stand or rack, at any place where petroleum products are kept or stored for sale, any gasoline or other motor fuel, or any distillate, kerosene, lubricating oil or motor oil, other than that indicated by the brand, trademark, trade name, and in the case of lubricating oil or motor oil, the S A E. classification number or other viscosity grade classification number displayed on the tank, pump, container, receptacle, bottle, basket, stand or rack, or the inlet end of the underground storage tank, except as provided in this chapter.

20850. Subject to the provisions of this chapter relating to tank vehicles, it is unlawful for any person to attach or connect, or cause or permit to be attached or connected, any pump, container or other device, used for or in the drawing, pouring, or delivery of any petroleum product referred to in this chapter, and intended for sale, to or with any tank or receptacle containing any petroleum product or any liquid other than the one described on the label, tag or sign attached or affixed to such pump, container or other device.

20851. Subject to the provisions of this chapter relating to tank vehicles, it is unlawful for any person in making any sale, to pump, draw, furnish or deliver, or to cause or permit to be pumped, drawn, furnished or delivered, by means of, or through, any pump or other device, any product other than the one described on the label, tag or sign attached or affixed to such pump or other device.

20852. The use of pumps or other devices which are capable of withdrawing gasoline from each of two tanks containing different qualities of the same petroleum product and dispensing them as a single combined product shall be authorized when the department determines that all of the following conditions exist:

(a) The device mechanism accurately measures the quantities of the gasoline being simultaneously withdrawn from each of the two tanks and the quantity dispensed.

(b) The device mechanism accurately and visibly records and displays the resulting combined quality, the total quantity, the price per gallon for the particular quality combination being dispensed, and the total price of the quantity of gasoline dispensed at the particular sale.

(c) The device has a locking selector mechanism which prevents the changing of the proportion of the two qualities being combined during the dispensing of the desired quantity.

The provisions of this section shall not supersede any other provisions in this chapter, except that they shall supersede the provisions of Sections 20782, 20783, 20840, 20846, 20849, 20850, 20851, and 20930 to the extent necessary to authorize the operation of a blending type of pump connected to two tanks containing two different products, or two different grades of the same product, which, when blended together in different proportions, will produce gasolines of different octane rating, each blend of which shall meet the specifications for gasoline as required by this chapter.

20853. The use of pumps or other devices which are capable of withdrawing gasoline from one tank containing gasoline and another tank containing motor oil and dispensing them as a single combined product and of withdrawing gasoline alone from the tank containing gasoline shall be authorized when the department determines that all of the following conditions exist:

(a) The device mechanism accurately measures the quantities being simultaneously withdrawn for dispensing as a com-

bined product from each of the two tanks when the combined product is dispensed and the quantity being dispensed from the gasoline tank alone when gasoline alone is dispensed.

(b) The device mechanism accurately and visibly records and displays the ratio of gasoline to motor oil, the quantity of each ingredient being dispensed, the price per gallon for the gasoline being dispensed, and the price per quart for any motor oil being dispensed.

(c) The device mechanism prevents the changing of the ratio of gasoline to motor oil during dispensing.

(d) There is firmly attached to or painted upon the device mechanism a sign or label plainly visible consisting of the word or words in letters not less than one-half of an inch in height "outboard motor fuel" together with the brand, trademark or trade name of such product, which word or words shall also be in letters of not less than one-half of an inch in height.

The provisions of this section shall not supersede any other provisions in this chapter, except that they shall supersede such other provisions including Sections 20782, 20783, 20840, 20846, 20849, 20850, 20851, and 20930 to the extent necessary to authorize the operation of the above-described blending type of pump connected to two tanks, one containing motor oil and the other gasoline, provided that the motor oil shall in its separate state meet the specifications for lubricating oil as required by Section 20800 and that the gasoline shall in its separate state meet the specifications for gasoline as required by Section 20780.

Article 7. Tank Vehicles

20860. It is unlawful for any person to transport in any tank vehicle, for the purpose of sale, or for delivery to any place where petroleum products are kept or stored for sale, any petroleum products as a fuel for internal combustion engines, distillate, kerosene or any oil represented as lubricating or motor oil for internal combustion engines, unless and until there is compliance with either of the following:

(a) There shall be firmly attached to or affixed at each outlet faucet or valve of each such tank vehicle, a metal tag, plate or label, on which is displayed in letters not less than one-half inch in height, the name of the particular product in the tank compartment of the tank vehicle with which such valve or faucet is connected and the brand, trademark or trade name of such product, or the words "no brand," and in the case of lubricating oil or motor oil, the S.A.E. classification shall also be displayed in letters and numerals not less than one-half inch in height.

(b) The tank vehicle shall be equipped with a meter conforming to the provisions of this article relating to meters.

20862. If a tank vehicle is equipped with a meter for the purpose of measuring the quantities of different grades, brands or trade names of a product withdrawn from more than one compartment, then means shall be provided whereby there will

be a clear and easily legible indication of the grade, brand, or trade name of the product which is being measured by the meter.

20862.5. In the event that a tank vehicle is equipped with a meter or meters for the purpose of measuring the quantity of motor oil withdrawn from the tank vehicle, no such meter shall be alternately used for the measurement of different grades, brands, or trade names of a motor oil for delivery at any place of business from which is being sold at retail any petroleum product mentioned in this chapter.

20863. The device used for the indication of grade, brand or trade name as required by this article shall be so interlocked or interconnected with the valve or other device with which the selection of product is controlled, that any change in position of the controlling or selecting device shall automatically indicate the grade, brand, or trade name of the product which has been selected for measurement and delivery. Such device shall not permit the flow of products of different grades, brands or trade names at any given time.

This section shall not prohibit the use of an unloading position on the selecting device or mechanism. Said unloading position shall be used only when all compartments contain a single grade of a product. It shall be further provided that when there is such a position on the selecting device adequate means shall be provided to prevent the indicator of the selecting device being placed in the unloading position unless the operator commits a deliberate act such as the removal of a pin or the turn of a valve or some other deliberate act. This device, or position on the selecting mechanism, shall also indicate the grade, brand or trade name of the product being selected for measurement.

20864. Nothing in this chapter prohibits the use of a single meter, with its accessory devices and without a controlling or selecting mechanism, for the purpose of measuring the contents of one compartment only, or of two or more compartments if, or when, a product of a single grade, brand, or trade name is carried in all such compartments at any one time.

20865. (a) In the event that the compartments of a tank vehicle are connected to a common outlet, no compartment so connected shall contain a product different than the product as contained in any other compartment unless adequate provision is made to avoid intermixture.

(b) In the event that a tank vehicle is equipped with a meter, or meters, for the purpose of measuring the quantity of fluid withdrawn from the tank vehicle, no such meter shall be alternately used for the measurement of different products.

This section does not prohibit transporting two or more grades of gasoline, or of other motor fuel, or of distillate, or of kerosene, or of burner oil, at any one time in all compartments whose contents are to be measured by the one meter.

In the application of this section to deliveries to the fuel tank of any aircraft, it is unlawful to handle gasolines specifically

refined or manufactured for the operation of aircraft engines and gasolines not specifically refined or manufactured for the operation of aircraft engines through the same meter.

20866. It is unlawful for any person to operate a tank vehicle equipped with a meter for the purpose of measuring the quantities of products of different grades, brands or trade names withdrawn from any one or more compartments:

(a) If the quantity contained within the meter and its accessory devices on the discharge side of the controlling or selecting mechanism is greater than four gallons where the meter discharge is designed for two-inch or smaller standard pipe size.

Where the quantity which is contained on the discharge side of the controlling or selecting mechanism is 4 gallons or less, it is unlawful to make a delivery of less than 50 gallons to any person who is engaged in the business of selling at retail gasoline or other motor fuel, unless, when such delivery of less than 50 gallons is made, such quantity of gasoline or other motor fuel other than which is to be delivered, as may remain from a previous delivery shall be cleared from the discharge side of the controlling or selecting mechanism.

(b) If the quantity contained within the meter and its accessory devices on the discharge side of the controlling or selecting mechanism is greater than 8 gallons where the meter discharge is designed for a standard pipe size in excess of 2 inches and not greater than 2½ inches.

Where the quantity which is contained on the discharge side of the controlling or selecting mechanism is more than 4 gallons and not greater than 8 gallons, it is unlawful to make a delivery of less than 100 gallons to any person who is engaged in the business of selling at retail gasoline or other motor fuel, unless, when such delivery of less than 100 gallons is made, such quantity of gasoline or other motor fuel other than which is to be delivered, as may remain from a previous delivery shall be cleared from the discharge side of the controlling or selecting mechanism.

(c) If the quantity contained within the meter and its accessory devices on the discharge side of the controlling or selecting mechanism is greater than 12 gallons where the meter discharge is designed for a standard pipe size in excess of 2½ inches and less than 4 inches.

Where the quantity which is contained on the discharge side of the controlling or selecting mechanism is more than 8 gallons and not greater than 12 gallons, it is unlawful to make a delivery of less than 150 gallons to any person who is engaged in the business of selling at retail gasoline or other motor fuel, unless, when such delivery of less than 150 gallons is made, such quantity of gasoline or other motor fuel other than which is to be delivered, as may remain from a previous delivery shall be cleared from the discharge side of the controlling or selecting mechanism.

(d) If the quantity contained within the meter and its accessory devices on the discharge side of the controlling or selecting mechanism is greater than 16 gallons where the meter discharge is designed for a standard pipe size of 4 inches or more.

Where the quantity which is contained on the discharge side of the controlling or selecting mechanism is more than 12 gallons, it is unlawful to make a delivery of less than 200 gallons to any person who is engaged in the business of selling at retail gasoline or other motor fuel, unless, when such delivery of less than 200 gallons is made, such quantity of gasoline or other motor fuel other than which is to be delivered, as may remain from a previous delivery shall be cleared from the discharge side of the controlling or selecting mechanism.

20867. If a tank vehicle is equipped to make deliveries through the medium of pump and hose in connection with a meter for the purpose of measuring the quantities of different grades, brands or trade names of a product from any one or two or more compartments, there shall be no limitation on the quantity of the grade, brand or trade name of the product which may be contained within the pumps, meter, accessory devices and hose on the discharge side of the controlling or selecting mechanism except that the pump and hose shall be cleared of such quantity of the grade, brand or trade name other than that which is to be delivered as may remain on the discharge side of the controlling or selecting mechanism from a former delivery. The grade, brand or trade name of the product thus cleared may be returned to its appropriate compartment by means of the pump.

20868. If a single meter with its accessory devices, and without a controlling or selecting mechanism, is used for the purpose of measuring the contents of one compartment only, or of two or more compartments, it is required that if such volume of liquid as may be retained in the meter and its accessory devices on the discharge side of the controlling or selecting mechanism shall exceed 4 gallons where the meter is designed for a 2-inch or smaller standard pipe size, or 8 gallons where the meter is designed for a standard pipe size in excess of 2 inches and not greater than 2½ inches, or 12 gallons where the meter is designed for a standard pipe size in excess of 2½ inches and less than 4 inches, or 16 gallons where the meter is designed for a standard pipe size of 4 inches or larger, the quantity so remaining shall be replaced whenever a change is made in the grade, brand or trade name of a product which is carried in such compartment or compartments.

20869. Whenever a change is made in the petroleum product carried in any compartment, the entire contents of its discharge piping and devices shall be replaced and the discharge piping and devices flushed with the product intended for delivery.

Article 8. Price Sign Advertising

20880. (a) Nothing in this article shall be construed to apply to the price signs referred to in Article 5 of this chapter; provided, however, that any numerals designating the net tax-included price per gallon for a particular brand or trade name of gasoline or motor vehicle fuel permitted under the provisions of Article 5 of this chapter, unless otherwise stated herein, shall be identical in numerical value with numerals designating the net tax-included price per gallon for the same brand or trade name of gasoline or other motor vehicle fuel permitted under the provisions of this Article 8.

(b) No person shall keep, maintain or display on or near the premises of any place of business in this State any advertising medium, which indicates or shows or advertises the price of gasoline or other motor vehicle fuel sold, offered for sale or advertised for sale from such premises, unless the actual price per gallon of gasoline or other motor vehicle fuel including taxes is also shown on such advertising medium, together with the word or words "gasoline" or "motor fuel" and the trade name or brand of the gasoline or other motor vehicle fuel product advertised for sale by such advertising medium.

(c) No person offering for sale or selling any gasoline or motor vehicle fuel from any place of business in the State of California shall post or display a sign or statement or other advertising medium reading, in substance, "save" a designated amount, or a designated amount per gallon, such as "save 5 cents" or "save 5 cents per gallon", or using the expression "off" a designated amount, such as "5 cents off" or "5 cents less", or "discount" of a given amount, such as "5 cents discount", or otherwise using the words "save", "off", "discount", "less", "below", or any of them, or a word or words of similar meaning or other phraseology indicating a reduced price, unless there is posted and displayed in letters and numerals of at least equal size and as part of the same sign, statement or other advertising medium, the total price, or prices per gallon, including all taxes from which such reduction will be made, the reduction given and the total net price per gallon, including all taxes, at which gasoline or other motor vehicle fuel is being sold or offered for sale. Words shall be used to explain the reduced price, the amount of reduction, and the price from which the reduction is made. Such words shall be clearly shown in letters at least half the size of the numerals indicating price.

20881. If gasoline or other motor vehicle fuel is offered for sale or advertised for sale from the premises of any place of business in this State, but not under any trade name or brand name, then the words "no brand" shall be used and designated on the advertising medium.

20882. All letters, figures or numerals used in designating the brand name or words "no brand" in any advertising medium referred to in this article shall be of uniform size and

at least six inches in height and the height shall not be more than twice the dimension of the width of each such letter, figure or numeral.

20882.5. All letters used in designating the word "gasoline" or the words "motor fuel" shall be at least four inches in height and the height shall not be more than twice the dimension of the width of each such letter.

20883. All letters, words, figures or numerals used on the advertising medium referred to in this article for the purpose of indicating or showing prices of gasoline or other motor vehicle fuel sold or advertised for sale shall be uniform in size and shall be not more than twice the size of the letters, figures or numerals used to designate the brand name, or the words "no brand."

20884. The advertising medium referred to in this article shall not contain any other advertising matter whatsoever, except words of description of the products sold or offered for sale, and if words of description of the product offered for sale or advertised for sale by any such sign are used, the letters, figures or numerals which form any words, marks, letters, figures or numerals of description shall not be larger than the words, marks, letters, figures or numerals used in forming or designating the brand name or the words "no brand."

20885. For the purpose of this article, fractions are considered one numeral.

20886. The numeral one or the letter "*l*" need not conform to specifications prescribed for other letters, words, figures or numerals by this article but all letters, words, figures or numerals shall be of the same type and design and shall be uniform with other letters, words, figures or numerals with which they are used.

20887. All letters, words, figures or numerals which are a part of the signs, statements or other advertising media referred to in this article shall have a medium or heavy type face or stroke, shall be plainly visible, and of such colors or tints as will contrast such letters, words, figures or numerals with the remaining parts of such signs, statements or other advertising media.

20888. All words, letters, figures or numerals on the advertising medium referred to in this article which form or designate the brand name or the words "no brand" shall be of like color or tint, and all words, letters, figures or numerals designating or indicating the price of gasoline or other motor vehicle fuel so offered for sale shall be of like color or tint, and all letters used in the word "gasoline" or the words "motor fuel" shall be of like color or tint.

20889. No advertising medium shall be placed on the premises of any place of business in this State in such a manner or in such a position to another advertising medium as will render the advertising medium advertising gasoline or other motor vehicle fuel offered for sale susceptible of being read in

conjunction with any other advertising medium, if any person so reading from any public street, or highway may be misled.

20890. It is unlawful to place letters, words, figures or numerals on any advertising medium located or maintained on the premises of any place of business in this State advertising or offering for sale any goods, wares or merchandise, other than gasoline or other motor vehicle fuel, which advertising medium may be construed by any reasonable person as advertising or offering for sale gasoline or other motor vehicle fuel.

20891. No person shall keep, maintain or display on the premises or near any place of business in this State any advertising medium which indicates or shows or advertises the price of "motor oil" or "lubricating oil" offered for sale or advertised for sale from such premises without clearly and conspicuously showing on the same advertising medium where such price is advertised, the trade name or brand name of the particular "motor oil" or "lubricating oil," the price of which is so advertised together with the words "motor oil" or "lubricating oil." If such "motor oil" or "lubricating oil" has no brand name or trade name, then the words "no brand" shall be displayed in connection with the designation of the product.

20892. (a) All letters, figures or numerals used in designating the brand name or the words "no brand" which are part of any advertising medium indicating, showing or advertising the price of "lubricating oil" or "motor oil," shall be of uniform size, type and design and may be of any convenient height except that the height shall not be more than twice the dimension of the width of each such letter, figure or numeral.

(b) All letters used in designating the words "motor oil" or "lubricating oil" which are part of any advertising medium indicating, showing or advertising the price of "lubricating oil" or "motor oil" shall be of uniform size, type and design and shall not be less than one-half the size nor greater than the size, either in height or width, of any letters, figures or numerals designating the brand name of the motor oil or lubricating oil being advertised.

(c) All letters, words, figures or numerals used for the purpose of indicating the price of "motor oil" or "lubricating oil" shall be uniform in size and shall not be more than twice the size of the letters, figures or numerals used for the purpose of designating the brand name or the words "no brand."

(d) All letters, figures or numerals used for designating the brand name or the words "no brand" when used as a part of any advertising medium indicating, showing or advertising the price of "motor oil" or "lubricating oil" shall be of like color or tint.

(e) All letters, figures or numerals used for designating the price of "motor oil" or "lubricating oil" shall be of like color or tint.

(f) All letters used in designating the words "motor oil" or "lubricating oil" when used as a part of any advertising

medium indicating, showing or advertising the price of "motor oil" or "lubricating oil" shall be of like color or tint.

(g) All such color or tint shall contrast with the background and other parts of such advertising medium.

20893. It is unlawful for any person engaged in the business of selling at retail any gasoline or other motor fuel or any distillate, or kerosene, or any lubricating or motor oil for internal combustion engines, to display any sign or other designating mark at or near the place of business of such person describing or designating a brand, trademark or trade name or the words "no brand" of a gasoline or other motor fuel, distillate, kerosene, or lubricating or motor oil for internal combustion engines, not actually sold or offered for sale or delivery at such place of business.

20894. If a petroleum product is offered for sale or advertised for sale as gasoline or motor fuel, no numerals shall be used in connection with the trade name or the brand name, or the words "no brand," or in connection with the merits of the product, unless such numerals relate to the actual octane rating of the fuel. Nothing in this section prohibits:

(a) The use of numerals to indicate the price of the product.

(b) The use of numerals when the octane rating of the gasoline exceeds such numerals.

(c) The use of any numeral or combination thereof in such a manner that it cannot reasonably be confused with the octane rating of the product.

"Petroleum product," as used in this section, does not include any product which is sold for the use of generation of power in an airplane.

20895. It is unlawful for any person, firm, corporation, or association, or any employee thereof, to make or disseminate or cause to be made or disseminated before the public in this State, from either upon or off the premises of such person, firm, corporation, or association, in any newspaper or other publication, or any advertising device, or by public outcry or proclamation, or in any other manner or means whatever, any statement relative to quality, quantity, performance price, discount or saving used in the sale or selling of any commodity which comes under the provisions of this chapter which is, or which could reasonably be construed as being, false, deceptive or misleading in any particular and which is known, or which by the exercise of reasonable care should be known, to be untrue, false, or misleading.

Article 9. Passing Off

20911. (a) It is unlawful for any person to sell, attempt to sell, offer for sale or participate or assist in the sale of any gasoline, liquefied petroleum gas, distillate, kerosene or other motor fuel or lubricating oil or motor oil of any kind or quality whatever for use in internal combustion engines when the petroleum product is at the time it is sold, offered for sale,

caused or attempted to be sold, falsely represented to the purchaser or intended purchaser thereof either verbally or by advertising labels, signs or literature as the product of any manufacturer, refiner, producer or importer other than the true manufacturer, refiner, producer or importer.

(b) It is unlawful for any person to sell, attempt to sell, offer for sale or participate or assist in the sale of any gasoline, liquefied petroleum gas, distillate, kerosene or other motor fuel or motor oil or lubricating oil of any kind or quality whatever for use in internal combustion engines when the petroleum product is, at the time it is sold, offered for sale, caused or attempted to be sold, falsely represented to the purchaser or intended purchaser thereof, to be the product of the brand name or trade name specified by the purchaser or intended purchaser. It is unlawful to sell, offer for sale or attempt to sell to a purchaser or intended purchaser a motor oil or lubricating oil with an S.A.E. (Society of Automotive Engineers) number classification other than the S.A.E. number classification as specified by the purchaser or intended purchaser.

(c) It is unlawful for any person to permit, direct or cause any other person to do any of the acts prohibited by this section.

20914. No person other than the true manufacturer who purchases any petroleum product shall change the designation under which the product is purchased by him, without a written authorization.

20916. The written authorizations required by this article shall contain all of the following:

(a) A reference by appropriate and adequate designation to an applicable invoice for, or written contract covering the sale of, the petroleum products.

(b) The quantity of such products sold or to be delivered.

(c) The name of the true manufacturer.

(d) The vendor's name and the vendee's name.

(e) The trademarks, trade name or brand under which such products are authorized to be sold.

20918. The written authorizations required by this article shall be kept at the main office in this State of both the manufacturer who has authorized the resale of the products referred to in this article under a particular trademark, trade name, brand or the words "no brand" and the person who owns the particular trademark, trade name or brand under which such products have been authorized to be sold, or who sells the products under the words "no brand"

Article 10. Adulteration

20930. It is unlawful for any person to mix or adulterate any gasoline or other motor fuel, distillate, kerosene, or lubricating or motor oil, or fraudulently to sell or offer for sale or attempt to sell or assist in the sale of, any of the products

resulting from such mixture or adulteration as the gasoline or other motor fuel distillate, kerosene, or lubricating or motor oil, of a brand, trademark or trade name, maintained and in general use by the manufacturer, refiner, producer, or marketer of either or both of the products so mixed or adulterated or by any other manufacturer, refiner, producer or marketer.

This section applies to deliveries by tank vehicle, subject to the provisions of Article 7.

20931. It is unlawful for any person to place, store or keep, or cause or permit to be placed, stored or kept, for the purpose of sale any petroleum product in any storage tank underground or otherwise, or container or receptacle which contains or has previously contained a different product, or the product of a different manufacturer, refiner, producer, or marketer unless and until such tank, container or receptacle has first been emptied and relabeled in accordance with this chapter.

Article 11. Enforcement

20950. It is the duty of the department acting through the Division of Weights and Measures to enforce the provisions of this chapter, and to appoint and employ such inspectors as may be necessary therefor.

20951. The department, its inspectors, and each sealer, are hereby authorized and empowered to inspect the petroleum products referred to in this chapter and to enter, for the purpose of such inspection, any place where petroleum products are kept or stored for sale.

All of the said officers shall enforce the provisions of this chapter.

20952. The department, each sealer, and any person now or hereafter authorized or empowered by law to inspect the petroleum products referred to in this chapter, may take such sample or samples as may be necessary of any petroleum or petroleum product kept or stored for the purpose of sale.

20953. It is unlawful for any person, or any member, officer, agent or employee of a firm, association or corporation, to refuse to permit any person authorized by this article to take such sample or samples permitted by this chapter, or to prevent or to attempt to prevent the taking of such sample or samples.

20954. If the owner or person in possession of the product of which a sample is taken under this article shall at the time of the taking, demand payment for the commodity taken, then the person taking the sample shall pay therefor the reasonable market price.

20955. The department, each county sealer and deputy county sealer, each sealer and deputy sealer of each incorporated city, and any person now or hereafter authorized by law to inspect the petroleum products referred to in this chapter, may close and seal outlets and inlets of any unlabeled or mislabeled receptacles, containers, pumps or storage tanks con-

nected thereto, containing any petroleum product which is sold, offered for sale, stored, or delivered as, or which is, any petroleum product specifically mentioned, defined or described in this chapter.

The person so sealing shall post in a conspicuous place on the premises, where such receptacle, container, pump or storage tank connected thereto has been sealed, a notice stating that the action of sealing has been taken in accordance with the provisions of this chapter, and giving warning that it is unlawful to break, mutilate or destroy the seal or seals thereof, or to move the container, or remove the contents therefrom, under the penalty provided in this chapter.

20956. Upon at least 24 hours' written notice from the owner, manager or operator of the container, receptacle, pump or storage tank which has been sealed, to the department or to the sealer of the county in which the premises are situated stating that the contents of such container, receptacle, pump or storage tank will be removed or that such container, receptacle, pump, or storage tank or inlet end of the fill-pipe thereof will be properly labeled as in this chapter provided, at a specified time, between the hours of 9 a.m. and 4 p.m. of a day specified in the notice, other than a holiday, such officer shall, at the time specified, break the seal or seals for the purpose of permitting the removal by such manager, owner or operator, of the contents of such container, receptacle, pump or storage tank connected thereto, or the use thereof after proper labeling.

The removal of contents or proper labeling of the container, receptacle, pump, storage tank or inlet end of the fill-pipe thereof, as the case may be, shall be made at the time specified and in the presence of the officer removing the seal.

20957. If for any reason at the time specified in the written notice the contents are not removed, or the container, receptacle, pump, storage tank or inlet end of the fill-pipe thereof, is not properly labeled, then the container, receptacle, pump or storage tank connected thereto and the inlet end of the fill-pipe of such storage tank, shall be again sealed as hereinbefore provided in this article and the contents may not thereafter be removed or the container, receptacle, pump or storage tank connected thereto or inlet end of the fill-pipe thereof be again used, except upon the giving of a new notice and proper labeling.

20958. Upon removal of the contents or proper labeling as provided in this article, the notice previously posted shall be removed and the container, receptacle, pump or storage tank may be restored to lawful use.

20959. No container, receptacle, pump or storage tank connected thereto, or the inlet end of the fill-pipe of such storage tank, shall, however, be relabeled by the owner, manager or operator, whether under the provisions of this article or otherwise, without first removing from such container, receptacle, pump or storage tank connected thereto, or the inlet end of

the fill-pipe thereof, all distinctive colors, brands, trademarks or trade names thereon of any manufacturer, refiner, producer, distributor or marketer, indicative of any product not actually contained therein and sold therefrom.

20960. It is unlawful for any person, or any member, officer, agent or employee of a firm, association or corporation, other than the department or any of the officers mentioned in this article, to break, mutilate or destroy any seal or seals placed upon a container, receptacle, pump or storage tank connected thereto, or any other storage tank containing a petroleum product, when placed thereon as provided by this article, or to move a container so sealed, or remove the contents therefrom, or to cover, deface or remove the notice of sealing required by this article.

Article 12. Penalties

20980. Unless otherwise specified, any person who violates this chapter is guilty of a misdemeanor.

20981. Each person is guilty of a separate offense for each day during any portion of which any violation of this chapter is committed, continued or permitted by such person, and such person shall be punishable therefor as provided in this chapter.

20982. The department or any sealer may bring an action to enjoin the violation or the threatened violation of any provision of this chapter or of any regulation made pertaining to the provisions of said chapter. Said action may be brought in the county in which such violation occurs or is about to occur. There may be enjoined in one proceeding any number of defendants alleged to be violating the same provisions or regulations, although their properties, interests, residences or places of business may be in several counties and the violations separate and distinct. Any proceeding brought hereunder shall be governed in all other respects by the provisions of Chapter 3, Title 7 of Part 2 of the Code of Civil Procedure.

Article 13. Disposition and Use of Moneys

20985. Any moneys in the Department of Agriculture Fund derived under any of the provisions of Chapters 7 (commencing with Section 20700), 10 (commencing with Section 21700), 11 (commencing with Section 21800), and 11.5 (commencing with Section 21900) of Division 8 of this code may be expended for the administration and enforcement of any or all of the provisions of said chapters, notwithstanding any other provision of law limiting the expenditure of any such moneys to the specific purposes or to the administration or enforcement of each of said chapters separately.

SEC. 3. Section 17781 of said code is amended and renumbered to read:

20880.5. Nothing in this chapter, nor in this code, is intended to require or requires that the cash or merchandise value of trading stamps be stated or set forth on any sign, statement, or other advertising media which either advertises or offers such stamps, or advertists or indicates the price of gasoline or motor fuel, whether on any dispensing apparatus or elsewhere, and which is displayed at or about any place of business offering for sale or selling gasoline or other motor vehicle fuel.

CHAPTER 2006

An act to amend Section 8755 of the Fish and Game Code, relating to fishing for sardines and other fish.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 8755 of the Fish and Game Code is amended to read:

8755. In Districts 20A and 21, purse and round haul nets may be used.

Purse and round haul nets may be used, except from sunrise Saturday to sunset Sunday, in that portion of District 20 from a line extending three nautical miles east magnetically from the extreme easterly end of Santa Catalina Island southwesterly and northerly to a line extending three nautical miles southwest magnetically from the most southerly promontory of China Point, including their use to take sardines between September 1 and March 1, inclusive, notwithstanding Section 8151.

CHAPTER 2007

An act to add Section 6802.5 to the Education Code, relating to special education.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6802.5 is added to the Education Code, to read:

6802.5. Minors hospitalized because of mental disturbances shall be considered as being physically handicapped. All references in law to Section 6802 shall be deemed to refer to this section in addition to Section 6802.

SEC. 2. Section 1 of this act shall remain in effect until the 91st day after the final adjournment of the 1965 Regular Session of the Legislature, and shall have no force or effect after that date.

CHAPTER 2008

An act to amend Section 35401 of the Vehicle Code, relating to vehicles.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 35401 of the Vehicle Code is amended to read:

35401. (a) No combination of vehicles coupled together, including any attachments thereto, shall exceed a total length of 60 feet, except as provided in subdivision (b).

(b) The following combinations of vehicles coupled together, including any attachments thereto, may exceed a total length of 60 feet but may not exceed a total length of 65 feet:

(1) Motor truck and trailer.

(2) Truck tractor, semitrailer and trailer. In this combination of vehicles, a semitrailer equipped with an auxiliary dolly shall be considered a trailer.

(3) A motor truck and semitrailer that meet the following requirements:

The kingpin is not less than 2 feet to the rear of the center of the rearmost axle of the motor truck, and the distance from the kingpin to the rearmost axle of the semitrailer does not exceed 34 feet.

(c) Any city or county may, by ordinance, prohibit such combination of vehicles of a total length in excess of 60 feet upon highways under their respective jurisdiction. Such an ordinance shall not be effective until appropriate signs are erected indicating either the streets affected by the ordinance or the streets not affected, as the local authorities determine will best serve to give notice of the ordinance.

CHAPTER 2009

An act to amend Section 7700 of the Education Code, relating to instruction in the public schools.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 7700 of the Education Code is amended to read:

7700. The course of study for grades 7 and 8 of each elementary school, and for each junior high school, high school, or grades 11 and 12 of a four-year junior college shall be prepared under the direction of the governing board having con-

trol thereof and shall be subject to the approval of the State Board of Education. The course of study shall meet the requirements of this section. In addition, the course of study for grades 7 and 8 of a junior high school shall meet the requirements for instruction in a foreign language or languages prescribed by Section 7604 for grades 7 and 8 of an elementary school. In addition to courses otherwise required by law, the course of study shall require of all pupils in grades 7 to 12, inclusive:

(a) Five years of instruction in the use of English, designed to teach the student to read rapidly and perceptively, to write clearly and correctly, and to present ideas orally. Such instruction shall include the principles of grammar and punctuation as instruments of reading and writing. Also a core of reading designed to familiarize the student with the variety of literary forms and to improve his reading ability shall be taught.

(b) Five years of history commencing with grade 7, to include all of the following:

(1) Twenty semester periods of American history emphasizing American institutions and ideals, and California history.

(2) Twenty semester periods of world history, the history of Western civilization, and world geography.

(3) Ten semester periods of American government emphasizing principles of the Constitution and the Declaration of Independence, and the principles of state and local government under the Constitution of this State.

For purposes of the history requirements prescribed by subdivision (b), in the case of schools which are not operated on the basis of semester periods, the time devoted to the respective courses shall be, as nearly as practicable, the equivalent of the required time as measured in terms of semester periods, and the State Board of Education shall, by regulation, prescribe the manner in which time during the school year shall be allocated for such purposes in those schools.

CHAPTER 2010

An act to amend Section 7604 and to repeal Section 7607 of the Education Code, relating to the course of study in public elementary schools.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 7604 of the Education Code is amended to read:

7604. The course of study in the elementary schools shall include instruction in the following prescribed branches in the several grades in which each is required pursuant to this article (commencing at Section 7601):

(a) Beginning in grade 1, and continuing through grade 6 or 8, as the case may be, instruction shall be given in all of the following:

(1) Reading.

(2) Writing.

(3) Spelling.

(4) Arithmetic, with emphasis on basic principles and techniques.

(b) Beginning not later than grade 4 and continuing through grade 6 or 8, as the case may be, instruction shall be given in all of the following:

(1) English as a separate subject with emphasis on thoroughness, and as a discipline separate from the subject of social studies.

(2) Geography.

(3) History, including the early history of California and the history of the United States.

(c) Beginning not later than grade 6, and continuing through grade 6 or 8, as the case may be, instruction shall be given in all of the following:

(1) Civics.

(2) A foreign language or languages.

(3) Natural science.

(4) Health.

(d) The course of study in the elementary schools shall include instruction, in the grade or grades prescribed by the board of education of the city, county, or city and county, in all of the following:

(1) Art.

(2) Music.

(e) Such other studies, not to exceed three, as may be prescribed by the board of education of the city, county, or city and county.

Notwithstanding other provisions of this section to the contrary, a foreign language or languages may but is not required to be included in the course of study in the elementary schools until June 30, 1965, and on and after July 1, 1965, such course of study shall include a foreign language or languages beginning not later than grade 6 and continuing through grade 6 or 8, as the case may be. During the period July 1, 1965, to June 30, 1970, the State Board of Education may, on an annual basis, exempt any school district from the requirement of providing instruction in a foreign language in the sixth grade. This exemption may be granted only upon written application supported by evidence satisfactory to the board that the providing of such instruction would impose an unreasonable burden on the district.

Notwithstanding specification of a particular foreign language in a course of study adopted by a county board of education for elementary schools of the county pursuant to Section 654, the governing board of any such school may provide

instruction in one or more other foreign languages in substitution of or in addition to the language specified by the county board.

The Legislature here declares that it is the policy of the State to foster and encourage foreign language programs in the elementary and secondary schools by which the children of this State learn to speak and write foreign languages with facility in order that they be adequately prepared to undertake their duties as American citizens in a world in which the ability to communicate with peoples of other countries in their own tongue is of ever-increasing importance.

SEC. 2. Section 7607 of said code is repealed.

CHAPTER 2011

An act to amend Section 7604 and to repeal Section 7607 of the Education Code, relating to courses of study.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 7604 of the Education Code is amended to read:

7604. The course of study in the elementary schools shall include instruction in the following prescribed branches in the several grades in which each is required pursuant to this article (commencing at Section 7601):

(a) Beginning in grade 1, and continuing through grade 6 or 8, as the case may be, instruction shall be given in all of the following:

(1) Reading.

(2) Writing.

(3) Spelling.

(4) Arithmetic, with emphasis on basic principles and techniques.

(b) Beginning not later than grade 4 and continuing through grade 6 or 8, as the case may be, instruction shall be given in all of the following:

(1) English as a separate subject with emphasis on thoroughness, and as a discipline separate from the subject of social studies.

(2) Geography.

(3) History, including the early history of California and the history of the United States

(c) Beginning not later than grade 6, and continuing through grade 6 or 8, as the case may be, instruction shall be given in all of the following:

(1) Civics.

(2) A foreign language or languages.

(3) Natural science.

(4) Health. Whenever any part of the instruction in health conflicts with the religious beliefs of the parent or guardian of any pupil, the pupil, on written request of the parent or guardian, may be excused from that part of the instruction which conflicts with such religious beliefs.

(d) The course of study in the elementary schools shall include instruction, in the grade or grades prescribed by the board of education of the city, county, or city and county, in all of the following:

(1) Art.

(2) Music.

(e) Such other studies, not to exceed three, as may be prescribed by the board of education of the city, county, or city and county.

Notwithstanding other provisions of this section to the contrary, a foreign language or languages may but is not required to be included in the course of study in the elementary schools until June 30, 1965, and on and after July 1, 1965, such course of study shall include a foreign language or languages beginning not later than grade 6 and continuing through grade 6 or 8, as the case may be During the period July 1, 1965, to June 30, 1970, the State Board of Education may, on an annual basis, exempt any school district from the requirement of providing instruction in a foreign language in the sixth grade. This exemption may be granted only upon written application supported by evidence satisfactory to the board that the providing of such instruction would impose an unreasonable burden on the district.

Notwithstanding specification of a particular foreign language in a course of study adopted by a county board of education for elementary schools of the county pursuant to Section 654, the governing board of any such school may provide instruction in one or more other foreign languages in substitution of or in addition to the language specified by the county board.

The State Board of Education shall, on or before July 1, 1964, adopt necessary rules and regulations establishing criteria to be used as the basis for exclusion or exemption of pupils from foreign language instruction; and, in accordance with these rules, regulations and criteria, school district governing boards may exempt or exclude pupils from foreign language instruction. Except as elsewhere provided in this code, the rules, regulations, and criteria adopted by the State Board of Education, under this section, shall limit exemption or exclusion of pupils to those included in the following categories:

(1) Those who are mentally retarded as defined by Sections 6902 and 6903 of this code.

(2) Those whose native tongue is a foreign language and who are not proficient in the English language.

(3) Those having a high priority need for remedial reading.

(4) Those who have been found to be unable to benefit by such instruction.

(5) Those who are enrolled in private courses of foreign language instruction which are at least equivalent to the courses in foreign language given in the public schools.

The Legislature here declares that it is the policy of the State to foster and encourage foreign language programs in the elementary and secondary schools by which the children of this State learn to speak and write foreign languages with facility in order that they be adequately prepared to undertake their duties as American citizens in a world in which the ability to communicate with peoples of other countries in their own tongue is of ever-increasing importance.

SEC. 2. Section 7607 of said code is repealed.

CHAPTER 2012

An act to amend Section 268 of the Revenue and Taxation Code, relating to the welfare exemption, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 268 of the Revenue and Taxation Code is amended to read:

268. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962 or 1963 on property as to which the welfare exemption was available for such fiscal year shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Some persons and organizations have inadvertently failed to file the required affidavit in support of the tax exemption of their property which is granted by the State Constitution, and as a result now are confronted with obligations which, if met, will substantially impair their ability to function effectively. This act will remedy the situation by, in effect, removing the procedural bar to the application of the exemption to such property. In doing so, the public policy of the State as expressed in the Constitution will be entirely fulfilled and the State as a whole will benefit.

CHAPTER 2013

An act making an appropriation for the Humboldt County Flood Control Project, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. The sum of forty thousand dollars ($40,000) is appropriated from the General Fund to the Department of Water Resources for expenditure for lands, easements and rights-of-way for the Mad River at Blue Lake Project in Humboldt County as authorized by Section 12750 of the Water Code.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The federal government is accelerating the construction of the Mad River at Blue Lake Project in Humboldt County and lands, easements, and rights-of-way must be acquired immediately in order that construction can be commenced.

CHAPTER 2014

An act to amend Section 1305 of the Penal Code, relating to bail.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1305 of the Penal Code is amended to read:

1305. If, without sufficient excuse, the defendant neglects to appear for arraignment or for trial or judgment, or upon any other occasion when his presence in court is lawfully required, or to surrender himself in execution of the judgment, the court must direct the fact to be entered upon its minutes and the undertaking of bail, or the money deposited instead of bail, as the case may be, must thereupon be declared forfeited, and, if the amount of the forfeiture exceeds fifty dollars ($50), the clerk of the court shall, promptly upon entering the fact of such failure to appear in the minutes, mail notice of the forfeiture to the surety on the bond or depositor of money instead of a bond. But if at any time within 90 days after such entry in the minutes, the defendant and his bail appear, and

satisfactorily excuse the defendant's neglect or show to the satisfaction of the court that the absence of the defendant was not with the connivance of the bail, the court shall direct the forfeiture of the undertaking or the deposit to be discharged upon such terms as may be just. If within said 90 days after such entry in the minutes, it be made to appear to the satisfaction of the court that the defendant is dead or is physically unable, by reason of illness or insanity, or by reason of detention by civil or military authorities, to appear in court at any time during said 90 days, and that the absence of the defendant was not with the connivance of the bail, the court shall direct the forfeiture of the undertaking or the deposit to be discharged upon such terms as may be just.

CHAPTER 2015

An act to amend Sections 135, 634, 711, 930.5, 939, 976, 976.5, 1030, 1032, 1052, 1137, 1138, 1337, 1523, 2602, 3014, 3502, and 3701 of, and to repeal Section 938 of, the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 135 of the Unemployment Insurance Code is amended to read:

135. "Employing unit," means any individual or type of organization, including, but not limited to, a joint venture, partnership, association, trust, estate, joint stock company, insurance company, corporation whether domestic or foreign, public housing administration agency, whether operated by state or local governmental subdivisions, the State of California with respect to service performed by a blind or physically handicapped worker, who does not hold a civil service or permanent tenure position, in connection with his employment by the State of California for work in the California Industries for the Blind, any instrumentality of the United States required to make payments under this division, and the receiver, trustee in bankruptcy, trustee or successor thereof, and the legal representative of a deceased person, which has, or subsequent to January 1, 1936, had, in its employ one or more individuals performing services for it within this State. All individuals performing services within this State for any employing unit which maintains two or more separate establishments within this State shall be deemed to be employed by a single employing unit for all the purposes of this division.

SEC. 2. Section 634 of said code is amended to read:

634. (a) "Employment" for the purposes of this part and, except as provided by Section 2606, for the purposes of Part 2

of this division does not include service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office and which is exempt from income tax under Section 501(a) of the Internal Revenue Code of 1954.

(b) Service performed in the employ of an organization operated for the primary purpose of carrying on a trade or business all of the profits of which are payable to one or more organizations described in subdivision (a) is not exempt under this section. For purposes of this subdivision, "trade or business" shall not include the rental by an organization of its real property (including personal property leased with the real property).

SEC. 3. Section 711 of said code is amended to read:

711. (a) As used in this section "nonprofit organization" means any corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office and which is exempt from income tax under Section 501(a) of the Internal Revenue Code of 1954.

(b) If at any time the Secretary of Labor certifies that Sections 711 through 714, inclusive, are in conformity with the provisions of Title III of the Social Security Act and the provisions of the Federal Unemployment Tax Act, a nonprofit organization may, when requested by a written petition signed by a majority of its employees to be covered by the election, elect to become an employer subject to this division for not less than two calendar years with respect to all of its employees who are covered by the election, and may file its written election with the director. If the director finds that a majority of the employees to be covered by the election to become an employer have signed the petition, the nonprofit organization shall, upon the written approval of the director, become an employer subject to this division to the same extent as other employers, and services performed by its employees covered by the election, shall constitute employment subject to this division. Beginning

at that time it shall withhold from the wages of employees covered by the election the contributions required for unemployment compensation disability benefits. A nonprofit organization may exclude from coverage under an election pursuant to this section any of the following service:

(1) Service performed in any calendar quarter in the employ of any such nonprofit organization exempt from federal income tax if the remuneration for such service is less than fifty dollars ($50).

(2) Service performed in the employ of a school, college, or university, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university.

(3) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state law.

(4) Service performed as an intern in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to state law.

(5) Service performed by an individual as a duly ordained priest, clergyman, rabbi, rector, vicar, pastor, or minister of religion, or by a practitioner who heals the sick by prayer in the practice of religion, or by a reader whose duty it is to conduct regular religous services of a religious organization, or by a member of a religious order in the exercise of duties required by the order, or by any other individual performing service in the practice of religion by designation of the governing body of a religious organization and subject to discipline by, including removal by, such governing body.

(6) Service performed as a professor, associate professor, lecturer, graduate assistant or research assistant, teacher, instructor, vocational instructor, counselor, activities adviser, dean of a college, dean, associate dean, laboratory technician, librarian, president, vice president, registrar or other member of the faculty or teaching or administrative staff performing similar service to these categories.

(7) Service performed in the employ of a state college auxiliary organization which is exempt under Section 501(c)(3) of the Internal Revenue Code and which is operated exclusively for charitable, scientific or educational purposes, if such service is performed by a student who is enrolled and is regularly attending classes at such state college.

(c) In lieu of the contributions required of employers except as provided by Section 714, each nonprofit organization that has elected coverage under this section may elect any one of the following:

(1) To pay into the Unemployment Fund in the State Treasury at the times and in the manner provided in subdivision (d) of this section, an amount equal to the additional cost to the Unemployment Fund of the benefits paid with re-

spect to employment for the nonprofit organization. Benefits otherwise payable irrespective of this section shall be charged to employers' accounts in accordance with other sections of this division, but the additional cost to the Unemployment Fund of the benefits paid pursuant to this section shall be borne solely by the appropriate nonprofit organization. If benefits are based on wages paid by two or more nonprofit organizations, the benefits shall be borne by each of the nonprofit organizations in the proportion that the total wages paid to the individual in employment by each nonprofit organization bears to the total wages paid to the individual in employment by all nonprofit organizations during the base period. "Total wages paid" as used in this subdivision include taxable wages as well as wages which would be taxable except for the limitation on taxable wages provided under Section 930.

(2) To pay into the Unemployment Fund the cost of benefits paid with respect to employment for the nonprofit organization and charged to its account in accordance with Section 1026, pursuant to authorized regulations which shall prescribe the rate or amount, time, manner, and method of payment of contributions and the extent to which the reserve account elements of any nonprofit organization that has made contributions pursuant to an elective coverage agreement either under Section 702 or this section may be included in its account under this subdivision (c)(2). Sections 712, 1030, 1031, and 1032 shall not apply to an election under this subdivision (c)(2).

(3) Two or more nonprofit organizations that have elected coverage under this section may, pursuant to authorized regulations, file an application with the director for the establishment of a joint account for the purpose of determining the rate of contributions they shall pay into the Unemployment Fund to reimburse the fund for benefits paid with respect to employment for such nonprofit organizations. The members of the joint account may elect either to share the additional cost to the Unemployment Fund of the benefits paid with respect to employment for such members, or to share the cost of benefits paid with respect to employment for such members and charged to the joint account in accordance with Section 1026. The director shall prescribe authorized regulations for the establishment, maintenance, and dissolution of joint accounts, and for the rate or amount, time, manner, and method of payment of contributions by the members of joint accounts, on an additional cost basis and on the alternative basis of the cost of benefits charged in accordance with Section 1026. Section 712 shall not apply to any joint account established pursuant to this subdivision, but the director may by authorized regulations prescribe the extent to which the reserve account elements of any nonprofit organization that has made contributions pursuant to an elective coverage agreement either under Section 702 or this section may be included in the joint account. Sec-

tions 1030, 1031, and 1032 shall not apply to any joint account established pursuant to this subdivision.

(d) In making the payments prescribed by subdivision (c) (1) of this section, and by subdivision (c)(3) of this section for a joint account on an additional cost basis, there shall be paid or credited to the Unemployment Fund, either in advance or by way of reimbursement, as may be determined by the director, such sums as he estimates the Unemployment Fund will be entitled to receive from each nonprofit organization on an additional cost basis under this section for each calendar quarter, reduced or increased by any sum by which he finds that his estimates for any prior calendar quarter were greater or less than the amounts which should have been paid to the fund. Such estimates may be made upon the basis of such statistical sampling, or other method as may be determined by the director.

Upon making such determination, the director shall certify to the nonprofit organization the amount determined with respect to it. The contributions due from the nonprofit organization shall be paid to the Unemployment Fund by the nonprofit organization.

(e) After the termination of any election under this section, nonprofit organizations shall remain liable for their proportionate share of the additional cost of benefits paid, or of the cost of benefits paid and charged to their accounts in accordance with Section 1026, which are based on wages paid for services during the period of the election.

(f) Except as inconsistent with the provisions of this section, the provisions of this division and authorized regulations shall apply to any matter arising pursuant to this section.

SEC. 4. Section 930.5 of said code is amended to read:

930.5. If an employer during any calendar year acquires substantially all the property used in a trade or business of another employer, or used in a separate unit of a trade or business of such other employer, and immediately after the acquisition employs in his trade or business an individual who immediately prior to the acquisition was employed in the trade or business of the employer from whom the property was acquired, then, for the purpose of determining whether the acquiring employer has paid remuneration with respect to employment in excess of the limitation prescribed by Section 930, or the limitation prescribed by Section 985, to such individual during such calendar year, any remuneration with respect to employment paid to such individual by the employer from whom the property was acquired during such calendar year and prior to such acquisition shall be considered as having been paid by the acquiring employer. As used in this section "remuneration" does not include the remuneration referred to in Sections 931, 932, 933, 934, 935, 936, and 937.

SEC. 5. Section 938 of said code is repealed.

SEC. 6. Section 939 of said code is amended to read:

939. Sections 931, 932, 933, 934, 935, 936, and 937 shall be operative only during such time as the respective type or types of payments set forth in those sections are similarly excluded from the definition of wages contained in the Federal Unemployment Tax Act.

SEC. 7. Section 976 of said code is amended to read:

976. Employer contributions to the Unemployment Fund shall accrue and become payable by every employer, except an employer as defined by Section 677, for each calendar year with respect to wages paid for employment. The contributions are due and shall be paid to the department for the Unemployment Fund by each employer in accordance with this division and shall not be deducted in whole or in part from the wages of individuals in his employ.

SEC. 8. Section 976.5 of said code is amended to read:

976.5. In addition to other contributions required by this division, every employer, except an employer as defined by Section 677, shall pay into the Unemployment Fund contributions for each calendar year with respect to wages paid for employment at the rate of five-tenths of 1 percent (0 5%).

SEC. 9. Section 1030 of said code is amended to read:

1030. (a) Any employer who is entitled under Section 1327 to receive notice of the filing of a new or additional claim may, within 10 days after mailing of such notice, submit to the department any facts within its possession disclosing whether the claimant left such employer's employ voluntarily and without good cause attributable to the employer or was discharged from such employment for misconduct connected with his work, or whether the claimant was a student hired by the employer on a temporary basis during a vacation period who left such employer's employ by reason of the end of such vacation period.

(b) Any base period employer who is not entitled under Section 1327 to receive notice of the filing of a new or additional claim and is entitled under Section 1329 to receive notice of computation may, within 15 days after mailing of such notice of computation, submit to the department any facts within its possession disclosing whether the claimant left such employer's employ voluntarily and without good cause attributable to the employer or was discharged from such employment for misconduct connected with his work, or whether the claimant was a student hired by the employer on a temporary basis during a vacation period who left such employer's employ by reason of the end of such vacation period.

(c) The department shall consider such facts together with any information in its possession and promptly issue to the employer its ruling as to the cause of the termination of the claimant's employment. Any ruling issued by the department may for good cause be reconsidered within 15 days of the issuance of the ruling. For purposes of this section only, if the claimant voluntarily leaves such employer's employ without notification to the employer of the reasons therefor, and if the

employer submits all of the facts within its possession concerning such leaving within the applicable time period referred to in this section, such leaving shall be presumed to be without good cause. An individual whose employment is terminated under the compulsory retirement provisions of a collective bargaining agreement to which the employer is a party shall not be deemed to have voluntarily left his employment without good cause. Appeals may be taken from said rulings in the same manner as appeals from determinations on benefit claims.

SEC. 10. Section 1032 of said code is amended to read:

1032. If it is ruled under Section 1030 or 1328 that the claimant left the employer's employ voluntarily and without good cause attributable to the employer or was discharged by reason of misconduct connected with his work, or that he was a student hired by the employer on a temporary basis during a vacation period who left such employer's employ by reason of the end of such vacation period, benefits paid to the claimant subsequent to the termination of employment due to such voluntary leaving or discharge, or due to his leaving employment due to the end of the vacation period for which he was hired, which are based upon wages earned from such employer prior to the date of such termination of employment, shall not be charged to the account of such employer unless he failed to furnish the information specified in Section 1030 within the time limit prescribed in that section.

SEC. 11. Section 1052 of said code is amended to read:

1052. Upon receipt of the application the separate account, actual contribution and benefit experience and payrolls of the predecessor or that part thereof, as determined by authorized regulations, which pertains to the organization, trade, or business, or portion thereof acquired, shall be transferred to the successor employer for the purpose of determining its rate of contribution after such acquisition with the same effect for such purpose as if the operations of the predecessor had at all times been carried on by the successor. Such separate account shall be transferred by the director to the successor employer and, as of the date of the acquisition, shall become the separate account or part of the separate account, as the case may be, of the successor employer, and the benefits thereafter chargeable to the predecessor employer on account of employment relating to the transferred organization, trade, or business or transferred portion thereof prior to the date of the acquisition shall be charged to the separate account. This section shall not apply to any acquisition which is determined by the director to have been made solely or primarily for the purpose of obtaining a more favorable rate of contributions under Sections 977, 978 or 979.

SEC. 12. Section 1137 of said code is amended to read:

1137. If the director finds that the collection of any contributions will be jeopardized by delay he shall thereupon make an assessment of such contributions, noting upon the assessment that it is a jeopardy assessment levied under this section.

The director may in levying the assessment demand a deposit of such security as he deems necessary to insure compliance with this division. The amount of such assessment shall be immediately due and payable, whether or not the time otherwise allowed by law or authorized regulations has expired. If the amount of contribution, interest and penalty specified in the jeopardy assessment is not paid within 15 days after the service upon the employer of notice of the assessment, such assessment is final unless a petition for reassessment is filed with a referee within that time. The penalties and interest provided in Sections 1126, 1127, 1128, 1129 and 1135 in respect to assessments shall attach to the amount of the contributions specified in the jeopardy assessment.

SEC. 13. Section 1138 of said code is amended to read:

1138. The employer against whom a jeopardy assessment is levied may within 15 days after the service of the notice of the assessment, file a petition to a referee for the reassessment thereof. The petition for reassessment shall not be valid unless the employer deposits with the director, within 15 days after the service upon the employer of notice of the assessment accompanied by demand for deposit, such security as the director deems necessary to insure compliance with this division. If a valid petition for reassessment is filed within the time prescribed, Section 1134 shall apply to the review and hearing before the referee and the Appeals Board.

SEC. 14. Section 1337 of said code is amended to read:

1337. The decision of the Appeals Board on an appeal from the decision of a referee must be rendered within 60 days after the filing of the appeal unless the board requires the taking of further evidence. If the Appeals Board requires the taking of further evidence, the hearing shall be commenced within 60 days after the filing of the appeal, and the decision of the board shall be filed within 60 days after completion of the hearing.

SEC. 15. Section 1523 of said code is amended to read:

1523. Withdrawals by the director from the Unemployment Fund are exempted from the operation of Sections 925.4 and 925.6 of the Government Code.

SEC. 16. Section 2602 of said code is amended to read:

2602. (a) Except as otherwise provided, the provisions and definitions of Part 1 of this division apply to this part. In case of any conflict between the provisions of Part 1 and the provisions of this part, the provisions of this part shall prevail with respect to unemployment compensation disability benefits, and the provisions of Part 1 prevail with respect to unemployment compensation benefits.

(b) The provisions of Articles 4 and 5 of Chapter 5 of Part 1, and the provisions of Chapter 6 of Part 1 of this division do not apply to this part.

(c) Sections 312, 318, 319, 625, 626, 627, 628, 1251, 1253, 1254, 1255, 1262, 1279, 1326 to 1333, inclusive, 1339, and 1340 do not apply to this part.

SEC. 17. Section 3014 of said code is amended to read:

3014. Withdrawals by the director from the Disability Fund for the payment of refunds or judgments and the payment of disability benefits are exempted from the operation of Section 925.6 of the Government Code.

SEC. 18. Section 3502 of said code is amended to read:

3502. (a) Except as otherwise provided, the provisions and definitions of Part 1 of this division apply to this part. In case of any conflict between the provisions of Part 1 and the provisions of this part, the provisions of this part shall prevail with respect to extended unemployment compensation.

(b) Except as otherwise provided, subdivision (d) of Section 1253, and Sections 1030, 1032, 1254, 1281, 1327, 1328, 1329, 1330, and 1331 do not apply to this part.

(c) The provisions of Part 2 of this division do not apply to this part.

SEC. 19. Section 3701 of said code is amended to read:

3701. (a) Any employer who is entitled under Section 3654 to notice of the filing of a primary claim or additional claim and who, within 10 days after mailing of such notice, submits to the department any facts within its possession disclosing whether the exhaustee left the most recent employment with such employer voluntarily and without good cause attributable to the employer, or was discharged from such employment for misconduct connected with his work, or was a student hired by the employer on a temporary basis during a vacation period who left such employer's employ by reason of the end of such vacation period, shall be entitled to a ruling as prescribed by this section.

(b) The department shall consider such facts together with any information in its possession and promptly issue to the employer its ruling as to the cause of the termination of the exhaustee's most recent employment. Appeals may be taken from said rulings in the manner provided in Section 3655.

(c) Rulings under this section shall have the effect prescribed by Section 1032.

SEC. 20. Section 2 of this act shall become operative only if Assembly Bill No. 548 is enacted by the Legislature at its 1963 Regular Session and in such case shall be operative with respect to wages paid on and after October 1, 1963. The provisions of Section 634 of the Unemployment Insurance Code amended by this act as in effect prior to such amendments shall continue to be applicable to wages paid prior to October 1, 1963.

SEC. 21. Section 3 of this act shall become operative only if Senate Bill No. 1136 is enacted by the Legislature at its 1963 Regular Session and in such case at the same time as such bill takes effect.

SEC. 22. Sections 7 and 8 of this act shall become operative only if both Assembly Bills Nos. 547 and 548 are enacted by the Legislature at its 1963 Regular Session and in such case

shall be operative in accordance with Sections 7 and 8 of Assembly Bill No. 547 and Section 7 of Assembly Bill No. 548.

SEC. 23. Sections 9, 10, and 19 of this act shall become operative only if both Assembly Bills Nos. 1810 and 1856 are enacted by the Legislature at its 1963 Regular Session and in such case shall apply to new claims filed with an effective date beginning on or after the effective date of this act.

SEC. 24. Sections 15 and 17 of this act shall become operative only if Senate Bill No. 43 is enacted by the Legislature at its 1963 Regular Session and in such case at the same time as such bill takes effect.

SEC. 25. Section 16 of this act shall become operative only if both Assembly Bills Nos. 357 and 548 are enacted by the Legislature at its 1963 Regular Session. In such case, with respect to liability for worker contributions Section 2602 of the Unemployment Insurance Code as amended by this act shall become operative with respect to wages paid on and after October 1, 1963, and the provisions of said Section 2602 as in effect prior to the amendment made by this act shall continue to be applicable to wages paid prior to October 1, 1963. In such case, with respect to eligibility for disability benefits Section 2602 of the Unemployment Insurance Code as amended by this act shall become operative with respect to periods of disability commencing on and after October 1, 1963, and the provisions of said Section 2602 as in effect prior to the amendment made by this act shall continue to be applicable with respect to periods of disability commencing prior to October 1, 1963.

SEC. 26. Section 18 of this act shall become operative only if Assembly Bill No. 1518 is enacted by the Legislature at its 1963 Regular Session and in such case at the same time as such bill takes effect.

SEC. 27. No right or cause of action founded upon any provision of law amended or repealed by this act as the provision existed prior to such amendment or repeal shall be abolished or impaired by this act.

CHAPTER 2016

An act to amend Sections 135, 711, 930.5, 939, 1052, 1137, 1138, and 1337 of, and to repeal Section 938 of, the Unemployment Insurance Code and to amend Section 5 of Chapter 2159 of the Statutes of 1961, relating to unemployment insurance coverage of nonprofit organizations.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 135 of the Unemployment Insurance Code is amended to read:

135. "Employing unit," means any individual or type of organization, including, but not limited to, a joint venture, partnership, association, trust, estate, joint stock company, insurance company, corporation whether domestic or foreign, public housing administration agency, whether operated by state or local governmental subdivisions, the State of California with respect to service performed by a blind or physically handicapped worker, who does not hold a civil service or permanent tenure position, in connection with his employment by the State of California for work in the California Industries for the Blind, any instrumentality of the United States required to make payments under this division, and the receiver, trustee in bankruptcy, trustee or successor thereof, and the legal representative of a deceased person, which has, or subsequent to January 1, 1936, had, in its employ one or more individuals performing services for it within this State. All individuals performing services within this State for any employing unit which maintains two or more separate establishments within this State shall be deemed to be employed by a single employing unit for all the purposes of this division.

SEC. 2. Section 711 of said code is amended to read:

711. (a) As used in this section "nonprofit organization" means any corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office and which is exempt from income tax under Section 501(a) of the Internal Revenue Code of 1954.

(b) If at any time the Secretary of Labor certifies that Sections 711 through 714, inclusive, are in conformity with the provisions of Title III of the Social Security Act and the provisions of the Federal Unemployment Tax Act, a nonprofit organization may, when requested by a written petition signed by a majority of its employees to be covered by the election, elect to become an employer subject to this division for not less than two calendar years with respect to all of its employees who are covered by the election, and may file its written election with the director. If the director finds that a majority of the employees to be covered by the election to become an employer have signed the petition, the nonprofit organization shall, upon the written approval of the director, become an employer subject to this division to the same extent as other employers, and services performed by its employees covered by the election, shall constitute employment subject to this division. Beginning at that time it shall withhold from

the wages of employees covered by the election the contributions required for unemployment compensation disability benefits. A nonprofit organization may exclude from coverage under an election pursuant to this section any of the following service:

(1) Service performed in any calendar quarter in the employ of any such nonprofit organization exempt from federal income tax if the remuneration for such service is less than fifty dollars ($50).

(2) Service performed in the employ of a school, college, or university, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university.

(3) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state law.

(4) Service performed as an intern in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to state law.

(5) Service performed by an individual as a duly ordained priest, clergyman, rabbi, rector, vicar, pastor, or minister of religion, or by a practitioner who heals the sick by prayer in the practice of religion, or by a reader whose duty it is to conduct regular religious services of a religious organization, or by a member of a religious order in the exercise of duties required by the order, or by any other individual performing service in the practice of religion by designation of the governing body of a religious organization and subject to discipline by, including removal by, such governing body.

(6) Service performed as a professor, associate professor, lecturer, graduate assistant or research assistant, teacher, instructor, vocational instructor, counselor, activities adviser, dean of a college, dean, associate dean, laboratory technician, librarian, president, vice president, registrar or other member of the faculty or teaching or administrative staff performing similar service to these categories.

(7) Service performed in the employ of a state college auxiliary organization which is exempt under Section 501(c)(3) of the Internal Revenue Code and which is operated exclusively for charitable, scientific or educational purposes, if such service is performed by a student who is enrolled and is regularly attending classes at such state college.

(c) In lieu of the contributions required of employers except as provided by Section 714, each nonprofit organization that has elected coverage under this section may elect any one of the following:

(1) To pay into the Unemployment Fund in the State Treasury at the times and in the manner provided in subdivision (d) of this section, an amount equal to the additional cost to the Unemployment Fund of the benefits paid with re-

spect to employment for the nonprofit organization. Benefits otherwise payable irrespective of this section shall be charged to employers' accounts in accordance with other sections of this division, but the additional cost to the Unemployment Fund of the benefits paid pursuant to this section shall be borne solely by the appropriate nonprofit organization. If benefits are based on wages paid by two or more nonprofit organizations, the benefits shall be borne by each of the nonprofit organizations in the proportion that the total wages paid to the individual in employment by each nonprofit organization bears to the total wages paid to the individual in employment by all nonprofit organizations during the base period. "Total wages paid" as used in this subdivision include taxable wages as well as wages which would be taxable except for the limitation on taxable wages provided under Section 930.

(2) To pay into the Unemployment Fund the cost of benefits paid with respect to employment for the nonprofit organization and charged to its account in accordance with Section 1026, pursuant to authorized regulations which shall prescribe the rate or amount, time, manner, and method of payment of contributions and the extent to which the reserve account elements of any nonprofit organization that has made contributions pursuant to an elective coverage agreement either under Section 702 or this section may be included in its account under this subdivision (c)(2). Sections 712, 1030, 1031, and 1032 shall not apply to an election under this subdivision (c)(2).

(3) Two or more nonprofit organizations that have elected coverage under this section may, pursuant to authorized regulations, file an application with the director for the establishment of a joint account for the purpose of determining the rate of contributions they shall pay into the Unemployment Fund to reimburse the fund for benefits paid with respect to employment for such nonprofit organizations. The members of the joint account may elect either to share the additional cost to the Unemployment Fund of the benefits paid with respect to employment for such members, or to share the cost of benefits paid with respect to employment for such members and charged to the joint account in accordance with Section 1026. The director shall prescribe authorized regulations for the establishment, maintenance, and dissolution of joint accounts, and for the rate or amount, time, manner, and method of payment of contributions by the members of joint accounts, on an additional cost basis and on the alternative basis of the cost of benefits charged in accordance with Section 1026. Section 712 shall not apply to any joint account established pursuant to this subdivision, but the director may by authorized regulations prescribe the extent to which the reserve account elements of any nonprofit organization that has made contributions pursuant to an elective coverage agreement either under Section 702 or this section may be included in the joint account. Sec-

tions 1030, 1031, and 1032 shall not apply to any joint account established pursuant to this subdivision.

(d) In making the payments prescribed by subdivision (c) (1) of this section, and by subdivision (c)(3) of this section for a joint account on an additional cost basis, there shall be paid or credited to the Unemployment Fund, either in advance or by way of reimbursement, as may be determined by the director, such sums as he estimates the Unemployment Fund will be entitled to receive from each nonprofit organization on an additional cost basis under this section for each calendar quarter, reduced or increased by any sum by which he finds that his estimates for any prior calendar quarter were greater or less than the amounts which should have been paid to the fund. Such estimates may be made upon the basis of such statistical sampling, or other method as may be determined by the director.

Upon making such determination, the director shall certify to the nonprofit organization the amount determined with respect to it. The contributions due from the nonprofit organization shall be paid to the Unemployment Fund by the nonprofit organization.

(e) After the termination of any election under this section, nonprofit organizations shall remain liable for their proportionate share of the additional cost of benefits paid, or of the cost of benefits paid and charged to their accounts in accordance with Section 1026, which are based on wages paid for services during the period of the election.

(f) Except as inconsistent with the provisions of this section, the provisions of this division and authorized regulations shall apply to any matter arising pursuant to this section.

SEC. 3. Section 930.5 of said code is amended to read:

930.5. If an employer during any calendar year acquires substantially all the property used in a trade or business of another employer, or used in a separate unit of a trade or business of such other employer, and immediately after the acquisition employs in his trade or business an individual who immediately prior to the acquisition was employed in the trade or business of the employer from whom the property was acquired, then, for the purpose of determining whether the acquiring employer has paid remuneration with respect to employment in excess of the limitation prescribed by Section 930, or the limitation prescribed by Section 985, to such individual during such calendar year, any remuneration with respect to employment paid to such individual by the employer from whom the property was acquired during such calendar year and prior to such acquisition shall be considered as having been paid by the acquiring employer. As used in this section "remuneration" does not include the remuneration referred to in Sections 931, 932, 933, 934, 935, 936, and 937.

SEC. 4. Section 938 of said code is repealed.

SEC. 5. Section 939 of said code is amended to read:

939. Sections 931, 932, 933, 934, 935, 936, and 937 shall be operative only during such time as the respective type or types of payments set forth in those sections are similarly excluded from the definition of wages contained in the Federal Unemployment Tax Act.

SEC. 6. Section 1052 of said code is amended to read:

1052. Upon receipt of the application the separate account, actual contribution and benefit experience and payrolls of the predecessor or that part thereof, as determined by authorized regulations, which pertains to the organization, trade, or business, or portion thereof acquired, shall be transferred to the successor employer for the purpose of determining its rate of contribution after such acquisition with the same effect for such purpose as if the operations of the predecessor had at all times been carried on by the successor. Such separate account shall be transferred by the director to the successor employer and, as of the date of the acquisition, shall become the separate account or part of the separate account, as the case may be, of the successor employer, and the benefits thereafter chargeable to the predecessor employer on account of employment relating to the transferred organization, trade, or business or transferred portion thereof prior to the date of the acquisition shall be charged to the separate account. This section shall not apply to any acquisition which is determined by the director to have been made solely or primarily for the purpose of obtaining a more favorable rate of contributions under Sections 977, 978 or 979.

SEC. 7. Section 1137 of said code is amended to read:

1137. If the director finds that the collection of any contributions will be jeopardized by delay he shall thereupon make an assessment of such contributions, noting upon the assessment that it is a jeopardy assessment levied under this section. The director may in levying the assessment demand a deposit of such security as he deems necessary to insure compliance with this division. The amount of such assessment shall be immediately due and payable, whether or not the time otherwise allowed by law or authorized regulations has expired. If the amount of contribution, interest and penalty specified in the jeopardy assessment is not paid within 15 days after the service upon the employer of notice of the assessment, such assessment is final unless a petition for reassessment is filed with a referee within that time. The penalties and interest provided in Sections 1126, 1127, 1128, 1129 and 1135 in respect to assessments shall attach to the amount of the contributions specified in the jeopardy assessment.

SEC. 8. Section 1138 of said code is amended to read:

1138. The employer against whom a jeopardy assessment is levied may within 15 days after the service of the notice of the assessment, file a petition to a referee for the reassessment thereof. The petition for reassessment shall not be valid unless the employer deposits with the director, within 15 days after

the service upon the employer of notice of the assessment accompanied by demand for deposit, such security as the director deems necessary to insure compliance with this division. If a valid petition for reassessment is filed within the time prescribed, Section 1134 shall apply to the review and hearing before the referee and the Appeals Board.

SEC. 9. Section 1337 of said code is amended to read:

1337. The decision of the Appeals Board on an appeal from the decision of a referee must be rendered within 60 days after the filing of the appeal unless the board requires the taking of further evidence. If the Appeals Board requires the taking of further evidence, the hearing shall be commenced within 60 days after the filing of the appeal, and the decision of the board shall be filed within 60 days after completion of the hearing.

SEC. 10. Section 5 of Chapter 2159 of the Statutes of 1961 is amended to read:

Sec. 5. The provisions of Sections 711, 712, 713, and 714 of the Unemployment Insurance Code shall not become operative unless the Secretary of Labor certifies that they are in conformity with the provisions of Title III of the Social Security Act and the provisions of the Federal Unemployment Tax Act. Notwithstanding the provisions of Section 705 of the Unemployment Insurance Code, any nonprofit organization, as defined in Section 711 of said code as amended by the 1963 Regular Session of the Legislature, that has elected coverage under the provisions of said code as in effect prior to the effective date of the amendments made by the 1963 Regular Session of the Legislature may terminate such elective coverage as of the last day of the calendar quarter in which such certification is made.

SEC. 11. No right or cause of action founded upon any provision of law amended or repealed by this act as the provision existed prior to such amendment or repeal shall be abolished or impaired by this act.

CHAPTER 2017

An act to amend Sections 8008, 8010, 8011, and 8412 of, to amend and renumber Sections 8014, 8015, 8016, 8017, and 8019 of, to add Sections 8023, 8202, 8202.1, 8202.2, 8202.3, and 8202.4 to, and to repeal Sections 8012, 8013, 8018, 8023, 8024, 8025, 8026, and 8202 of, the Elections Code, relating to party committees.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 8008 of the Elections Code is amended to read:

8008. Each delegate appointed pursuant to Section 8006 shall file with the Secretary of State not later than 5 o'clock of the afternoon of the Tuesday immediately preceding the day on which the convention is to convene his credentials signed by the chairman and the secretary of the committee which has the power to make the appointment.

SEC. 2. Section 8010 of said code is amended to read:

8010. On the convening of the convention the Secretary of State shall deliver to the chairman of the state central committee or, in the absence of the chairman, to the acting presiding officer of the convention:

(a) The appointive delegates' credentials.

(b) The alphabetical roll of the delegates to the convention.

SEC. 3. Section 8011 of said code is amended to read:

8011. As soon as practicable after the direct primary election, the Secretary of State shall prepare a list of the names of all delegates to the convention qualified under the provisions of this chapter. He shall thereupon send a notice by mail to each delegate which shall inform the delegate that:

(a) He is a delegate to the state convention.

(b) The convention meets at Sacramento and the date of the meeting.

SEC. 4. Section 8012 of said code is repealed.

SEC. 5. Section 8013 of said code is repealed.

SEC. 6. Section 8014 of said code is amended and renumbered to read:

8202.3. Each delegate to the state convention shall appoint to membership on the state central committee one voter of the same sex as the delegate and two voters of the opposite sex, which appointments when so made shall be absolute, except that a "holdover" delegate to the state convention or a nominee delegate from a district represented by an incumbent officeholder affiliated with the same party as the nominee delegate may appoint two additional voters to membership on the state central committee.

All appointments to the state central committee shall expire annually, and new appointments shall be made in accordance with this section.

SEC. 7. Section 8015 of said code is amended and renumbered to read:

8202.4. A person is not eligible for appointment to the state central committee if he is not registered as affiliated with the party at the time of his appointment.

SEC. 8. Section 8016 of said code is amended and renumbered to read:

8202 5. Appointments of members to the state central committee shall be made in writing signed and acknowledged by the delegate before a notary public or other officer authorized to administer oaths and delivered to the Secretary of State not later than 5 o'clock of the afternoon of the Tuesday immediately preceding the day on which the convention is to convene in the case of a political party with which are affiliated more

than 3,200,000 registered voters, and not later than 5 o'clock of the afternoon of the first Tuesday in December immediately preceding the January in which the first meeting of the state central committee is to be held in the case of a political party with which are affiliated less than 3,200,000 registered voters.

SEC. 9. Section 8017 of said code is amended and renumbered to read:

8202.6. Each delegate to the state convention shall send a notice by mail to each person whom he has appointed as a member of the state central committee which will inform him that:

(a) He is a member of the committee.

(b) The committee will meet in Sacramento and the date of the meeting.

(c) The meeting may be attended either in person or by proxy.

(d) Every proxy shall be filed in the office of the Secretary of State not later than 5 o'clock of the afternoon of the day preceding the meeting of the committee.

(e) The proxy shall be in writing signed and acknowledged before a notary public or other officer authorized to administer oaths.

Each delegate shall enclose with each notice one copy of the form of proxy sent to that delegate by the Secretary of State.

SEC. 10. Section 8018 of said code is repealed.

SEC. 11. Section 8019 of said code is amended to read:

8019. The convention shall be called to order by the chairman of the state central committee at 10 o'clock of the morning of the Saturday upon which it is to be held. It shall at once proceed to the election of a temporary chairman by rollcall read from the alphabetical roll submitted by the Secretary of State. The convention shall elect such other temporary officers as the convention may determine.

SEC. 12. Section 8023 of said code is repealed.

SEC. 12.5. Section 8023 is added to said code, to read:

8023. This section applies only to the state convention of a political party with which are affiliated more than 3,200,000 registered voters.

Upon receipt by the chairman of the convention from the Secretary of State of the appointments of members of the state central committee, the convention shall determine the membership of the state central committee in accordance with the provisions of this division. If the convention finds that any delegate to the convention has failed to file his appointment of members of the state central committee with the Secretary of State within the time prescribed, the convention shall make appointments of the requisite number of electors residing within the district represented by the delinquent delegate.

The secretary of the convention shall immediately notify, by mail or telegraph, members appointed by the convention to the state central committee.

The secretary of the convention shall certify the names of all of the members of the state central committee, as deter-

mined by the convention, to the Secretary of State within six hours after the convening of the convention.

The permanent chairman of the convention shall return the appointments of members of the state central committee, receipted for by him, to the Secretary of State within six hours after the convening of the convention. The appointments shall be kept and filed by the Secretary of State and shall be open to public inspection.

SEC. 13. Section 8024 of said code is repealed.

SEC. 14. Section 8025 of said code is repealed.

SEC. 15. Section 8026 of said code is repealed.

SEC. 16. Section 8202 of said code is repealed.

SEC. 17. Section 8202 is added to said code, to read:

8202. The new state central committee of each political party with which are affiliated more than 3,200,000 registered voters shall convene at Sacramento at 10 o'clock a.m. of the day following the state convention, and the new state central committee of each political party with which are affiliated less than 3,200,000 registered voters shall convene at Sacramento at 10 o'clock a.m. of the third Sunday of January immediately following the general election.

SEC. 18. Section 8202.1 is added to said code, to read:

8202.1. As soon as practicable after the primary election in the case of each political party with which are affiliated more than 3,200,000 registered voters, and as soon as practicable after the general election in the case of each political party with which are affiliated less than 3,200,000 registered voters, the Secretary of State shall send a notice by mail to each person who is or was a delegate to the immediately succeeding or immediately preceding state convention, as the case may be, which shall inform the delegate that:

(a) The delegate shall appoint three or five voters, as the case may be, to be members of the state central committee.

(b) The appointment of members of the state central committee shall be made in writing in the form prescribed in this chapter, signed and acknowledged before a notary public or other officer authorized to administer oaths in this State and shall be filed in the office of the Secretary of State not later than 5 o'clock of the afternoon of the Tuesday immediately preceding the Sunday on which the committee is to meet.

(c) The delegate shall send a notice by mail to each of the appointees, which shall inform him that:

(1) He is a member of the committee.

(2) The committee will meet at Sacramento and the date of the meeting.

(3) The meeting may be attended either in person or by proxy.

(4) Every proxy shall be filed in the office of the Secretary of State not later than 5 o'clock of the afternoon of the day preceding the meeting of the committee.

(5) The proxy shall be in writing signed and acknowledged before a notary public or other officer authorized to administer oaths.

(d) Forms of proxy are enclosed, one of which he may use himself, and the others he shall send with the notices of appointment to the state central committee.

SEC. 18.1. Section 8202.2 is added to said code, to read:

8202.2. The Secretary of State shall enclose with the notice required by Section 8202.1 one copy of the following form for appointment of members of the state central committee:

Appointment of Members of the State Central Committee
Meeting at Sacramento in the Year 19___

I _____, duly qualified as a delegate to the state convention at Sacramento in the year 19___ by virtue of my (appointment by the _____ central committee) (nomination) (election to the office of _____) (strike out parts inapplicable) on the _____ day of _____ 19___ upon the _____ party ticket, do hereby appoint the following voters, who shall be members of the state central committee:

Name	Post office address
Name	Post office address
Name	Post office address

In witness whereof I have hereunto set my hand this _____ day of_____, 19___.

_____
(Delegate)

Signed and acknowledged before me this _____ day of _____.

_____
Notary Public

SEC. 18.2. Section 8202.3 is added to said code, to read:

8202.3. The Secretary of State shall also enclose with the notice copies of the following form of proxy for attendance at the meeting of the state central committee:

Proxy for Attendance at the State Central Committee
Meeting at Sacramento, in the Year 19___

I, _____, duly qualified to sit as a member of the state central committee meeting at Sacramento in the year 19___ by virtue of (being a delegate to the state convention) (my appointment thereto by _____; this appointment having been duly filed in the office of the Secretary of State) (strike out part inapplicable) do hereby designate _____ (name); _____ (post office address); as my proxy with full power

to act for me in every respect as a duly qualified member of the state central committee meeting at Sacramento on the _____ day of _____, 19___.

In witness whereof I have hereunto set my hand this _____ day of _____, 19___.

_____, Member

Signed and sworn to before me this _____ day of _____, 19___.

_____, Notary Public

SEC. 19. Section 8202.4 is added to said code, to read:

8202.4. The Secretary of State shall keep and file appointments to the state central committee delivered to him and such appointments shall be open to public inspection.

SEC. 20. Section 8412 of said code is amended to read:

8412. Each county central committee of a party with which are affiliated more than 3,200,000 registered voters shall meet in the courthouse at its county seat, upon call, which shall be given by the county clerk of the county and in quarters to be arranged or provided for by the county clerk of the county, on the second Tuesday in July following the direct primary election, except that in any year in which a national political party shall have set the national convention of the party to include that date, the existing executive committee of the county central committee of that party shall set the date of the meeting, not to exceed 30 days after the date above specified. Each county central committee with which are affiliated less than 3,200,000 registered voters shall meet in the courthouse at its county seat, upon call which shall be given by the county clerk of the county and in quarters to be arranged or provided for by the county clerk of the county, on the first Monday after the first day in January following the direct primary. At such meeting the county central committee shall organize by selecting a chairman, a secretary, and such other officers and committees as it deems necessary for carrying on the affairs of the party.

Notwithstanding the foregoing provisions of this section, the county central committee in a county having a population in excess of 4,000,000 shall meet at its county seat in a centrally located public auditorium sufficient to accommodate its membership.

SEC. 21. Members and officers of state central committees formed in the year 1964 for political parties with which are affiliated less than 3,200,000 registered voters shall continue as such until the first meetings of the committees in January of 1967. Members and officers of county central committees formed in the year 1962 for political parties with which are affiliated less than 3,200,000 registered voters shall continue as such until the first meetings of the committees in January of 1965.

SEC. 22. This act shall become operative on January 1, 1964.

CHAPTER 2018

An act to amend Sections 8002, 8003, 8008, 8010, 8011, 8012, 8013, 8014, 8019, 8021, 8201, 8206, 8207, 8208, 8209, and 8210 of, and to add Section 8210.5 to, the Elections Code, relating to political parties, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 8002 of the Elections Code is amended to read:

8002. The state convention of each political party with which are affiliated less than 3,200,000 registered voters shall meet at Sacramento at 10 o'clock of the morning of the first Saturday in August next following the date upon which the direct primary election is held and shall be composed of the following delegates:

(a) Each officer named in Section 8001 who was nominated and elected as a candidate of the party and whose term of office extends beyond the eighth day of January next following the direct primary election, or the appointee or successor appointed, elected, or otherwise designated by law to fill a vacancy in the office of any such officer. These delegates are "holdover delegates."

(b) Each candidate of the party in whose behalf nomination papers were filed and who was nominated at the direct primary election by that party. These delegates are "nominee delegates." If a candidate is a "nominee delegate" to the state convention held in the year in which he is nominated, and is elected to the office at the succeeding general election, he shall be considered a "holdover delegate" to the state convention of his party in the next odd-numbered year, if his party is required to hold such a convention.

(c) One delegate appointed for each of the officers named in Section 8001, not represented by a "holdover delegate" nor by a "nominee delegate" of the party. These delegates shall be chosen and appointed in the manner provided in this chapter for filling vacancies in the state convention. These delegates are "appointive delegates."

SEC. 2. Section 8003 of said code is amended to read:

8003. The state convention of each political party with which are affiliated more than 3,200,000 registered voters shall meet annually at Sacramento at 10 o'clock of the morning of a Saturday in August designated by the chairman of the state central committee of the party. The chairman shall notify the Secretary of State of the Saturday selected by him no later than the first day of July immediately preceding the holding of the convention. The convention shall

be composed of delegates selected in the manner prescribed in Section 8002.

SEC. 3. Section 8008 of said code is amended to read:

8008. Each delegate appointed pursuant to Section 8006 shall file with the Secretary of State not later than 5 o'clock of the afternoon of the Tuesday immediately preceding the day on which the convention is to convene:

(a) His credentials signed by the chairman and the secretary of the committee which has the power to make the appointment.

(b) His written appointment of three or five members of the state central committee, as the case may be, signed and acknowledged before an officer authorized to administer oaths. The appointments shall be made in the form prescribed in this chapter and when so made shall be absolute.

SEC. 4. Section 8010 of said code is amended to read:

8010. On the convening of the convention the Secretary of State shall deliver to the chairman of the state central committee or, in the absence of the chairman, to the acting presiding officer of the convention:

(a) The appointive delegates' credentials.

(b) The alphabetical roll of the delegates to the convention.

SEC. 5. Section 8011 of said code is amended to read:

8011. As soon as practicable after the direct primary election in even-numbered years, and not later than the first day of July in odd-numbered years, the Secretary of State shall prepare a list of the names of all delegates to the convention qualified under the provisions of this chapter. He shall thereupon send a notice by mail to each delegate which shall inform the delegate that:

(a) He is a delegate to the state convention.

(b) The convention meets at Sacramento and the date of the meeting.

(c) The delegate shall appoint three or five voters to be members of the state central committee, as the case may be.

(d) The appointment of members of the state central committee shall be made in writing in the form prescribed in this chapter, signed and acknowledged before a notary public or other officer authorized to administer oaths in this State and shall be filed in the office of the Secretary of State not later than 5 o'clock of the afternoon of the Tuesday immediately preceding the Saturday on which the convention is to convene.

(e) The delegate shall send a notice by mail to each of the appointees, which shall inform him that:

(1) He is a member of the committee.

(2) The committee will meet at Sacramento on the day following the convention and the date of the meeting.

(3) The meeting may be attended either in person or by proxy.

(4) Every proxy shall be filed in the office of the Secretary of State not later than 5 o'clock of the afternoon of the day preceding the meeting of the committee.

(5) The proxy shall be in writing signed and acknowledged before a notary public or other officer authorized to administer oaths.

(f) Four or six forms of proxy are enclosed, as the case may be, one of which he may use himself, and the others he shall send with the notices of appointment to the state central committee.

SEC. 6. Section 8012 of said code is amended to read:

8012. The Secretary of State shall enclose with the notice one copy of the following form for appointment of members of the state central committee:

APPOINTMENT OF MEMBERS OF THE STATE CENTRAL COMMITTEE MEETING AT SACRAMENTO IN THE YEAR 19___

I _____, duly qualified as a delegate to the state convention at Sacramento in the year 19___ by virtue of my (appointment by the _____ central committee) (nomination) (election to the office of _____) (strike out part inapplicable) on the _____ day of _____ 19___ upon the _____ (party) ticket, do hereby appoint the following voters, who shall be members of the state central committee to meet at Sacramento on the day following the meeting of the state convention, in the year 19___, to wit:

Name	Post office address
Name	Post office address
Name	Post office address
Name	Post office address
Name	Post office address

In witness whereof I have hereunto set my hand this _____ day of _____, 19___.

_____
(Delegate)

Signed and acknowledged before me this _____ day of _____.

_____
Notary Public

SEC. 7. Section 8013 of said code is amended to read:

8013. The Secretary of State shall also enclose with the notice copies of the following form of proxy for attendance at the meeting of the state central committee:

PROXY FOR ATTENDANCE AT THE STATE CENTRAL COMMITTEE MEETING AT SACRAMENTO, IN THE YEAR 19___

I, _____, duly qualified to sit as a member of the state central committee meeting at Sacramento in the year 19___ by virtue of (being a delegate to the state convention) (my appointment thereto by _____; this appointment having been duly filed in the office of the Secretary of State) (strike out part inapplicable) do hereby designate _____ (name); _____ (post office address); as my proxy with full power to act for me in every respect as a duly qualified member of the state central committee meeting at Sacramento on the _____ day of _____, 19___.

In witness whereof I have hereunto set my hand this _____ day of _____, 19___.

_____, Member

Signed and sworn to before me this _____ day of _____, 19___.

_____, Notary Public

SEC. 8. Section 8014 of said code is amended to read:

8014. Each delegate to the state convention shall appoint to membership on the state central committee one voter of the same sex as the delegate and two voters of the opposite sex, which appointments when so made shall be absolute, except that a "holdover" delegate to the state convention or a nominee delegate from a district represented by an incumbent officeholder affiliated with the same party as the nominee delegate may appoint two additional voters to membership on the state central committee.

Appointments to the state central committee of a party in which there are affiliated more than 3,200,000 registered voters shall expire annually, and new appointments shall be made in accordance with this section.

SEC. 9. Section 8019 of said code is amended to read:

8019. The convention shall be called to order by the chairman of the state central committee at 10 o'clock of the morning of the Saturday upon which it is to be held. It shall at once proceed to the election of a temporary chairman by roll call read from the alphabetical roll submitted by the Secretary of State. The convention shall elect such other temporary officers as the convention may determine.

SEC. 10. Section 8021 of said code is amended to read:

8021. The convention held in an even-numbered year, upon election of permanent officers, shall adopt a state platform for its party, which platform shall be made public not later than 6 o'clock in the afternoon of the following day.

SEC. 11. Section 8201 of said code is amended to read:

8201. The immediate past chairman and the immediate past northern and southern section chairmen of the state central committee of a political party with which are affiliated

more than 3,200,000 voters shall be members of the state central committee of that party.

SEC. 12. Section 8206 of said code is amended to read:

8206. No proxy shall be recognized unless filed in the office of the Secretary of State not later than 5 o'clock of the afternoon of the day preceding the state committee meeting.

SEC. 13. Section 8207 of said code is amended to read:

8207. The Secretary of State shall deliver to the chairman of the state central committee as soon as possible on the day of the first meeting of the new state central committee a certified, alphabetical list of the names of the members of the state central committee, and a certified alphabetical list of the names of the persons duly designated as proxies by members of the new committee, together with all proxies received by him prior to 5 o'clock of the afternoon of the preceding day. He shall require the chairman's receipt for the proxies.

SEC. 14. Section 8208 of said code is amended to read:

8208. The chairman of the state central committee shall call the committee to order at 10 o'clock of the morning of the first meeting and as soon as practicable thereafter shall cause the roll to be called from the list of members and proxies certified by the Secretary of State. The next business in order at a convention held in an even-numbered year shall be the election of a temporary chairman, which may be by acclamation, unless there is a contest, in which event the roll shall be called.

SEC. 15. Section 8209 of said code is amended to read:

8209. The temporary chairman, upon election, or, in an odd-numbered year, the chairman, shall appoint at once a committee on proxies and credentials consisting of one member from each congressional district, selected from among the members of the committee certified by the Secretary of State.

SEC. 16. Section 8210 of said code is amended to read:

8210. The chairman of the state central committee shall serve a two-year term but shall not succeed himself, and the chairmanship shall alternate each biennium between the northern and southern territories.

SEC. 16.5. Section 8210.5 is added to said code, to read:

8210.5. The elective officers provided for in the bylaws of a state central committee of a political party with which are affiliated more than 3,200,000 registered voters shall serve for two-year terms.

SEC. 17. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The purpose of this act is to eliminate certain ambiguities in the law relating to the holding of state conventions and meetings of state central committees of political parties in odd-numbered years. Unless these ambiguities are eliminated,

there may result serious difficulty in conducting the convention and state central committee meeting. Inasmuch as the convention and state central committee meeting are to be held in August, it is essential that this act go into effect immediately.

CHAPTER 2019

An act to amend Sections 817 and 5080 of the Penal Code, relating to transportation of state prisoners.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 817 of the Penal Code is amended to read:

817. A peace officer is the sheriff, undersheriff, deputy sheriff, coroner, deputy coroner, regularly employed and paid as such of a county, marshal or deputy marshal of a municipal court, constable of a judicial district, marshal, policeman of a city or town, or any juvenile officer of a city or town engaged in performing juvenile law enforcement functions which are generally performed by the local police department, the Deputy Director of the State Department of Justice, the Chief, Assistant Chief, special agents of the Bureau of Criminal Identification and Investigation, the Chief, Assistant Chief and narcotics agents of the Bureau of Narcotic Enforcement, and any parole officer of the State Department of Corrections, and any placement or parole officer of the Youth Authority.

Inspectors and investigators regularly employed and paid as such in the office of a district attorney, members of the California Highway Patrol, policemen of the Board of State Harbor Commissioners for San Francisco Harbor, a supervisor or guard employed by the Department of Corrections, each member of an arson-investigating unit of an organized fire department, the Chief and inspectors of the Bureau of Food and Drug Inspection, inspectors and investigators of the California State Board of Pharmacy not exceeding 10 in number, investigators of the Board of Medical Examiners of the State of California, special investigators of the Board of Osteopathic Examiners of the State of California, investigators of the Board of Chiropractic Examiners of the State of California, and investigators of the Department of Motor Vehicles are respectively peace officers for the purpose only of carrying out the duties of their respective employments. When he is carrying out his duties, a supervisor or guard employed by the Department of Corrections engaged in transportation of prisoners or apprehension of prisoners who have escaped is a peace officer whether acting within or without this State.

Any qualified person, when deputized or appointed by the proper authority as a deputy sheriff or city policeman for the purpose only of transporting prisoners, is a peace officer while engaged in the transportation of prisoners.

When a sheriff designates any qualified public officer or employee as a deputy sheriff for the purpose of supervising the labor of county prisoners, such person, while acting in the performance of such services, is a peace officer.

Each deputized law enforcement member of the Wildlife Protection Branch of the Department of Fish and Game shall be deemed a peace officer for the purposes set forth in Section 856 of the Fish and Game Code.

When in any law a public officer or employee is designated as, given the powers of, or determined to be, a peace officer, such officer or employee shall be deemed to be a peace officer but only for the purpose of that law.

The restriction of peace officer functions of any public officer or employee shall not affect his status for purposes of retirement.

When, pursuant to Nevada law, an officer or employee of the Nevada State Prison has in his custody in California a prisoner of the State of Nevada whom he is transporting from the Nevada State Prison or any honor or forest camp in Nevada to another point in Nevada for the purposes of firefighting or conservation work, such officer or employee of the Nevada State Prison shall have the power to maintain custody of the prisoner in California and to retake the prisoner if he should escape in California to the same extent as if such officer or employee were a peace officer appointed under California law and the prisoner had been committed to his custody in proceedings under California law.

SEC. 2. Section 5080 of said code is amended to read:

5080. The Director of Corrections may transfer persons confined in one state prison institution or facility of the Department of Corrections to another. The Adult Authority may request the Director of Corrections to transfer an inmate who is under its term-fixing or parole-granting jurisdiction if, after review of the case history in the course of routine procedures, such transfer is deemed advisable for the further diagnosis, and treatment of the inmate. The director shall as soon as practicable comply with such request, provided that, if facilities are not available he shall report that fact to the Adult Authority and shall make the transfer as soon as facilities become available; provided further, that if in the opinion of the Director of Corrections such transfer would endanger security he may report that fact to the Adult Authority and refuse to make such transfer.

When transferring an inmate from one state prison, institution, or facility of the Department of Corrections to another, the director may, as necessary or convenient, authorize transportation via a route that lies partly outside this State.

CHAPTER 2020

An act to amend Section 18250 of the Health and Safety Code, relating to mobilehomes and mobilehome parks.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 18250 of the Health and Safety Code is amended to read:

18250. It shall be unlawful for any person in a mobilehome or mobilehome park to use or cause, or permit to be used for occupancy:

(a) Any mobilehome from which any tire or wheel has been removed therefrom except for the purpose of making temporary repairs or placing it in dead storage.

(b) Any mobilehome supplied with fuel gas unless such service connections used and installations conform to rules and regulations of the Division of Housing.

(c) Any mobilehome which is permanently attached with underpinning or foundation to the ground.

(d) Any mobilehome which does not conform to the registration requirements of the Vehicle Code. A mobilehome which may be moved under permit as provided for in Sections 35780 and 35790 of the Vehicle Code shall be deemed to conform to the requirements of such code within the meaning of this section.

(e) Any mobilehome in an unsanitary condition.

(f) Any mobilehome which is structurally unsound and does not protect its habitants against the elements.

(g) Any mobilehome to which there is attached or established less than six feet adjacent thereto any awning, portable, demountable, or permanent ramada, cabana, building or windbreak unless constructed in conformity with the rules and regulations of the Division of Housing as set forth in rules and regulations of the division for such use, and the division is hereby empowered to draft and enforce such rules and regulations. Such rules and regulations shall provide for the construction of awnings, ramadas, cabanas, buildings and windbreaks in a substantial and workmanlike manner and in accordance with recognized standards for such types of structures within mobilehome parks which are consistent with the health and safety of the occupants therein and reasonably consistent with the construction standards contained in this part. The provisions of Section 18276 of this code shall not apply to any awning, ramada, cabana, building or windbreak regulated by this subdivision.

CHAPTER 2021

An act to amend Sections 18205, 18206, 18210, 18250, 18276, 18277, 18300, 18325, 18370, and 18425 of, and to add Sections 18007.5, 18014, 18257 and 18276.5 to, the Health and Safety Code, relating to mobilehomes and mobilehome parks.

[Approved by Governor July 19, 1963. Filed with Secretary of State July 24, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 18007.5 is added to the Health and Safety Code, to read:

18007.5. "Mobilehome accessory building or structure" means any awning, portable, demountable or permanent cabana, ramada, storage cabinet, carport, fence, windbreak or porch established or located within six feet of a mobilehome.

SEC. 2. Section 18014 is added to said code, to read:

18014. (a) The provisions of this part are not intended to prevent the use of any material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by this part and the rules and regulations promulgated pursuant thereto, provided any such alternate has been approved.

(b) The Division of Housing may approve any such alternate if it finds that the proposed design is satisfactory and that the material, appliance, installation, device, arrangement, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in this part and the rules and regulations promulgated pursuant thereto in quality, strength, effectiveness, fire resistance, durability, safety, and for the protection of life and health.

(c) Whenever there is evidence that any material, appliance, installation, device, arrangement, or method of construction does not conform to the requirements of this part and the rules and regulations promulgated pursuant thereto, or in order to substantiate claims for alternates, the division may require tests or proof of compliance to be made at the expense of the owner or his agent.

SEC. 3. Section 18205 of said code is amended to read:

18205. A permit to operate shall be issued by the enforcement agency, with a copy to the Division of Housing, following notice by the owner or operator of completion of construction and receipt of application and appropriate fees, if upon inspection the construction is found to be in compliance with the provisions of this part.

SEC. 4. Section 18206 of said code is amended to read:

18206. Permits to operate shall be issued annually by the enforcement agency covering the period from January 1 through December 31 of each calendar year. A copy of each permit to operate shall be forwarded to the Division of Housing. No mobilehome park in existence on the effective date of

this part shall be denied a permit to operate if such mobilehome park complied with the law which this part supersedes.

SEC. 5. Section 18210 of said code is amended to read:

18210. If any person who holds an annual permit violates any provision of the permit or of this part, the permit may be suspended by the enforcement agency. This section does not, however, authorize the suspension of a permit of any mobilehome park existing on September 15, 1961, for any violation of this part which was not a violation of the law which this part supersedes.

SEC. 6. Section 18250 of said code is amended to read:

18250. It shall be unlawful for any person in a mobilehome or mobilehome park to use or cause, or permit to be used for occupancy:

(a) Any mobilehome from which any tire or wheel has been removed therefrom except for the purpose of making temporary repairs or placing it in dead storage.

(b) Any mobilehome supplied with fuel gas unless such service connections used and installations conform to rules and regulations of the Division of Housing.

(c) Any mobilehome which is permanently attached with underpinning or foundation to the ground.

(d) Any mobilehome which does not conform to the registration requirements of the Vehicle Code. A mobilehome which may be moved under permit as provided for in Sections 35780 and 35790 of the Vehicle Code shall be deemed to conform to the requirements of such code within the meaning of this section

(e) Any mobilehome in an unsanitary condition.

(f) Any mobilehome which is structurally unsound and does not protect its habitants against the elements.

(g) Any mobilehome to which there is attached or established less than six feet adjacent thereto any mobilehome accessory building or structure unless constructed in conformity with the rules and regulations of the Division of Housing as set forth in rules and regulations of the division for such use, and the division is hereby empowered to draft and enforce such rules and regulations. Such rules and regulations shall provide for the construction, location and use of mobilehome accessory buildings or structures to protect the health and safety of the occupants and the public.

(h) Any mobilehome in which the occupants use any water heater, clothes washer, or clothes dryer, requiring plumbing, mechanical, gas or electrical connections unless such appliance is within the mobilehome or an approved building. No such appliance outside the mobilehome shall be interconnected with the plumbing, mechanical, gas or electrical system of the mobilehome.

(i) Any mobilehome which does not have a current annual vehicle license.

SEC. 7. Section 18257 is added to said code, to read:

18257. There shall be a person available who shall be responsible for the operation and maintenance of the mobilehome park.

SEC. 8. Section 18276 of said code is amended to read:

18276. The occupied area of a mobilehome lot shall not exceed 75 percent of the lot area.

SEC. 9. Section 18276.5 is added to said code, to read:

18276.5. No mobilehome shall be located closer than 10 feet from any other mobilehome or building except as provided in Section 18277; provided, however, that this does not apply to a compartment containing solely a private toilet or bath, or both, constructed for the exclusive use of the occupants of a mobilehome lot.

SEC. 10. Section 18277 of said code is amended to read:

18277. The minimum distance required for the separation of a mobilehome from a building shall be 10 feet. The minimum distance required for the separation of a mobilehome from any other mobilehome shall be: 10 feet from side to side, 8 feet from side to rear, and 6 feet from rear to rear; provided, however, that each mobilehome and each building shall not be located closer than 3 feet from the rear or side of a lot line. The minimum distance required for the separation or location of buildings from property lines shall be in accordance with the requirements of the rules and regulations promulgated under Section 18300 of this part.

The minimum distance required for the separation or location of mobilehome accessory buildings or structures shall be in accordance with the requirements of the rules and regulations promulgated under subdivision (g) of Section 18250.

SEC. 11. Section 18300 of said code is amended to read·

18300. The Division of Housing shall promulgate such rules and regulations, in addition to the rules and regulations adopted pursuant to Section 18250, regarding the construction of buildings in mobilehome parks as the division shall determine are reasonably necessary for the protection of life and property and to carry out the purposes of this part. The rules and regulations shall be applicable to the construction of all permanent buildings in a mobilehome park, except in a mo bilehome park in a city, county, or city and county which has adopted and is enforcing a building code imposing restrictions equal to or greater than the restrictions imposed by such rules and regulations and which is the enforcement agency.

SEC. 12. Section 18325 of said code is amended to read:

18325. The Division of Housing shall promulgate such rules and regulations regarding plumbing in mobilehome parks as the division determines are reasonably necessary for the protection of life and property and to carry out the purposes of this part. The rules and regulations shall be applicable to all plumbing in mobilehome parks, except in permanent buildings within a mobilehome park in a city, county, or city and county which has adopted and is enforcing a plumbing code

imposing restrictions equal to or greater than the restrictions imposed by such rules and regulations and which is the enforcement agency.

SEC. 13. Section 18370 of said code is amended to read:

18370. The Division of Housing shall promulgate such rules and regulations regarding electrical wiring, fixtures, and equipment installed in mobilehome parks as the division determines are reasonably necessary for the protection of life and property and to carry out the purposes of this part. The rules and regulations shall be applicable to all electrical wiring, fixtures, and equipment installed in a mobilehome park, except in permanent buildings within a mobilehome park in a city, county, or city and county which has adopted and is enforcing an electrical code imposing restrictions equal to or greater than the restrictions imposed by such rules and regulations and which is the enforcement agency.

SEC. 14. Section 18425 of said code is amended to read:

18425. The Division of Housing shall promulgate such rules and regulations regarding liquefied petroleum gas equipment and installations in mobilehome parks as the division determines are reasonably necessary for the protection of life and property and to carry out the purposes of this part. The rules and regulations shall be applicable to all liquefied petroleum gas equipment and installations in a mobilehome park, except in permanent buildings within a mobilehome park in a city, county, or city and county which has adopted and is enforcing a gas code imposing restrictions equal to or greater than the restrictions imposed by such rules and regulations and which is the enforcement agency.

CHAPTER 2022

An act to amend Section 4155 of the Fish and Game Code, relating to mountain lions.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 4155 of the Fish and Game Code is amended to read:

4155. The department shall pay a bounty of fifty dollars ($50) on each male mountain lion and sixty dollars ($60) on each female mountain lion taken in this State. The commission shall make such regulations as it deems necessary to assure that the animals for which such bounties are paid have been taken within this State. Payment of such bounties shall be made from the Fish and Game Preservation Fund.

This section shall not be operative from October 1, 1963 to October 1, 1967.

CHAPTER 2023

An act to amend Sections 12880 and 12885 of the Water Code, relating to the Davis-Grunsky Act.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 12880 of the Water Code is amended to read:

12880. In furtherance of the development, control and conservation of the water resources of the State and the State Water Resources Development System it is the policy of the State to provide financial assistance to public agencies for the construction of water projects to meet local requirements in which there is a statewide interest by making grants or loans, or both, and by participating in the construction and operation of water projects, and also to provide financial assistance to public agencies for the preparation of certain feasibility reports on such water projects by making loans, in accordance with this chapter.

(a) As used in this chapter, "project" means any construction or improvement by a public agency for the diversion, storage, or distribution of water primarily for domestic, municipal, agricultural, industrial, recreation, fish and wildlife enhancement, flood control, or power production purposes. "Public agency" means any city, county, district or other political subdivision of the State. "Feasibility report" means such report on the feasibility of a public agency's proposed project as the department may require the public agency to file with the department in support of an application by the public agency under this chapter for a loan for the construction of the proposed project.

(b) The proposed project may be approved for assistance only if it is determined that the project substantially conforms to the California Water Plan, is engineeringly feasible, economically justified, and, if a loan is proposed, that there is reasonable assurance, commensurate with the need for the proposed project, that the public agency can repay it. The potential future growth and development of the area shall be taken into consideration in the calculation of the benefits for the determination of the economic justification of a proposed project. In the case of a grant for recreation or fish and wildlife enhancement, or both, the determination of economic justification of the proposed project may, in the department's discretion, be limited to a determination of the economic justification of the recreation and fish and wildlife enhancement functions of the project. Such factors as the public health, safety, and welfare shall be taken into consideration in determining the need for a proposed project. A loan for the preparation of a proposed feasibility report on a proposed

project may be approved only if it is determined that there is reasonable assurance that the public agency can repay the loan and only if the agency receives a favorable written reply from the department on a written request for a preliminary determination of eligibility for a loan for the construction of the proposed project filed with the department by the agency under the regulations of the department promulgated pursuant to this chapter.

(c) Grants in furtherance of a project that involves the development of a new water supply may be made for the following purposes:

(1) For the part of the construction cost of the proposed project properly allocated to the enhancement of fish and wildlife; provided, that a grant for such part shall not exceed fifty percent (50%) of the construction cost.

(2) For the part of the construction cost of any dam and reservoir of the proposed project properly allocated to recreational functions of statewide interest; provided, that a grant for such part shall not exceed fifty percent (50%) of the construction cost, and provided further, that the total grant under paragraphs (1) and (2) of this subdivision for any one project shall not exceed seventy-five percent (75%) of the construction cost of the project. Such construction costs may include expenditures for lands located above the high waterline of reservoirs which are necessary or desirable for public recreation in connection with the reservoir.

(3) For the construction of initial water supply and sanitary facilities which are needed for public recreational use of each proposed dam and reservoir of the proposed project. A grant for the purpose specified in this paragraph (3) shall not be subject to the limitation contained in Section 12885 on grants for the purposes specified in paragraphs (1) and (2) of this subdivision and shall not be included in computing the total amount which may be granted to a public agency in connection with a project for such purposes. A grant for the purpose specified in this paragraph (3) shall not exceed one-fourth of the total amount granted to a public agency in connection with a project for the purposes specified in paragraphs (1) or (2), or both, of this subdivision.

(d) Loans may be made only for projects primarily for domestic, municipal, agricultural, industrial, recreation, or fish and wildlife enhancement purposes. Such loans may be made for all or any part of the construction cost of any such project but in no event shall any such loan be in an amount which is greater than the portion of the construction cost of the project which the department finds to be beyond the reasonable ability of the public agency to finance from other sources. Such loans shall be repayable over a period not to exceed 50 years. A period of development of not exceeding 10 years may be allowed within such maximum 50-year repayment period, during which no payments on the principal of or the interest on such loans shall be required, when in the de-

partment's judgment such development period is justified under the circumstances. If the payment of interest is deferred pursuant to this subdivision, interest shall be charged on the interest amounts for which payment is deferred at the same rate as the rate of interest charged on the principal amount of the particular loan. The accrued interest may, at the option of the public agency, be paid in annual installments during the remainder of the loan repayment period at the same rate of interest as is charged on the principal amount of the loan.

(e) Loans may be made for all or any part of the cost of the preparation of proposed feasibility reports on proposed projects, but in no event shall any such loan be in an amount which is greater than the portion of the cost of the preparation of the proposed feasibility report which the department finds to be beyond the reasonable ability of the public agency to finance from other sources. Such loans shall be repayable over a period not to exceed 10 years.

(f) If in order to accomplish the objectives of this chapter it is necessary to construct a project that is larger than one which a public agency proposes to construct, the State may participate in planning, designing, constructing, operating and maintaining the project, and in so participating shall finance those costs of the project allocated to the State, on terms agreed upon with the agency, to the end that the project shall accomplish the maximum water development objectives at a minimum total expenditure. In participating in a project under this subdivision (f), the department may perform all or part of the planning, designing, construction, operation or maintenance of the project on terms agreed upon with the agency.

The department is authorized, following receipt of an application for state participation from a public agency, to participate under this subdivision (f) on behalf of the State in any project that is larger than the one which the public agency proposes to construct and that is primarily for domestic, municipal, agricultural, industrial, recreational or fish and wildlife enhancement purposes and in so participating shall finance those costs of such project that are allocated to the State, on terms agreed upon with the public agency, subject to the prior approval of the California Water Commission, and to expend for participation in the planning, designing, and construction of any one project an amount not exceeding one million dollars ($1,000,000) from moneys available for such participation, including but not limited to, the moneys appropriated by the California Water Resources Development Bond Act (Chapter 8 (commencing with Section 12930) of Part 6 of Division 6 of the Water Code) for provision for water development facilities for local areas as provided in this Chapter 5. Expenditures by the department in excess of one million dollars ($1,000,000) for the planning, designing, and construction of any one project may be made only upon specific authorization of the Legislature.

The department is authorized to make loans and grants to public agencies pursuant to the provisions of this chapter for projects in which the department participates under this subdivision (f).

(g) Applications for loans or grants or financial participation by the State under this chapter shall be made to the department in such form and with such supporting material as may be prescribed by the department. Supporting material with respect to the ability of a public agency to repay the loan and to the reasonable ability to finance the proposed project from other sources may be supplied by the county assessor and the county engineer. A report on each application shall be prepared by the department and filed with the Legislature. In such reports the departments shall make findings as to the nature and extent of the statewide interest in the project, the public necessity for the project, the urgency of the need, and the engineering feasibility, economic justification, and financial feasibility of the project; provided, that in the case of reports on applications for loans for the preparation of proposed feasibility reports, in lieu of the above findings, the department shall make findings with respect to the public necessity for and urgency of need of the proposed project and the ability of the applicant to repay the requested loan for the preparation of the proposed feasibility report.

(h) Notwithstanding any provision of law to the contrary, every public agency empowered by law to construct and operate a project, as defined in subdivision (a) of this section, is hereby granted, in addition to and not in derogation or limitation of the powers conferred upon the public agency by any other law, the power:

(1) To borrow money from and repay the same with interest to the State in accordance with this chapter on behalf of the entire public agency or of any portion or portions thereof for which the law applicable to the agency authorizes an indebtedness or liability to be incurred, including any improvement district, distribution district, or zone within the public agency, notwithstanding any debt limitation or other provision in the law applicable to such agency which might otherwise preclude or limit such borrowing.

(2) To enter into a contract with the department, on behalf of the entire public agency, or of any portion or portions thereof referred to in paragraph (1) of this subdivision (h), for a loan or grant under this chapter or for participation by the State in a local project under subdivision (f) of this section and to use the loan or grant contracted for as an additional or alternative means of financing the project proposed by the public agency.

(3) To comply with the provisions of any contract entered into with the department under this chapter, including any provision which obligates the public agency, or any specified portion or portions thereof, to meet all commitments, financial or otherwise, undertaken by the public agency in such contract

notwithstanding any individual default by its constituents or others in the payment to the public agency of taxes, assessments, tolls, or other charges levied by the public agency.

(4) To include recreation and enhancement of fish and wildlife, or either of them, as functions of a project which the public agency is empowered by law to construct and operate, and to construct and operate the project for such recreation and enhancement of fish and wildlife functions, or either of them, in accordance with the provisions of a grant contract entered into with the department, including provisions for public use of the project facilities for fishing and other recreational activities.

(5) To construct and operate such onshore recreational facilities, fish and wildlife enhancement facilities or other facilities as the department or the Legislature may require in connection with a grant to the public agency under this chapter, and to construct and operate such facilities in accordance with the provisions of a grant contract entered into with the department, including provisions for public use of such facilities for fishing and other recreational activities.

(6) To annually levy or cause to be levied upon all property in the public agency, or in any portion or portions thereof, subject to taxation or assessment by the public agency an ad valorem tax or assessment, based upon the assessed valuation of such property, necessary and sufficient to meet all commitments, financial or otherwise, of the public agency that are set forth in any contract which the agency enters into with the department under this chapter, in addition to any other taxes or assessments which the public agency is authorized to levy or cause to be levied on such property and notwithstanding any provision in the law applicable to such agency which might otherwise preclude or limit such taxing or assessing. Where the law applicable to such public agency does not set forth a procedure for levying and collecting taxes or assessments on an ad valorem basis, such public agency shall utilize the procedure for levying and collecting taxes for the payment of principal and interest on general obligation bonds of municipal water districts, set forth in the Municipal Water District Act of 1911 (Chapter 671, Statutes of 1911), as it may now or hereafter be amended, for the purpose of levying and collecting taxes or assessments necessary and sufficient to meet commitments in a contract entered into under this chapter.

(7) To make charges for the furnishing of services from the project for which the public agency receives financial assistance under this chapter and to pledge and use any or all revenues received from the collection of such charges for the purpose of meeting the commitments, financial or otherwise, of the public agency that are set forth in any contract which

the public agency enters into with the department under this chapter.

(8) To perform all acts and do all things that are necessary or convenient to carry out the above powers.

(i) Except in the case of a grant to a public agency where the applicable law contains provisions for the election of the members of the governing body of the agency or where a county board of supervisors acts as the governing body of the agency, before a public agency may enter into a contract with the department for a construction loan or a grant under this chapter, the public agency shall hold an election on the proposition of whether or not the public agency shall enter into the proposed contract and more than 50 percent of the votes cast at such election must be in favor of such proposition; provided, that if a higher percentage of favorable votes is required for the issuance of any bonds by the public agency or is required by the Constitution before the public agency may incur an indebtedness, such higher percentage shall apply in lieu of the percentage set forth in this subdivision. Such election shall be held in accordance with the following provisions:

(1) The procedure for holding an election on the incurring of bonded indebtedness by such public agency shall be utilized for an election on the proposed contract as nearly as the same may be applicable. Where the law applicable to such agency does not contain such bond election procedure, the procedure set forth in the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) Part 1, Division 2, Title 5 of the Government Code), as it may now or hereafter be amended, shall be utilized as nearly as the same may be applicable.

(2) No particular form of ballot is required.

(3) The notice of the election shall include a statement of the time and place of the election, the purpose of the election, the general purpose of the contract, and the maximum amount of money to be borrowed from the State under the contract.

(4) The ballots for the election shall contain a brief statement of the general purpose of the contract substantially as stated in the notice of the election, shall state the maximum amount of money to be borrowed from the State under the contract, and shall contain the words "Execution of contract—Yes" and "Execution of contract—No."

(5) The election shall be held in the entire public agency except where the public agency proposes to contract with the department on behalf of a specified portion, or of specified portions, of the public agency, in which case the election shall be held in such portion or portions of the public agency only.

(j) Every public agency is hereby granted the power to bring an action in the superior court of the county in which the office of such agency is situated to determine the validity of any contract made with the department under this chapter and the authority of the public agency to enter into the con-

tract. The action shall be had as in the case of the judicial determination of the validity of the public agency's bonds, as nearly as the same may be applicable, and with like effect. Where the law applicable to such agency does not set forth a procedure for the judicial determination of the validity of the public agency's bonds, the action shall be had as in the case of the judicial determination of the general obligation bonds of irrigation districts under the Irrigation District Law (Division 11 (commencing with Section 20500) of this code), as it may now or hereafter be amended, as nearly as the same may be applicable, and with like effect.

SEC. 2. Section 12885 of said code is amended to read:

12885. The department is authorized to make state grants to public agencies from moneys available for such purpose in amounts not exceeding four hundred thousand dollars ($400,000) for any one project for the purposes specified in paragraphs (1) and (2) of subdivision (c) of Section 12880 and, in addition, in amounts as authorized by paragraph (3) of subdivision (c) of Section 12880, subject to the provisions of this chapter and to the prior approval of the California Water Commission for each grant that the department proposes to make. Grants in excess of four hundred thousand dollars ($400,000) for any one project for the purposes authorized by paragraphs (1) and (2) of subdivision (c) of Section 12880 may be made by the department only upon specific authorization of the Legislature and upon such terms and conditions as the Legislature may prescribe.

CHAPTER 2024

An act to amend Section 74011 of the Government Code, relating to the Oxnard-Port Hueneme Municipal Court.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 74011 of the Government Code is amended to read:

74011. There shall be two judges.

SEC. 2. This act shall become operative on October 1, 1963.

CHAPTER 2025

An act to amend Sections 17053, 17150, 17209, 17253, 17265, 17505, 17512, 17686, 17687, 17835, 17852, 17913, 18244, and 18248 of, to amend the title of Article 1 (commencing with Section 17631) of Chapter 7 of Part 10 of Division 2 of, to add Sections 17210, 17216.2, 17296, 17416 and 18211 to, and to repeal Chapter 25 (consisting of Section 19500), of Part 10 of, Division 2 of, the Revenue and Taxation Code, relating to personal income taxes.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 17053 of the Revenue and Taxation Code is amended to read:

17053. (a) In the case of an individual who has received earned income before the beginning of the taxable year, there shall be allowed as a credit against the tax imposed by this part for the taxable year an amount equal to the amount received by such individual as retirement income (as defined in subsection (c) and as limited by subsection (d), multiplied by the rate provided in Section 17041 for the first two thousand five hundred dollars ($2,500) of taxable income; but the credit provided by this section shall not exceed the tax imposed under this part reduced by the credit allowable under Chapter 12 (relating to taxes paid to other states).

(b) For purposes of subsection (a), an individual shall be considered to have received earned income if he has received, in each of any 10 calendar years before the taxable year, earned income (as defined in subsection (g)) in excess of 6 hundred dollars ($600). A widow or widower whose spouse had received such earned income shall be considered to have received earned income.

(c) For purposes of subsection (a), the term "retirement income" means—

(1) In the case of an individual who has attained the age of 65 before the close of the taxable year, income from—

(A) Pensions and annuities,

(B) Interest,

(C) Rents, and

(D) Dividends, or

(2) In the case of an individual who has not attained the age of 65 before the close of the taxable year, income from pensions and annuities under a public retirement system (as defined in subsection (f)),

to the extent included in gross income without reference to this section, but only to the extent such income does not represent compensation for personal services rendered during the taxable year.

(d) For purposes of subsection (a), the amount of retirement income shall not exceed one thousand five hundred twenty-four dollars ($1,524) less—

(1) In the case of any individual, any amount received by the individual as a pension or annuity—

(A) Under Title II of the Social Security Act,

(B) Under the Railroad Retirement Acts of 1935 or 1937, or

(C) Otherwise excluded from gross income, and

(2) In the case of any individual who has not attained the age of 72 before the close of the taxable year—

(A) If such individual has not attained age 62 before the close of the taxable year, any amount of earned income (as defined in subsection (g)) in excess of nine hundred dollars ($900) received by the individual in the taxable year

(B) If such individual has attained age 62 before the close of the taxable year, the sum of (i) one-half the amount of earned income received by such individual in the taxable year in excess of one thousand two hundred dollars ($1,200) but not in excess of one thousand seven hundred dollars ($1,700), and (ii) the amount of earned income so received in excess of one thousand seven hundred dollars ($1,700).

(e) Subsection (d)(1) shall not apply to any amount excluded from gross income under Sections 17101 to 17112, inclusive (relating to annuities), 17131 to 17135, inclusive (relating to life insurance proceeds), 17138 (relating to compensation for injuries or sickness), 17139 relating to amounts received under accident and health plans), 17503 to 17507, inclusive, (relating to taxability of beneficiary of employees' trust), or 17511 and 17512 (relating to taxation of employee annuities).

(f) For purposes of subsection (c)(2), the term "public retirement system" means a pension, annuity, retirement, or similar fund or system established by the United States, a state, a territory, a possession of the United States, any political subdivision of any of the foregoing, or the District of Columbia.

(g) For purposes of subsections (b) and (d)(2), the term "earned income" has the meaning assigned to such term in Section 911(b) of the Internal Revenue Code of 1954, except that such term does not include any amount received as a pension or annuity.

SEC. 2. Section 17150 of said code is amended to read:

17150. (a) Gross income does not include—

(1) Any amount received—

(A) As a scholarship at an educational institution (as defined in subsection (c)); or

(B) As a fellowship grant;

including the value of contributed services and accomodations; and

(2) Any amount received to cover expenses for—

(A) Travel;

(B) Research;

(C) Clerical help; or

(D) Equipment;

which are incident to such a scholarship or to a fellowship grant, but only to the extent that the amount is so expended by the recipient.

(b) (1) In the case of an individual who is a candidate for a degree at an educational institution (as defined in subsection (c)), subsection (a) shall not apply to that portion of any amount received which represents payment for teaching, research, or other services in the nature of part-time employment required as a condition to receiving the scholarship or the fellowship grant. If teaching, research, or other services are required of all candidates (whether or not recipients of scholarships or fellowship grants) for a particular degree as a condition to receiving such degree, such teaching, research, or other services shall not be regarded as part-time employment within the meaning of this subsection.

(2) In the case of an individual who is not a candidate for a degree at an educational institution (as defined in subsection (c)), subsection (a) shall apply only if the condition in paragraph (A) is satisfied and then only within the limitations provided in paragraph (B).

(A) The grantor of the scholarship or fellowship grant is—

(i) An organization described in Section 23701d of the Bank and Corporation Tax Law which is exempt from tax under Section 23701 of the Bank and Corporation Tax Law,

(ii) A foreign government,

(iii) An international organization, or a binational or multinational educational and cultural foundation or commission created or continued pursuant to the Mutual Educational and Cultural Exchange Act of 1961, or

(iv) The United States, an instrumentality or agency thereof, or a state, a territory, or a possession of the United States, or any political subdivision thereof, or the District of Columbia.

(B) The amount of the scholarship or fellowship grant excluded under subsection (a)(1) in any taxable year shall be limited to an amount equal to three hundred dollars ($300) times the number of months for which the recipient received amounts under the scholarship or fellowship grant during such taxable year, except that no exclusion shall be allowed under subsection (a) after the recipient has been entitled to exclude under this section for a period of 36 months (whether or not consecutive) amounts received as a scholarship or fellowship grant while not a candidate for a degree at an educational institution (as defined in subsection (c)).

(c) For the purposes of this section and Section 17185, the term "educational institution" means only an educational institution which normally maintains a regular faculty and

curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on.

SEC. 3. Section 17209 of said code is amended to read:

17209. (a) Where, under regulations prescribed by the Franchise Tax Board, the taxpayer and the Franchise Tax Board have, after the date of enactment of this section, entered into an agreement in writing specifically dealing with the useful life and rate of depreciation of any property, the rate so agreed upon shall be binding on both the taxpayer and the Franchise Tax Board in the absence of facts or circumstances not taken into consideration in the adoption of such agreement. The responsibility of establishing the existence of such facts and circumstances shall rest with the party initiating the modification. Any change in the agreed rate and useful life specified in the agreement shall not be effective for taxable years before the taxable year in which notice in writing by certified mail or registered mail is served by the party to the agreement initiating such change.

(b) (1) In the absence of an agreement under subsection (a) containing a provision to the contrary, a taxpayer may at any time elect in accordance with regulations prescribed by the Franchise Tax Board to change from the method of depreciation described in Section 17208(b)(2) to the method described in Section 17208(b)(1).

(2) A taxpayer may, on or before the last day prescribed by law (including extensions thereof) for filing his return for his first taxable year beginning after December 31, 1962, and in such manner as the Franchise Tax Board shall by regulations prescribe, elect to change his method of depreciation in respect of Section 18211 property (as defined in Section 18211(a)(3)) from any declining balance or sum of the years-digits method to the straight line method. An election may be made under this paragraph notwithstanding any provision to the contrary in an agreement under subsection (a).

SEC. 4. Section 17253 of said code is amended to read:

17253. There shall be allowed as a deduction the following amounts of the expenses paid during the taxable year, not compensated for by insurance or otherwise, for medical care of the taxpayer, his spouse, or a dependent (as defined in Section 17182):

(a) If neither the taxpayer nor his spouse has attained the age of 65 before the close of the taxable year—

(1) The amount of such expenses for the care of any dependent who—

(i) Is the mother or father of the taxpayer or of his spouse, and

(ii) Has attained the age of 65 before the close of the taxable year, and

(2) The amount by which such expenses for the care of the taxpayer, his spouse, and such dependents (other than any

dependent described in subparagraph (1)) exceed 3 percent of the adjusted gross income.

(b) If either the taxpayer or his spouse has attained the age of 65 before the close of the taxable year—

(1) The amount of such expenses for the care of the taxpayer and his spouse,

(2) The amount of such expenses for the care of any dependent described in paragraph (a)(1), and

(3) The amount by which such expenses for the care of such dependents (other than any dependent described in paragraph (a)(1)), exceed 3 percent of the adjusted gross income.

SEC. 5. Section 17265 of said code is amended to read:

17265. For purposes of Section 17264—

(a) The term "co-operative housing corporation" means a corporation—

(1) Having one and only one class of stock outstanding,

(2) Each of the stockholders of which is entitled, solely by reason of his ownership of stock in the corporation, to occupy for dwelling purposes a house, or an apartment in a building, owned or leased by such corporation,

(3) No stockholder of which is entitled (either conditionally or unconditionally) to receive any distribution not out of earnings and profits of the corporation except on a complete or partial liquidation of the corporation, and

(4) Eighty percent or more of the gross income of which for the taxable year in which the taxes and interest described in Section 17264 are paid or incurred is derived from tenant-stockholders.

(b) The term "tenant-stockholder" means an individual who is a stockholder in a co-operative housing corporation, and whose stock is fully paid up in an amount not less than an amount shown to the satisfaction of the Franchise Tax Board as bearing a reasonable relationship to the portion of the value of the corporation's equity in the houses or apartment building and the land on which situated which is attributable to the house or apartment which such individual is entitled to occupy.

(c) The term "tenant-stockholder's proportionate share" means that proportion which the stock of the co-operative housing corporation owned by the tenant-stockholder is of the total outstanding stock of the corporation (including any stock held by the corporation).

(d) So much of the stock of a tenant-stockholder in a co-operative housing corporation as is allocable, under regulations prescribed by the Franchise Tax Board, to a proprietary lease or right of tenancy in property subject to the allowance for depreciation under Section 17208(a) shall, to the extent such proprietary lease or right of tenancy is used by such tenant-stockholder in a trade or business or for the production of income, be treated as property subject to the allowance for depreciation under Section 17208(a).

SEC. 6. Section 17512 of said code is amended to read:

17512. (a) (1) If an annuity contract is purchased—

(A) (i) For an employee by an employer described in Section 23701d of this code which is exempt from tax under Section 23701 of this code, or

(ii) For an employee (other than an employee described in clause (A) (i), who performs services for an educational institution (as defined in Section 17150(c)), by an employer which is a state, a political subdivision of a state, or an agency or instrumentality of any one or more of the foregoing;

(B) Such annuity contract is not subject to Section 17511, and

(C) The employee's rights under the contract are nonforfeitable, except for failure to pay future premiums, then amounts contributed by such employer for such annuity contract on or after such rights become nonforfeitable shall be excluded from the gross income of the employee for the taxable year to the extent that the aggregate of such amounts does not exceed the exclusion allowance for such taxable year. The employee shall include in his gross income the amounts received under such contract for the year received as provided in Sections 17101 to 17108, inclusive.

(2) For purposes of this section, the exclusion allowance for any employee for the taxable year is an amount equal to the excess, if any, of—

(A) The amount determined by multiplying (i) 20 percent of his includable compensation, by (ii) the number of years of service, over

(B) The aggregate of the amounts contributed by the employer for annuity contracts and excludable from the gross income of the employee for any prior taxable year.

(3) For purposes of this section, the term "includable compensation" means, in the case of any employee, the amount of compensation which is received from the employer described in paragraph (a) (1) (A), and which is includable in gross income (computed without regard to Section 17139(d)) for the most recent period (ending not later than the close of the taxable year) which under paragraph (4) may be counted as one year of service. Such term does not include any amount contributed by the employer for any annuity contract to which this section applies.

(4) In determining the number of years of service for purposes of this section, there shall be included—

(A) One year for each full year during which the individual was a full-time employee of the organization purchasing the annuity for him, and

(B) A fraction of a year (determined in accordance with regulations prescribed by the Franchise Tax Board) for each full year during which such individual was a part-time employee of such organization and for each part of a year during which such individual was a full-time or part-time employee of such organization.

In no case shall the number of years of service be less than one.

(5) If for any taxable year of the employee this section applies to two or more annuity contracts purchased by the employer, such contracts shall be treated as one contract.

(6) For purposes of this section if rights of the employee under an annuity contract described in subparagraphs (A) and (B) of paragraph (1) change from forfeitable to nonforfeitable rights, then the amount (determined without regard to this subsection) includable in gross income by reason of such change shall be treated as an amount contributed by the employer for such annuity contract as of the time such rights become nonforfeitable.

(b) If an annuity contract purchased by an employer for an employee is not subject to Section 17511 and the employee's rights under the contract are nonforfeitable, except for failure to pay future premiums, the amount contributed by the employer for such annuity contract on or after such rights become nonforfeitable shall be included in the gross income of the employee in the year in which the amount is contributed. The employee shall include in his gross income the amounts received under such contract for the year received as provided in Sections 17101 to 17108, inclusive.

(c) Notwithstanding the first sentence of subsection (b), if rights of an employee under an annuity contract purchased by an employer which is exempt from tax under Section 17631 or if subject to tax under this part would be exempt under Section 17631 or by an employer which claims the special deduction allowed by Sections 24412 and 24413 of this code change from forfeitable to nonforfeitable rights, the value of such contract on the date of such change (to the extent attributable to amounts contributed by the employer after December 31, 1960) shall, except as provided in subsection (a), be included in the gross income of the employee in the year of such change.

SEC. 7. Section 17505 of said code is amended to read:

17505. For purposes of Sections 17503 and 17504, a stock bonus, pension, or profit-sharing trust which would qualify for exemption from tax under Section 17631 except for the fact that it is a trust created or organized outside the United States shall be treated as if it were a trust exempt from tax under Section 17631.

SEC. 8. Section 17686 of said code is amended to read:

17686. In the case of oil and gas wells the allowance for depletion under Section 17681 shall be 27½ percent of the gross income from the property during the taxable year, excluding from such gross income an amount equal to any rents or royalties paid or incurred by the taxpayer in respect of the property. The allowance shall not exceed 50 percent of the taxable income of the taxpayer (computed without allowance for depletion) from the property, except that in no case shall the depletion allowance be less than it would be if computed

without reference to this section. For purposes of the preceding sentence, the allowable deductions taken into account with respect to expenses of oil and gas wells in computing the taxable income from the property shall be decreased by an amount equal to so much of any gain which (A) is treated under Section 18211 (relating to gain from disposition of certain depreciable property) as gain from the sale or exchange of property which is neither a capital asset nor property described in Sections 18181 and 18182, and (B) is properly allocable to the property.

SEC. 9. Section 17687 of said code is amended to read:

17687. The allowance for depletion under Section 17681 shall be:

(a) In the case of sand, gravel, slate, stone (including pumice and scoria), brick and tile clay, shale, oystershell, clamshell, granite, marble, sodium chloride, and, if from brine wells, calcium chloride, magnesium chloride, and bromide, 5 percent;

(b) In the case of coal, asbestos, brucite, dolomite, magnesite, perlite, wollastonite, calcium carbonates, and magnesium carbonates, 10 percent;

(c) In the case of metal mines, aplite, bauxite, fluorspar, flake graphite, vermiculite, beryl, garnet, feldspar, mica, talc (including pyrophyllite), lepidolite, spodumene, barite, ball clay, sagger clay, china clay, phosphate rock, rock asphalt, trona, bentonite, gilsonite, thenardite, borax, fuller's earth, tripoli, refractory and fire clay, quartzite, diatomaceous earth, metallurgical grade limestone, chemical grade limestone, and potash, 15 percent;

(d) In the case of sulfur, 23 percent; of the gross income from the property during the taxable year, excluding from such gross income an amount equal to any rents or royalties paid or incurred by the taxpayer in respect of the property. The allowance shall not exceed 50 percent of the taxable income of the taxpayer (computed without allowance for depletion) from the property except in no case shall the depletion allowance under Section 17681 be less than it would be if computed without reference to this section. For purposes of the preceding sentence, the allowable deductions taken into account with respect to expenses of mining in computing the taxable income from the property shall be decreased by an amount equal to so much of any gain which (1) is treated under Section 18211 (relating to gain from disposition of certain depreciable property) as gain from the sale or exchange of property which is neither a capital asset nor property described in Sections 18181 and 18182, and (2) is properly allocable to the property.

SEC. 10. The title of Article 1 (commencing with Section 17631) of Chapter 7 of Part 10 of Division 2 of said code is amended to read:

Article 1. General Rule

SEC. 11. Section 17835 of said code is amended to read:

17835. The amount of any deduction specified in Sections 17202, 17203, 17204, 17205, 17252, or 17681 (relating to deductions for expenses, interest, taxes, and depletion) in respect of a decedent which is not properly allowable to the decedent in respect of the taxable period in which falls the date of his death, or a prior period, shall be allowed:

(a) In the case of a deduction specified in Sections 17202, 17203, 17204, 17205, or 17252 in the taxable year when paid to the estate of the decedent; except that if the estate of the decedent is not liable to discharge the obligation to which the deduction relates, to the person who, by reason of the death of the decedent or by bequest, devise, or inheritance acquires, subject to such obligation, from the decedent an interest in property of the decedent.

(b) In the case of the deduction specified in Section 17681, to the person described in Section 17831(a), (b), or (c) who, in the manner described therein, receives the income to which the deduction relates, in the taxable year when such income is received.

SEC. 12. Section 17852 of said code is amended to read:

17852. In determining his income tax, each partner shall take into account separately his distributive share of the partnership's—

(a) Gains and losses from sales or exchanges of capital assets held for not more than six months;

(b) Gains and losses from sales or exchanges of capital assets held for more than six months;

(c) Gains and losses from sales or exchanges of property described in Section 18181 and 18182 (relating to certain property used in a trade or business and involuntary conversions);

(d) Charitable contributions (as defined in Section 17214);

(e) Political contributions (as defined in Section 17234);

(f) Taxes, described in Section 18006, paid to another state on such income;

(g) Other items of income, gain, loss, deduction, or credit, to the extent provided by regulations prescribed by the Franchise Tax Board; and

(h) Taxable income or loss, exclusive of items requiring separate computation under other subsections of this section.

SEC. 13. Section 17913 of said code is amended to read:

17913. For purposes of this chapter, the term "unrealized receivables" includes, to the extent not previously includable in income under the method of accounting used by the partnership, any rights (contractual or otherwise) to payment for—

(a) Goods delivered, or to be delivered, to the extent the proceeds therefrom would be treated as amounts received from the sale or exchange of property other than a capital asset; or

(b) Services rendered, or to be rendered.

For purposes of this section and Sections 17891, 17896, 17897, and 17901, such term also includes Section 18211 property (as defined in Section 18211(a)(3)), but only to the extent of the amount which would be treated as gain to which Section 18211(a) would apply if (at the time of the transaction described in this section or Sections 17891, 17896, 17897, and 17901, as the case may be) such property had been sold by the partnership at its fair market value.

SEC. 14. Section 18244 of said code is amended to read:

18244. For purposes of Section 18243, the term "back pay" means amounts includable in gross income under this part which are one of the following—

(a) Remuneration, including wages, salaries, retirement pay, and other similar compensation, which is received or accrued during the taxable year by an employee for services performed before the taxable year for his employer and which would have been paid before the taxable year except for the intervention of one of the following events:

(1) Bankruptcy or receivership of the employer;

(2) Dispute as to the liability of the employer to pay such remuneration, which is determined after the commencement of court proceedings;

(3) If the employer is the United States, a state, a territory, or any political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any of the foregoing, lack of funds appropriated to pay such remuneration; or

(4) Any other event determined to be similar in nature under regulations prescribed by the Franchise Tax Board.

(b) Wages or salaries which are received or accrued during the taxable year by an employee for services performed before the taxable year for his employer and which constitute retroactive wage or salary increases ordered, recommended, or approved by any federal or state agency, and made retroactive to any period before the taxable year.

(c) Payments which are received or accrued during the taxable year as the result of an alleged violation by an employer of any state of federal law relating to labor standards or practices, and which are determined under regulations prescribed by the Franchise Tax Board to be attributable to a prior year.

(d) Termination payments under Section 5(c) or Section 6(*l*) of the Peace Corps Act which are received or accrued by an individual during the taxable year on account of any period of service, as a volunteer or volunteer leader under the Peace Corps Act, occurring prior to the taxable year.

SEC. 15. *Section 18248 of said code is amended to read:*

18248. (a) For purposes of this article, a fractional part of a month shall be disregarded unless it amounts to more than half a month, in which case it shall be considered as a month.

(b) For the purpose of computing the tax attributable to the amount of an item of gross income allocable under this

article to a particular taxable year, such amount shall be considered income only of the person who would be required to include the item of gross income in a separate return filed for the taxable year in which such item was received or accrued.

(c) Subsection (c) of Section 18241 and subsection (b) of this section shall apply only to amounts received or accrued after December 31, 1954. Notwithstanding any other provision of this part, Sections 17054 to 17059, inclusive, of the Personal Income Tax Law of 1954 shall apply to amounts received or accrued as a partner on or before December 31, 1954, under this section and to the computation of tax on amounts received or accrued on or before December 31, 1954.

(d) In the case of an individual who elects (in such manner and at such time as the Franchise Tax Board prescribes by regulations) to have the provisions of this subsection apply, an amount received or accrued to which this article applies shall be reduced, for purposes of computing the tax liability of the taxpayer under this part with respect to the amount so received or accrued, by an amount equal to that portion of (1) the amount of charitable contributions made by the taxpayer during the taxable year in which the amount is so received or accrued which are allowable as a deduction for such year under Sections 17214 and 17215 (determined without regard to this part), as (2) the amount received or accrued to which this part applies is of the adjusted gross income for the taxable year (determined without regard to this article). In any case in which the taxpayer elects to have the provisions of this subsection apply, no portion of the amount to which this part applies shall, for purposes of computing the limitation on tax under this part, be taken into account for purposes of computing the limitation under Section 17215 for the taxable year in which the amount to which this article applies is received or accrued.

SEC. 16. Section 17210 is added to said code, to read:

17210. (a) Under regulations prescribed by the Franchise Tax Board, a taxpayer may, for purposes of computing the allowance under Section 17208(a) with respect to personal property, reduce the amount taken into account as salvage value by an amount which does not exceed 10 percent of the basis of such property (as determined under Section 17211 as of the time as of which such salvage value is required to be determined).

(b) For purposes of this section, the term 'personal property' means depreciable personal property (other than livestock) with a useful life of three years or more acquired after December 31, 1962.

SEC. 17. Section 17216.2 is added to said code, to read:

17216.2. The amount of any charitable contribution taken into account under Sections 17214 and 17215 shall be reduced by the amount which would have been treated as gain to which Section 18211(a) applies if the property contributed had been

sold at its fair market value (determined at the time of such contribution).

SEC. 18. Section 17296 is added to said code, to read:

17296. No deduction shall be allowed under Section 17202 or 17252, for any traveling or entertainment expenses unless substantiated by adequate records or by sufficient evidence which corroborates the taxpayer's own statement.

SEC. 19. Section 17416 is added to said code, to read:

17416. For purposes of Section 17415, the determination of whether gain from the sale or exchange of property would under any provision of this part be considered as gain from the sale or exchange of property which is neither a capital asset nor property described in Section 18182 shall be made without regard to the application of Section 18211(a).

SEC. 20. Section 18211 is added to said code, to read:

18211. (a) (1) Except as otherwise provided in this section, if Section 18211 property is disposed of during a taxable year beginning after December 31, 1962, the amount by which the lower of—

(A) The recomputed basis of the property, or

(B) (i) In the case of a sale, exchange, or involuntary conversion, the amount realized, or

(ii) In the case of any other disposition, the fair market value of such property,

exceeds the adjusted basis of such property shall be treated as gain from the sale or exchange of property which is neither a capital asset nor property described in Sections 18181 and 18182. Such gain shall be recognized notwithstanding any other provision of this part.

(2) For purposes of this section, the term 'recomputed basis' means, with respect to any property, its adjusted basis recomputed by adding thereto all adjustments, attributable to periods after December 31, 1961, reflected in such adjusted basis on account of deductions (whether in respect of the same or other property) allowed or allowable to the taxpayer or to any other person for depreciation, or for amortization under Section 17212. For purposes of the preceding sentence, if the taxpayer can establish by adequate records or other sufficient evidence that the amount allowed for depreciation, or for amortization under Section 17212, for any period was less than the amount allowable, the amount added for such period shall be the amount allowed.

(3) For purposes of this section, the term 'Section 18211 property' means any property (other than livestock) which is or has been property of a character subject to the allowance for depreciation provided in Sections 17208 to 17211.5, inclusive, and is either—

(A) Personal property, or

(B) Other property (not including a building or its structural components) but only if such other property is tangible and has an adjusted basis in which there are reflected adjust-

ments described in paragraph (2) for a period in which such property (or other property)—

(I) Was used as an integral part of manufacturing, production, or extraction or of furnishing transportation, communications, electrical energy, gas, water, or sewage disposal services, or

(II) Constituted research or storage facilities used in connection with any of the activities referred to in clause (i).

(b) (1) Subsection (a) shall not apply to a disposition by gift.

(2) Except as provided in Sections 17831 to 17837, inclusive, (relating to income in respect of a decedent), subsection (a) shall not apply to a transfer at death.

(3) If the basis of property in the hands of a transferee is determined by reference to its basis in the hands of the transferor by reason of the application of Section 17431, 17481, 17881, 17891, or Section 24502, 24521, or 24551 of the Bank and Corporation Tax Law, then the amount of gain taken into account by the transferor under subsection (a)(1) shall not exceed the amount of gain recognized to the transferor on the transfer of such property (determined without regard to this section) This paragraph shall not apply to a disposition to an organization which is exempt from the tax imposed by this chapter.

(4) If property is disposed of and gain (determined without regard to this section) is not recognized in whole or in part under Section 18081 or Sections 18082 to 18090.2, inclusive, then the amount of gain taken into account by the transferor under subsection (a)(1) shall not exceed the sum of—

(A) The amount of gain recognized on such disposition (determined without regard to this section), plus

(B) The fair market value of property acquired which is not Section 18211 property and which is not taken into account under subparagraph (A).

(5) Under regulations prescribed by the Franchise Tax Board, rules consistent with paragraphs (3) and (4) of this subsection shall apply in the case of transactions described in Section 18121 (relating to gain from sale or exchange to effectuate policies of FCC) or Sections 18131 to 18134, inclusive, (relating to exchanges in obedience to SEC orders).

(6) (A) For purposes of this section, the basis of Section 18211 property distributed by a partnership to a partner shall be deemed to be determined by reference to the adjusted basis of such property to the partnership.

(B) In the case of any property described in subparagraph (A), for purposes of computing the recomputed basis of such property the amount of the adjustments added back for periods before the distribution by the partnership shall be—

(i) The amount of the gain to which subsection (a) would have applied if such property had been sold by the partnership immediately before the distribution at its fair market value at such time, reduced by

(ii) The amount of such gain to which Section 17912 applied.

(c) The Franchise Tax Board shall prescribe such regulations as it may deem necessary to provide for adjustments to the basis of property to reflect gain recognized under subsection (a).

(d) This section shall apply notwithstanding any other provision of this part.

SEC. 21. Chapter 25 (consisting of Section 19500) of Part 10 of Division 2 of said code is repealed.

SEC. 22. This act provides for a tax levy within the meaning of Article IV of the Constitution, and shall go into effect immediately.

CHAPTER 2026

An act to add Section 9357.6 to the Government Code, relating to the Legislators' Retirement System.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 9357.6 is added to the Government Code, to read:

9357.6. Any person retired under this system on or before September 15, 1961, who prior to his retirement had rendered service as a Member of the Senate or Assembly for which he had not, prior to his retirement, contributed to the Legislators' Retirement Fund, may elect to contribute to the Legislators' Retirement Fund for each year or fraction thereof for which he desires to receive credit for service, four percent (4%) of the compensation received by him in respect to such service. Such contribution may be paid by lump sum payment or in installment payments over a period not in excess of the length of time for which the member has elected to receive credit for such service, at times and in a manner fixed by the board. Upon receipt by the board of the election to contribute for such service pursuant to this section the person shall be credited with the service for which he elects to contribute and his retirement allowance shall be adjusted in accordance therewith commencing on the first day of the month next succeeding that in which the election is received by the board.

Any eligible person who makes such an election shall also receive in one lump sum an amount equal to the difference between the total amount which he would have received from October 1, 1961, and the end of the month in which his election is received by the board had he elected to contribute for and receive credit in accordance with this section on September 15, 1961, and the total amount of the monthly retirement allowances he actually received during such period. Such lump sum

payment shall be made within 90 days after his election is received by the board.

Not later than 30 days after the effective date of this section, this system shall mail notice of the right to make the election authorized by this section to each person retired under this system by registered mail to the person's latest address on file in the office of this system. Any eligible person wishing to elect to contribute and receive credit pursuant to this section shall make the election in writing and shall transmit the written election to the board so that it is received by the board not later than 90 days after the date upon which the notice of the right to make the election is mailed by this system.

CHAPTER 2027

An act to amend Sections 4501, 4501.5, 4502, and 4503 of, and to add Section 4504 to, the Penal Code, relating to offenses of prisoners.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 4501 of the Penal Code is amended to read:

4501. Every person confined in a state prison of this State except one undergoing a life sentence who commits an assault upon the person of another with a deadly weapon or instrument, or by any means of force likely to produce great bodily injury, shall be guilty of a felony and shall be imprisoned in the state prison not less than one year.

SEC. 2. Section 4501.5 of said code is amended to read:

4501.5. Every person confined in a state prison of this State who commits a battery upon the person of any individual who is not himself a person confined therein shall be guilty of a felony and shall be imprisoned in the state prison not less than one year nor more than three years.

SEC. 3. Section 4502 of said code is amended to read:

4502. Every person confined in a state prison or who, while being conveyed to or from any state prison or while at any prison road camp, prison forestry camp, or other prison camps or prison farms or while being conveyed to or from any such place or while under the custody of prison officials, officers or employees, possesses or carries upon his person or has under his custody or control any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sandbag, or metal knuckles or any explosive substance or any dirk or dagger or sharp instrument, or any pistol, revolver or other firearm, is guilty of a felony and shall be punishable by

imprisonment in a state prison for a term not less than five (5) years.

SEC. 4. Section 4503 of said code is amended to read:

4503. Any person confined therein who holds as hostage any person within any prison or facility under the jurisdiction of the Director of Corrections, or who by force or threat of force holds any person or persons against their will in defiance of official orders within any such prison or facility, shall be guilty of a felony and shall be imprisoned in the state prison for a term not less than five years.

SEC. 5. Section 4504 is added to said code, to read:

4504. For purposes of this chapter a person is deemed "confined in" a prison although, at the time of the offense, he is temporarily outside its walls or bounds for the purpose of serving on a work detail or for the purpose of confinement in a local correctional institution pending trial or for any other purpose for which a prisoner may be allowed temporarily outside the walls or bounds of the prison, but a prisoner who has been released on parole is not deemed "confined in" a prison for purposes of this chapter.

CHAPTER 2028

An act to amend Section 27156 of, and to add Section 4000.1 and Chapter 6 (commencing with Section 28500) to Division 12 of, the Vehicle Code, relating to motor vehicle pollution control devices.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 4000.1 is added to the Vehicle Code, to read:

4000.1. (a) Effective December 1, 1963, the department shall require upon each registration, except as provided in subdivision (b), from the registered owner or a person applying to become the registered owner of any motor vehicle subject to registration under Chapter 3 (commencing with Section 24378) of Division 20 of the Health and Safety Code, a statement executed under penalty of perjury that such vehicle is equipped with the certified device or devices required by such chapter. The statement shall be made in the appropriate form provided by the department.

(b) The Motor Vehicle Pollution Control Board established under Chapter 3 (commencing with Section 24378) of Division 20 of the Health and Safety Code may exempt designated classifications of motor vehicles from the provisions of subdivision (a) as they deem necessary, and shall notify the department of such action.

(c) The provisions of this section affecting used motor vehicles shall not be operative in any county in which the board of supervisors adopts a resolution stating that they do not wish used motor vehicles in such county to be covered by provisions requiring certified devices on used motor vehicles.

(d) The Motor Vehicle Pollution Control Board shall inform the county clerk of each county of the provisions of subdivision (c) of this section and of the devices, and the cost factors of the devices, which have been certified for installation on used motor vehicles.

SEC. 2. Chapter 6 (commencing with Section 28500) is added to Division 12 of said code, to read:

CHAPTER 6. MOTOR VEHICLE POLLUTION CONTROL DEVICE INSTALLATION AND INSPECTION STATIONS

28500. No person shall operate a motor vehicle pollution control device installation and inspection station unless a license therefor has first been issued by the department.

28501. The department may designate, furnish instructions to, and supervise official installation and inspection stations for installing, repairing, inspecting, or recharging motor vehicle pollution control devices in conformity with the provisions of Chapter 3 (commencing with Section 24378) of Division 20 of the Health and Safety Code and the rules and regulations of the department. The department may prescribe the qualifications of a station as a condition to designating and licensing the station as an official motor vehicle pollution control device installation and inspection station and further may revoke such designation and license upon determining that the business of the station is improperly conducted.

28502. Any person may install a motor vehicle pollution control device, but no such device shall be deemed to meet the requirements of Chapter 3 (commencing with Section 24378) of Division 20 of the Health and Safety Code and the rules and regulations of the Motor Vehicle Pollution Control Board unless it has been inspected by a licensed motor vehicle pollution control device installation and inspection station and a certificate and sticker has been issued by such licensed station.

28503. Whenever an official licensed motor vehicle pollution control device installation and inspection station, in conformity with the instructions of the department, installs, inspects, repairs, or recharges a motor vehicle pollution control device, and determines that the device conforms with the requirements of Chapter 3 (commencing with Section 24378) of Division 20 of the Health and Safety Code and the rules and regulations of the Motor Vehicle Pollution Control Board, it shall issue to the owner or driver of the vehicle a certificate and sticker. The department, for a fee of 10 cents ($0.10), shall furnish to the official station the certificate and sticker to be issued.

The certificate shall contain provisions for the date of issuance, the make and registration number of the vehicle, the name of the owner of the vehicle, and the official designation of the station.

28504. The following fees shall be paid to the department for a motor vehicle pollution control device installation and inspection station license:

(a) For the original application for a license _____$10 00

(b) For the annual renewal of the license_____ $5.00

28505. (a) Every license issued pursuant to this chapter shall expire at midnight on the 31st day of December of each year and a new license may be obtained by the person to whom any such license was issued as provided in subdivision (b).

(b) Every application for the renewal of a license shall be made by the person to whom issued between November 1st and midnight of November 30th preceding the expiration date and shall be made by presenting the application form provided by the department and payment of the full annual renewal fee for such license.

28506. This chapter shall not be operative with respect to any county, and the department shall have no authority to designate, furnish instructions to, or supervise official installation and inspection stations in any county, unless the county is a county in which an air pollution control district may function and exercise its powers and unless and until:

(a) If the county is included within the boundaries of an air pollution control district created by special law to include two or more counties, the board of directors of the district, after a public hearing, by resolution, requests the department to exercise its powers under this chapter in the counties which are within such district.

(b) If the county is any other county in which an air pollution control district may function and exercise its powers, the board of supervisors of the county, after a public hearing, by resolution, requests the department to exercise its powers under this chapter in such county.

(c) At least once every two years the board of directors of a district or the board of supervisors of a county which has adopted a resolution under subdivision (a) or (b) of this section, shall review its action and, after a public hearing, by resolution either (1) request the continuance of the inspection program, or (2) if it finds that inspection is no longer required for the control of motor vehicle air pollution, request its discontinuance.

28507. This chapter shall not be operative with respect to any commercial vehicles which are regularly maintained on the premises of the owner of such vehicles, and motor pollution control devices may be installed upon any such vehicles without complying with the requirements of this chapter, if the owner has filed an affidavit with the department that such vehicles are being regularly maintained on the premises of the owner of the vehicles.

SEC. 3. Section 27156 of said code is amended to read:

27156. No motor vehicle which is required to be equipped with a certified motor vehicle pollution control device as a condition to registration under Chapter 3 (commencing with Section 24378) of Division 20 of the Health and Safety Code shall be operated or left standing upon any highway unless the motor vehicle is equipped with a certified motor vehicle pollution control device which is correctly installed and in operating condition. No such device shall be modified or altered in a manner which will decrease its efficiency or effectiveness in the control of air pollution.

CHAPTER 2029

An act to amend Section 5312 of the Business and Professions Code, and to amend Section 4006.6 of the Public Resources Code, and to amend Section 21635 of the Public Utilities Code, and to amend Section 5 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes of 1949), and to amend Section 5 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617, Statutes of 1951), and to amend Section 5 of the Contra Costa County Storm Drainage District Act (Chapter 1532, Statutes of 1953), and to amend Section 6 of the Del Norte Flood Control District Act (Chapter 166, Statutes of 1955), and to amend Section 6 of the Humboldt County Flood Control District Act (Chapter 939, Statutes of 1945), and to amend Section 5 of the Lake County Flood Control and Water Conservation District Act (Chapter 1544, Statutes of 1951), and to amend Section 5 of the Marin County Flood Control and Water Conservation District Act (Chapter 666, Statutes of 1953), and to amend Section 5 of the Monterey County Flood Control and Water Conservation District Act (Chapter 699, Statutes of 1947), and to amend Section 5 of the Napa County Flood Control and Water Conservation District Act (Chapter 1449, Statutes of 1951), and to amend Section 6 of the San Benito County Water Conservation and Flood Control District Act (Chapter 1598, Statutes of 1953), and to amend Section 5 of the San Joaquin Flood Control and Water Conservation District Act (Chapter 46, Statutes of 1956 (1st Ex. Sess.)), and to amend Section 5 of the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294, Statutes of 1945), and to amend Section 5 of the Santa Barbara County Flood Control and Water Conservation District Act (Chapter 1057, Statutes of 1955), and to amend Section 5 of the Santa Clara County

Flood Control and Water Conservation District Act (Chapter 1405, Statutes of 1951), relating to liability of public officers, agents and employees for entry on property.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 5312 of the Business and Professions Code is amended to read:

5312. The director may revoke any license or permit for the failure to comply with the provisions of this chapter and may remove and destroy any advertising display placed or maintained in violation of this chapter after 10 days' written notice posted on such structure or sign and a copy forwarded by mail to the display owner at his last known address.

Notwithstanding any other provision of this chapter the director or any authorized employee may summarily and without notice remove and destroy any advertising display placed in violation of this chapter which is temporary in nature because of the materials of which it is constructed or because of the nature of the copy thereon.

For the purpose of removing or destroying any advertising display placed in violation of the provisions of this chapter, the director or his authorized agent may enter upon private property.

SEC. 2. Section 4006.6 of the Public Resources Code is amended to read:

4006.6. Whenever it is shown that impaired, burned, and denuded watershed lands may impose an imminent threat of disaster to the public health, safety and welfare from flood and erosion, the Director of Natural Resources may order the execution of surveys, work and contracts to fulfill the purposes of Section 4006.5, and may request the assistance of other state, local and federal government agencies therefor.

The Director of Natural Resources or his delegated representatives may enter upon, perform required work upon and inspect lands for the purposes specified in this section.

SEC. 3. Section 21635 of the Public Utilities Code is amended to read:

21635. In the condemnation of property, the division shall proceed in the name of the State in the manner provided by the Code of Civil Procedure. For the purpose of making surveys and examinations relative to any condemnation proceedings, it is lawful to enter upon any land. The power of the division, by condemnation, to acquire or require the relocation of any railway, highway, main, pipe, conduit, wires, cables, poles, and all other facilities and equipment or other property held for or devoted to a public use shall be exercised only after the court in which the condemnation proceedings are pending finds that the taking or relocation for the public use of the division is of greater public necessity than the public use for

which the property is presently held or used. The court may fix the terms and conditions for the enjoyment of a right of common use, in lieu of taking or relocation, as it determines will best suit the public interest and necessity.

SEC. 4. Section 5 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes of 1949) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.
2. To sue and be sued in the name of said district.
3. To adopt a seal.
4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.
5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; to commence, maintain, intervene in, defend or compromise, in the name of the district, or otherwise, and to assume the costs and expenses of, any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that

said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interest of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, harbors, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district, and to prevent waste of water or diminution of the water supply in, or exportation of water from said district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district; provided, that nothing in this act contained shall authorize the carrying out of any plan of improvement, the purpose of which is, or the effect of which will be, to take water which flows in any watershed in said district and transport or sell same for use anywhere outside of the district when the water level of any gravel beds within the district is below the normal level and such water could reasonably be used to replenish the water level of said gravel beds; provided further, that none of the provisions of this act shall preclude the exercise by any other political subdivision that may now or hereafter exist, wholly or in part, within the district from exercising its powers, although such powers may be of the same nature as the powers of said district. Any such other political subdivision may, by written agreement with the district, provide for the use, or joint use, of property or facilities in which any such other political subdivision has an interest, or for the use, or joint use, of property or facilities in which said district has an interest.

7. To co-operate, and to act in conjunction with or contribute funds to, the United States or the State of California or any of their engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Alameda, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8 To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses, studies, and inspections pertaining to water supply, water rights, control of floods and use of water, both within and without said district, and for such purposes said district shall

have the right of access through its authorized representatives to all properties within said district. The district, through its authorized representatives may enter upon such lands and make examinations, surveys, and maps thereof.

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with or necessary to comply with an act of authorization of the United States, or any state, county, district of any kind, or necessary and proper for the performance of any agreement with any public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Alameda County Flood Control and Water Conservation District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Alameda County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof by this act.

13. To exercise the right of eminent domain, either within or without said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to any public use by any district or other public corporation, or agency, or otherwise; provided, however, that the district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location; and provided further, that notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated; and provided further, that no right shall exist in said district to take by proceedings in eminent domain any property, including water rights, appropriated to public use by any existing city and county or municipal utility district. The district shall also have and may exercise the right to condemn any existing works or improvements in said district or along streams flowing into said district now or hereafter used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district or along streams flowing into said district from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights-of-way, easements, or materials which may be condemned, taken or appropriated under the provision of this act is a public use subject to the regulation and control of the State in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein unless compensation therefor be first provided in the manner prescribed by law.

The power of eminent domain vested in the district shall include the power to condemn in the name of the district either the fee simple or any lesser estate, easement, or interest in any real property which the board of supervisors of the dis-

trict by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be prima facie evidence that the taking of such fee simple or any lesser estate or easement or interest as the case may be, is necessary

Whenever real property which is devoted to or held for some other public or quasi-public use is required by the district for any purpose authorized by this act, the district may condemn real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property so required by the district.

Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing city and county or municipal utility district to provide for a water supply for such city and county or municipal utility district, or as affecting the absolute control of any properties of such city and county or municipal utility district necessary for such water supply and nothing herein contained shall be construed as vesting any power of control over such properties in such Alameda County Flood Control and Water Conservation District or in any officer thereof, or in any person referred to in this act.

No action in eminent domain to acquire water rights outside the boundaries of the County of Alameda shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

14. To plan, improve, operate, maintain, and keep in a sanitary condition, a system of public parks, playgrounds, beaches, swimming areas and other facilities for public recreation, for the use and enjoyment of all inhabitants of the district, as an incident to the carrying out of the projects of the district and on land acquired or used for the flood control, drainage and water conservation purposes of this act; to construct, maintain, and operate any other amusement or recreational facilities on such lands, including picnic benches and tables, bathhouses, golf courses, tennis courts, or other special amusements and forms of recreation; to fix and collect reasonable fees for the use by the public of any such special facilities, services or equipment; and to adopt such rules and regulations as in the discretion of the board are necessary to the orderly operation and control of the use by the public of such lands and facilities for recreational purposes; provided, however, that the board shall not, for the purposes specified in this subdivision, interfere with control or operation of any existing public park, playground, beach, swimming area, parkway, recreational ground, or other public property, owned or controlled by any other district or municipality, except with the consent of the governing body of such district or municipality, and upon terms as may be mutually agreed upon between the board and the governing body.

15. The powers hereinabove granted shall include the design, construction, or maintenance of any levees, seawalls,

groins, breakwaters, jetties, outlets, channels, harbors, basins, or other work pertaining thereto, in such manner as to render them adaptable and useful to shoreline, beach, harbor, navigation, park or marina development or use, and to do such work in co-operation with any other public or quasi-public agency or corporation concerned with such development or use.

16. To establish and maintain building setback lines along the banks of any river, creek, stream or other waterway, in any case where the board determines that such setback line is necessary for any of the following reasons:

(a) To prevent impediment of the natural flow of water;

(b) To protect life and property;

(c) To prevent damage from flooding, bank caving, or erosion;

(d) To prevent the pollution of waters.

SEC. 5. Section 5 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617, Statutes of 1951) is amended to read:

Sec. 5 The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of said district.

3. To adopt a seal.

4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights of way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; to commence, maintain, intervene in, defend or compromise, in the name of the district, or otherwise, and to assume the costs and expenses of, any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and

to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interest of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, harbors, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district, and to prevent waste of water or diminution of the water supply in, or exportation of water from said district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district; provided, that nothing in this act contained shall authorize the carrying out of any plan of improvement, the purpose of which is, or the effect of which will be, to take water which flows in any watershed in said district and transport or sell same for use anywhere outside of the district when the water level of any gravel beds within the district is below the normal level and such water could reasonably be used to replenish the water level of said gravel beds; provided further, that none of the provisions of this act shall preclude the exercise by any other political subdivision that may now or hereafter exist, wholly or in part, within the district from exercising its powers, although such powers may be of the same nature as the powers of said district. Any such other political subdivision may, by written agreement with the district, provide for the use, or joint use, of property or facilities in which any such other political subdivision has an interest, or for the use, or joint use, of property or facilities in which said district has an interest.

7. To co-operate and to act in conjunction with the State of California or any of its engineers, officers, boards, commis-

sions, departments, or agencies, the United States of America, or any federal department or agency, or with any public or private corporation, or with the County of Contra Costa or adjacent counties, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses, studies, and inspections pertaining to water supply, water rights, control of floods and use of water, both within and without said district, and for such purposes said district shall have the right of access through its authorized representatives to all properties within said district. The district, through its authorized representatives may enter upon such lands and make examinations, surveys, and maps thereof.

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by the district; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to

store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the district, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement.

10. To incure indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof by this act.

13. To exercise the right of eminent domain, either within or without said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to any public use by any district or other public corporation, or agency, or otherwise; provided, however, that the district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location; and provided further, that notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated; and provided further, that no right shall exist in said district to take by proceedings in eminent domain any property, including water rights, appropriated to public use by any existing city and county or municipal utility district. The district shall also have and may exercise the right to condemn any existing works or improvements in said district or along streams flowing into said district now or hereafter used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district or along streams flowing into said district from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights-of-way, easements, or materials which may be con-

demned, taken or appropriated under the provision of this act is a public use subject to the regulation and control of the State in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein unless compensation therefor be first provided in the manner prescribed by law.

The power of eminent domain vested in the district shall include the power to condemn in the name of the district either the fee simple or any lesser estate, easement, or interest in any real property which the board of supervisors of the district by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be prima facie evidence that the taking of such fee simple or any lesser estate or easement or interest as the case may be, is necessary.

Whenever real property which is devoted to or held for some other public or quasi-public use is required by the district for any purpose authorized by this act, the district may condemn real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property so required by the district.

Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing city and county or municipal utility district to provide for a water supply for such city and county or municipal utility district, or as affecting the absolute control of any properties of such city and county or municipal utility district necessary for such water supply and nothing herein contained shall be construed as vesting any power of control over such properties in such Contra Costa County Flood Control and Water Conservation District or in any officer thereof, or in any person referred to in this act.

14. To make contracts with the County of Contra Costa, and to employ labor for the purpose of doing flood control work and for inspecting and passing upon the adequacy of drainage plans provided for each proposed new subdivision in the County of Contra Costa.

15. To construct, accept, maintain, repair, or otherwise improve structures or channels for any purpose, in whole or in part, related to the purposes and powers of the district, or perform any act necessary or incidental to the complete exercise and effect of any of its powers.

SEC. 6. Section 5 of the Contra Costa County Storm Drainage District Act (Chapter 1532, Statutes of 1953) is amended to read:

SEC. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. To adopt a seal and alter it at pleasure.

4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and necessary to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To install and maintain any or all works of or useful to carrying out the purposes of this act. Such installation or maintenance may include any or all of the following work: the placing, replacing, installation, cleaning, repairing, renewal, widening, straightening, deepening or otherwise improving storm drain structures, watercourses or drainage channels, whether in existence or not, and the installation of appurtenant structures when necessary for the adequate functioning of such drainage facilities.

6. To carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to the installation or maintenance of storm drains, and in all cases where land may be required for public use by said district, the district, or its agents in charge of such use, shall have the right of access to all properties within the district and elsewhere relating to the installation or maintenance of storm drains within the district and may survey and locate the same; but such must be located in a manner which will be most compatible with the greatest public good and the least private injury. The district, or its agents in charge of such public use, may enter upon such lands and make examinations, surveys, and maps thereof.

7. To enter upon any land, to make surveys and locate the necessary works of improvements and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, and all necessary appurtenances; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind

which might be lawfully acquired or owned by Contra Costa County Storm Drainage District; to co-operate with, and to act in conjunction with, the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for use within said district, or in any other work, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. To incur indebtedness and to issue bonds in the manner herein provided.

9. To cause assessments to be levied and collected for the purpose of paying any obligation of the zones established hereunder, and to carry out any of the purposes of this act, in the manner hereinafter provided.

10. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act.

SEC. 7. Section 6 of the Del Norte Flood Control District Act (Chapter 166, Statutes of 1955) is amended to read:

Sec. 6. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. To adopt a seal and alter it at pleasure.

4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter, and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; to commence, maintain, intervene in, and compromise, in the name of the district, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or

without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in or flowing into the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district, and the watercourses and watersheds outside of the district of streams flowing into the district.

7. To co-operate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Del Norte, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or for the purpose of controlling or abating mosquitoes within said district or for other purposes of sanitation therein, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. To carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and

without said district relating to watercourses of streams flowing in or into said district, and in all cases where land may be required for public use by said district, the district, or its agents in charge of such use, shall have the right of access to all properties within the district and elsewhere relating to watercourses and streams flowing in or into said district and may survey and locate the same; but such must be located in the manner which will be most compatible with the greatest public good and the least private injury. The district, or its agents in charge of such public use may enter upon such lands and make examinations, surveys, and maps thereof.

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold in the name of the State, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair, or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Del Norte County Flood Control District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or indi-

vidual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Del Norte County Flood Control District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement; to co-operate with, and to act in conjunction with, the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for the controlling of flood or storm waters of streams in or running into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act.

SEC. 8. Section 6 of the Humboldt County Flood Control District Act (Chapter 939, Statutes of 1945) is amended to read:

Sec. 6. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. To adopt a seal and alter it at pleasure.

4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter, and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To furnish water for any of the purposes herein authorized and to construct all necessary facilities to distribute such water. To store water in surface or underground reservoirs

within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose of the district; to commence, maintain, intervene in, and compromise, in the name of the district, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in or flowing into the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district, and the watercourses and watersheds outside of the district of streams flowing into the district.

7. To co-operate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Humboldt, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection

of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. To carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said district relating to watercourses of streams flowing in or into said district, and in all cases where land may be required for public use by said district, the district, or its agents in charge of such use, shall have the right of access to all properties within the district and elsewhere relating to watercourses and streams flowing in or into said district and may survey and locate the same; but such must be located in the manner which will be most compatible with the greatest public good and the least private injury. The district, or its agents in charge of such public use may enter upon such lands and make examinations, surveys, and maps thereof.

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold in the name of the State, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Humboldt County Flood Control District; to acquire the right to store water in any reservoirs, or to carry water through any

canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Humboldt County Flood Control District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement; to co-operate with, and to act in conjunction with, the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for the controlling of flood or storm waters of streams in or running into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

10. To incur indebtedness and to issue bonds in the manner herein provided, including, but not limited to, the issuance of bonds on a district-wide or zone basis, the proceeds to be used for the works necessary to obtain, store, supply, and distribute water to the inhabitants of the district for any purposes herein authorized.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act.

SEC. 9. Section 5 of the Lake County Flood Control and Water Conservation District Act (Chapter 1544, Statutes of 1951) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of said district.

3. To adopt a seal.

4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use,

enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, water and water rights, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To conserve all waters within said district, and to control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the flood waters thereof, flow into said district, and protect from damage from such flood or storm waters the watercourses, watersheds, harbors, public highways, life and property in said district, and the water courses outside of the district of streams flowing into the district, and to develop waters within or without said district for domestic, irrigation, industrial and recreational uses, and to construct works therefor, including works for the storage and delivery of water; provided further, that none of the provisions of this act shall preclude the exercise by any other political subdivision that may now or hereafter exist, wholly or in part, within the district from exercising its powers, although such powers may be of the same nature as the powers of said district. Any such other political subdivision may, by written agreement with the district, provide for the use, or joint use, of property or facilities in which any such other political subdivision has an interest, or for the use, or joint use, of property or facilities in which said district has an interest.

6. To co-operate and to act in conjunction with the federal government, the State of California, or any of their engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Lake or adjacent counties, or with any other agencies, in the construction of any work for the storage or delivery of all waters within or without the district for domestic, irrigation, industrial and recreational uses and for the conservation of waters within said district, for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein.

7. To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses, studies, and inspections pertaining to the beneficial use of waters within or without the district, including domestic, irrigation, industrial and recreational uses and to the conservation of water and to the control of floods both within and without said district, and for such purposes said district shall have the right of access through its authorized representatives to all properties within said district. The district, through its authorized

representatives may enter upon such lands and make examinations, surveys, and maps thereof.

8. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by the district.

9. To incur indebtedness and to issue bonds in the manner herein provided.

10. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

11. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof by this act.

12. To exercise the right of eminent domain, either within or without said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to any public use by any district or other public corporation, or agency, or otherwise; provided, however, that the district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location; and provided further, that notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated. The district shall also have and may exercise the right to condemn any existing works or improvements in said district or along streams flowing into said district now or hereafter used to control flood or storm waters, or to protect any property in said district or along streams flowing into said district from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights-of-way, easements, or materials which may be condemned, taken or appro-

priated under the provisions of this act is a public use subject to the regulation and control of the State in the manner prescribed by law.

The power of eminent domain vested in the district shall include the power to condemn in the name of the district either the fee simple or any lesser estate, easement, or interest in any real property which the board of supervisors of the district by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be prima facie evidence that the taking of such fee simple or any lesser estate or easement or interest as the case may be, is necessary.

Whenever real property which is devoted to or held for some other public or quasi-public use is required by the district for any purpose authorized by this act, the district may condemn real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property so required by the district.

The district shall not condemn property outside the County of Lake unless the consent of the governing board of the county, in which the property to be condemned is located, has first been obtained.

Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing city and county or municipal utility district to provide for a water supply for such city and county or municipal utility district, or as affecting the absolute control of any properties of such city and county or municipal utility district necessary for such water supply and nothing herein contained shall be construed as vesting any power of control over such properties in such Lake County Flood Control and Water Conservation District or in any officer thereof, or in any person referred to in this act.

13. To provide for the operation and maintenance of any works of any kind or channelways, which may be built or operated by the State of California or the federal government without cost to the district, for the control or disposition of flood and storm waters within the district whether such waters originate within or without the district.

14. To contract with the County of Lake, because of the interest of the County of Lake in the general welfare and preservation and promotion of land values in the county and in the maintenance, construction and improvement of public roads, bridges and other county property within any zone which may be damaged or destroyed by such flood and storm waters and which will be protected by proper control and disposition of such waters, for the participation by such county, on a percentage or other appropriate basis, in the amount or amounts that may be taxed or assessed from time to time against any lands in any zone by any taxing or assessing agency or authority, including the district, to provide funds for the operation and maintenance of any works of any kind

or channelways which may be built, maintained or operated by the State of California or the federal government or the district for the benefit of such zone; and the County of Lake is hereby authorized to enter into any such contract with the Lake County Flood Control and Water Conservation District.

15. To levy assessments in any zone, on the basis of benefits as provided in Section 13.1 hereof, to raise funds for payment of expenses of operation and maintenance of works or channelways in any such zone and the cost of levying, calling and collecting such assessments.

SEC. 10. Section 5 of the Marin County Flood Control and Water Conservation District Act (Chapter 666, Statutes of 1953) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of said district.

3. To adopt a seal.

4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; to commence, maintain, intervene in, defend or compromise, in the name of the district, or otherwise, and to assume the costs and expenses of, any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within

the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interest of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, harbors, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district, and to prevent waste of water or diminution of the water supply in, or exportation of water from said district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district; provided, that nothing in this act contained shall authorize the carrying out of any plan of improvement, the purpose of which is, or the effect of which will be to take water which flows in any watershed in said district and transport or sell same for use anywhere outside of the district when the water level of any gravel beds within the district is below the normal level and such water could reasonably be used to replenish the water level of said gravel beds; provided further, that none of the provisions of this act shall preclude the exercise by any other political subdivision that may now or hereafter exist, wholly or in part, within the district from exercising its powers, although such powers may be of the same nature as the powers of said district. Any such other political subdivision may, by written agreement with the district, provide for the use, or joint use, of property or facilities in which any such other political subdivision has an interest, or for the use, or joint use, of property or facilities in which said district has an interest.

7. To co-operate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies or with the government of the United States, or with any municipality, public district or other public or private corporation or with the County of Marin, in the construction of any work for the controlling of

flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses, studies, and inspections pertaining to water supply, water rights, control of floods and use of water, both within and without said district, and for such purposes said district shall have the right of access through its authorized representatives to all properties within said district. The district, through its authorized representatives may enter upon such lands and make examinations, surveys, and maps thereof.

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses to acquire and to hold, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Marin County Flood Control and Water Conservation District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the per-

formance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual, of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Marin County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof by this act.

13. To exercise the right of eminent domain, within or without said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to any public use by any district or other public corporation, or agency, or otherwise; provided, however, that the district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location; and provided further, that notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated; and provided further, that no right shall exist in said district to take by proceedings in eminent domain any property, including water rights, appropriated to public use by any existing city and county or public district. The district shall also have and may exercise the right to condemn any existing works or improvements in said district or along streams flowing into said district now or hereafter used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district or along streams flowing into said district from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights-of-way, easements, or materials which may be condemned, taken or appropriated under the provision of this act is a public use subject to the regulation and control of the

State in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein unless compensation therefor be first provided in the manner prescribed by law.

The power of eminent domain vested in the district shall include the power to condemn in the name of the district either the fee simple or any lesser estate, easement, or interest in any real property which the board of supervisors of the district by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be prima facie evidence that the taking of such fee simple or any lesser estate or easement or interest as the case may be, is necessary.

Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing city and county or public district to provide for a water supply for such city and county or public district, or as affecting the absolute control of any properties of such city and county or public district necessary for such water supply and nothing herein contained shall be construed as vesting any power of control over such properties in Marin County Flood Control and Water Conservation District or in any officer thereof, or in any person referred to in this act.

SEC. 11. Section 5 of the Monterey County Flood Control and Water Conservation District Act (Chapter 699, Statutes of 1947) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. To adopt a seal and alter it at pleasure.

4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district;

to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; to commence, maintain, intervene in, defend or compromise, in the name of the district in behalf of the landowners therein, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district.

7. To co-operate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Monterey, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other

works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. To carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said district relating to watercourses or streams flowing in or into said district, and in all cases where land may be required for public use by said district, the district, or its agents in charge of such use, shall have the right of access to all properties within the district and elsewhere relating to watercourses and streams flowing in or into said district and may survey and locate the same; but such must be located in a manner which will be most compatible with the greatest public good and the least private injury. The district, or its agents in charge of such public use may enter upon such lands and make examinations, surveys, and maps thereof.

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold in the name of the State, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Monterey County Flood Control and Water Conservation District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the

right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Monterey County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement; to co-operate with, and to act in conjunction with, the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for controlling flood or storm waters of streams in or running into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act.

SEC. 12. Section 5 of the Napa County Flood Control and Water Conservation District Act (Chapter 1449, Statutes of 1951) is amended to read:

SEC. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. To adopt a seal and alter it at pleasure.

4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain,

alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; and to do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the district, including but not limited to, the acquisition, storage and distribution of water for irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses; to distribute, sell, or otherwise dispose of, outside the district, any waters not needed for beneficial uses within the district; to commence, maintain, intervene in, defend or compromise, in the name of the district in behalf of the landowners therein, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the

flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district.

7. To co-operate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Napa, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. To carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said district relating to watercourses or streams flowing in or into said district, and in all cases where land may be required for public use by said district, the district, or its agents in charge of such use, shall have the right of access to all properties within the district and elsewhere relating to watercourses and streams flowing in or into said district and may survey and locate the same; but such must be located in a manner which will be most compatible with the greatest public good and the least private injury. The district, or its agents in charge of such public use may enter upon such lands and make examinations, surveys, and maps thereof.

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold in the name of the State, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply re-

quired by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Napa County Flood Control and Water Conservation District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch, or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Napa County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement; to cooperate with, and to act in conjunction with, the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for controlling flood or storm waters of streams in or running into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act.

SEC. 13. Section 6 of the San Benito County Water Conservation and Flood Control District Act (Chapter 1598, Statutes of 1953) is amended to read:

Sec. 6. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. To adopt a seal and alter it at pleasure.

4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and necessary to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To store water in surface or underground reservoirs, within or outside of the district for the benefit of any zone or zones of the district affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; and to do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the district, including but not limited to, the acquisition, storage and distribution of water for irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses; to distribute, sell, or otherwise dispose of, any waters not needed for beneficial uses within the district; to prevent unlawful exportation of water from said district; to commence, maintain, intervene in, defend or compromise, in the name of the district, in behalf of the landowners therein, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the

owners of lands or water rights which do not affect the interests of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district.

7. To co-operate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public district, or with any public or private corporation, or with any city, city and county, or county, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of importing waters for beneficial use into said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. To carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said district relating to watercourses or streams flowing in or into said district, and in all cases where land may be required for public use by said district, the district, or its agents in charge of such use, shall have the right of access to all properties within the district and elsewhere relating to watercourses and streams flowing in or into said district and may survey and locate the same; but such must be located in a manner which will be most compatible with the greatest public good and the least private injury. The district, or its agents in charge of such public use may enter upon such lands and make examinations, surveys, and maps thereof.

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of

necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold in the name of the State, capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said San Benito County Water Conservation and Flood Control District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the San Benito County Water Conservation and Flood Control District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement; to co-operate with, and to act in conjunction with, the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for controlling flood or storm waters of streams in or running into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes to be levied and collected for the purpose of paying any obligation of the zones established hereunder, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act.

SEC. 14. Section 5 of the San Joaquin Flood Control and Water Conservation District Act (Chapter 46, Statutes of 1956 (1st Ex. Sess.)) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of said district.

3. To adopt a seal.

4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for present and future use within the district; to commence, maintain, intervene in, defend or compromise, in the name of the district, or otherwise, and to assume the costs and expenses of, any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit

for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interest of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, harbors, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district, and to prevent waste of water or diminution of the water supply in, or exportation of water from said district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district; provided, that nothing in this act contained shall authorize the carrying out of any plan of improvement, the purpose of which is, or the effect of which will be, to take water which flows in any watershed in said district and transport or sell same for use anywhere outside of the district when the water level of any gravel beds within the district is below the normal level and such water could reasonably be used to replenish the water level of said gravel beds; provided further, that none of the provisions of this act shall preclude the exercise by any other political subdivision that may now or hereafter exist, wholly or in part, within the district from exercising its powers, although such powers may be of the same nature as the powers of said district. Any such other political subdivision which owns property or facilities of a type that may be owned by the district may, by written agreement with the district, provide for the use, or joint use, of such property or facilities, or for the use or joint use, of property or facilities in which said district has an interest.

7. To co-operate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public district, or with any public or private corporation, or with any city, city and county, or county, in the construction of any works for the controlling of flood or storm waters of or flowing into said district or for the protection of life or property therein, or for

the purpose of conserving any waters whatsoever for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses, studies, and inspections pertaining to water supply, water rights, control of floods and use of water, both within and without said district, and for such purposes said district shall have the right of access through its authorized representatives to all properties within said district. The district, through its authorized representatives, may enter upon such lands and make examinations, surveys, and maps thereof.

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by the district; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery

to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the district, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof by this act.

13. To exercise the right of eminent domain within said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to any public use by any district or other public corporation, or agency, or otherwise; provided, however, that the district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location; and provided further, that, notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated; and provided further, that no right shall exist in said district to take by proceedings in eminent domain any property, including water rights, appropriated to public use by any existing city and county or municipal utility district. The district shall also have and may exercise the right to condemn any existing works or improvements in said district or along streams flowing into said district now or hereafter used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district or along streams flowing into said district from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights-of-way, easements, or materials which may be condemned, taken or appropriated under the provision of this act is a public use subject to the regulation and control of the State in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, or the

waters thereof or therein unless compensation therefor be first provided in the manner prescribed by law.

The power of eminent domain vested in the district shall include the power to condemn in the name of the district either the fee simple or any lesser estate, easement, or interest in any real property which the board of supervisors of the district by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be prima facie evidence that the taking of such fee simple or any lesser estate or easement or interest, as the case may be, is necessary.

Whenever real property which is devoted to or held for some other public or quasi-public use is required by the district for any purpose authorized by this act, the district may condemn real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property so required by the district.

Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing city and county or municipal utility district to provide for a water supply for such city and county or municipal utility district, or as affecting the absolute control of any properties of such city and county or municipal utility district necessary for such water supply and nothing herein contained shall be construed as vesting any power of control over such properties in such San Joaquin County Flood Control and Water Conservation District or in any officer thereof, or in any person referred to in this act.

14. To make contracts with the County of San Joaquin, and to employ labor for the purpose of doing flood control work and for inspecting and passing upon the adequacy of drainage plans provided for each proposed new subdivision in the County of San Joaquin.

15. To purchase, or to contract for the purpose of purchasing, water, from the United States, or any of its agencies, from the State, or any of its agencies, from any other public district, agency or organization, from any private firm, corporation, entity, or organization, or from any person.

16. To have power to co-operate and contract with the United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting co-operation or contract for the purposes of contracting works, whether for irrigation, drainage, or flood control, or for the acquisition, purchase, extension, operation, or maintenance of such works, or for a water supply for any purposes, or for the assumption as principal or guarantor of indebtedness to the United States, or for carrying out any of the purposes of the district, and to carry out and perform the terms of any contract so made.

17. To sell or distribute, and to contract for such sale or distribution water to any person, firm, corporation, entity, or

organization within the district, whether sold or distributed for consumption or for resale or redistribution; provided that the district shall have no power to sell or distribute or to contract for such sale or distribution of, water for use on any lands within any county water district, reclamation district, irrigation district, water conservation district, protection district, municipality, flood control district, or other district or political subdivision of the State now or hereafter established, in or partially within, the limits of the district, which is empowered to deliver water to water users, without either contracting with such entity or without the express written permission of the governing body of such entity.

18. To establish tolls or charges for any water sold or distributed by it.

19 To levy assessments to pay the costs of acquiring and distributing any water in any water conservation zones which are benefited.

SEC. 15. Section 5 of the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294, Statutes of 1945) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1 To have perpetual succession.

2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3 To adopt a seal and alter it at pleasure.

4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; to commence, maintain, intervene in, and compromise, in the name of the district, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without

the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district.

7. To co-operate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of San Luis Obispo, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. To carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said district relating to watercourses of streams flow-

ing in or into said district, and in all cases where land may be required for public use by said district, the district, or its agents in charge of such use, shall have the right of access to all properties within the district and elsewhere relating to watercourses and streams flowing in or into said district and may survey and locate the same; but such must be located in the manner which will be most compatible with the greatest public good and the least private injury. The district, or its agents in charge of such public use may enter upon such lands and make examinations, surveys, and maps thereof.

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold in the name of the State, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said San Luis Obispo County Flood Control and Water Conservation District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured,

for the use of the San Luis Obispo County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement; to cooperate with, and to act in conjunction with, the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for the controlling flood or storm waters of streams in or running into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11 To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act.

SEC. 16. Section 5 of the Santa Barbara County Flood Control and Water Conservation District Act (Chapter 1057, Statutes of 1955) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of said district.

3. To adopt a seal.

4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters thereof flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading,

storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, harbors, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district, and to prevent waste of water or diminution of the water supply in, or exportation of water from said district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district; provided, that nothing in this act contained shall authorize the carrying out of any plan of improvement, the purpose of which is, or the effect of which will be, to take water which flows in any watershed in said district and transport or sell same for use anywhere outside of the district when the water level of any gravel beds within the district is below the normal level and such water could reasonably be used to replenish the water level of said gravel beds; provided further, that none of the provisions of this act shall preclude the exercise by any other political subdivision that may now or hereafter exist, wholly or in part, within the district from exercising its powers, although such powers may be of the same nature as the powers of said district. Any such other political subdivision may, by written agreement with the district, provide for the use, or joint use, of property or facilities in which any such other political subdivision has an interest, or for the use, or joint use, of property or facilities in which said district has an interest.

6. To co-operate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Santa Barbara, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

7. To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses, studies, and inspections pertaining to water supply, water rights, control of storm waters and floods and use of water, both within and without said district, and for such purposes said district shall have the right of access through its authorized representatives to all properties within said district. The district, through its authorized representatives, may enter upon such lands and make examinations, surveys, and maps thereof.

8. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way;

to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances; to enter into contracts and agreements with, and do any acts necessary or proper for the performance of any such contracts and agreements with the United States, or any state, county, district of any kind, public or private or municipal corporation, association, firm, or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by the district; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the district or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water or water supply to be delivered to said district by the other party to said agreement.

9. To incur indebtedness and to issue bonds in the manner herein provided.

10. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

11. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof by this act.

12. To exercise the right of eminent domain, either within or without said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to any public use by any district or other public corporation, or agency, or otherwise; provided, however, that the district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of

any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location; and provided further, that notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated; and provided further, that no right shall exist in said district to take by proceedings in eminent domain any property, including water rights, appropriated to public use by any existing city and county or municipal utility district. The district shall also have and may exercise the right to condemn any existing works or improvements in said district or along streams flowing into said district now or hereafter used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district or along streams flowing into said district from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights-of-way, easements, or materials which may be condemned, taken or appropriated under the provisions of this act is a public use subject to the regulation and control of the State in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein unless compensation therefor be first provided in the manner prescribed by law.

The power of eminent domain vested in the district shall include the power to condemn in the name of the district either the fee simple or any lesser estate, easement, or interest in any real property which the board of directors of the district by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be prima facie evidence that the taking of such fee simple or any lesser estate or easement or interest as the case may be, is necessary.

Whenever real property which is devoted to or held for some other public or quasi-public use is required by the district for any purpose authorized by this act, the district may condemn real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property so required by the district.

Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing city and county or municipal utility district or other district or public agency to provide for a water supply for such city and county or municipal utility district, or as affecting the absolute control of any properties of such city and county or municipal utility district necessary for such water supply and nothing herein contained shall be construed as vesting any power of control over such properties in such Santa Barbara County

Flood Control and Water Conservation District or in any officer thereof, or in any person referred to in this act.

13. To make contracts with the County of Santa Barbara and with municipalities and public agencies, and to employ labor for the purpose of doing flood control work and for inspecting and passing upon the adequacy of drainage plans provided for each proposed new subdivision in the County of Santa Barbara.

SEC. 17. Section 5 of the Santa Clara County Flood Control and Water Conservation District Act (Chapter 1405, Statutes of 1951) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. To adopt a seal and alter it at pleasure.

4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; and to do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the district, including but not limited to, the acquisition, storage and distribution of water for irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses; to distribute, sell, or otherwise dispose of, outside the district, any waters not needed for beneficial uses within the district; to commence, maintain, intervene in, defend or compromise, in the name of the district in behalf of the landowners therein, or otherwise, and to as-

sume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district.

7. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold in the name of the State, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, water works, franchises, concessions, or rights, when

the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to co-operate with, act in conjunction with, enter into and to do any acts necessary for the proper performance of any agreement with the State of California, or any of its engineers, officers, boards, commissions, departments, or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments, or agencies, or with any state, city and county, city, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the ownership, joint acquisition, leasing, disposition, use, management, construction, installation, extension, maintenance, repair, or operation of any rights, works, or other property of a kind which might lawfully be acquired or owned by the Santa Clara County Flood Control and Water Conservation District or for the lawful performance of any power or purpose of said district provided for in this act including, but not limited to, the granting of the right to the use of any water or the right to store such water in any reservoir of the district or to carrying such water through any tunnel, canal, ditch or conduit of the district or for the delivery, sale, or exchange of any water right, water supply or water pumped, stored, appropriated or otherwise acquired or secured for the use of said district, or for controlling drainage waters, or flood or storm waters of streams in or running into said district, or for the protection of life or property therein, or for the purpose of conserving any waters for the beneficial use within said district, or in any other works, uses, or purposes provided for in this act and to adopt and carry out any definite plan or system for accomplishing, facilitating and/or financing all work which may lawfully be accomplished by the Santa Clara County Flood Control and Water Conservation District and to enforce said plan or system by resolution or ordinance.

8. To carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said district relating to watercourses or streams flowing in or into said district, and in all cases where land may be required for public use by said district, the district, or its agents in charge of such use, shall have the right of access to all properties within the district and elsewhere relating to watercourses and streams flowing in or into said district and

may survey and locate the same; but such must be located in a manner which will be most compatible with the greatest public good and the least private injury. The district, or its agents in charge of such public use may enter upon such lands and make examinations, surveys, and maps thereof.

9. To prescribe, revise and collect fees and charges for facilities furnished or to be furnished to any new building, improvement or structure by the use of any flood control or storm drainage system constructed or to be constructed in a zone of the district, and whenever a drainage or flood control problem is referred to the district by the County of Santa Clara, or any incorporated city therein, to require the installation of drainage or flood control improvements necessary and/or convenient for needs of the zone, including but not limited to, residential, subdivision, commercial and industrial drainage and flood control needs, said county and cities being hereby authorized to refer all drainage and flood control problems, arising under the Subdivision Map Act or otherwise, to the Santa Clara County Flood Control and Water Conservation District for solution. Revenues derived under this section shall be used for the acquisition, construction, reconstruction, maintenance and operation of the flood control or storm drainage facilities of the said zone, to reduce the principal or interest of any bonded indebtedness thereof, or to replace funds expended on behalf of said zone derived from the fund created under authority of Section 13, subdivision 1.

10. To incur indebtedness, and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act.

13. To have the power and right to disseminate information concerning the rights, properties, activities, plans and proposals of the district; provided, however, that expenditures during any fiscal year for such purposes shall not exceed one-half cent ($0.005) for each one hundred dollars ($100) of assessed valuation of such district.

14. To pay to any city, public agency or district a portion of the cost of water imported by such city, public agency or district into, for use within, and of benefit to the Santa Clara County Flood Control and Water Conservation District.

SEC. 18. This act shall become operative only if Senate Bill No. 42 of the 1963 Regular Session is enacted.

CHAPTER 2030

An act to add Sections 8606 and 8696 to the Fish and Game Code, relating to commercial fishing gear.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 8606 is added to the Fish and Game Code, to read:

8606. The commission may issue a revocable permit authorizing the use, if such use is not otherwise permitted by this code, in the waters of the Pacific Ocean, and specifically excluding the Delta areas of the Sacramento and San Joaquin Rivers, of any newly developed type of fishing gear or any newly developed method of using existing fishing gear, subject to such regulations as the commission deems necessary to insure that such use will not endanger any fish resource and will aid in the proper utilization of the fish resource.

Any such regulation shall be made only when the Legislature is not in general session and shall be in effect for the period designated by the commission, but shall not be effective beyond the 91st day after final adjournment of the next general session of the Legislature after the adoption of such regulation.

SEC. 2. Section 8696 is added to said code, to read:

8696. Set gill nets may be used in District 10 south of Point Reyes except for the taking of salmon.

This section shall be effective until October 1, 1965, and thereafter shall be of no force or effect.

CHAPTER 2031

An act to amend Sections 20017.75, 20306, 21330 and 21364.7 of the Government Code, to repeal Sections 21290.75 and 21363.75 of said code, and to add Sections 15005, 20602.91, 20602.92, 20603 4, 20603.5, 20604.7, 20750.42, 20803.7, 20950.7, 20980.7, 21022.1, 21252.10, 21256.3, 21257.3, 21263.1, 21290.75, 21330.5 and 21363.75 to said code, relating to certain law enforcement personnel of the Department of Justice.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 20017.75 of the Government Code is amended to read:

20017.75. "Law enforcement member" means only those persons employed in the Bureau of Criminal Identification and Investigation, whose principal duties consist of active law en-

forcement and who are peace officers as defined in Section 817 of the Penal Code, but excluding clerical personnel or those whose principal duties are clerical or otherwise and which do not clearly fall within the scope of active law enforcement service, even though such a person is subject to occasional call, or is occasionally called upon to perform duties within the scope of active law enforcement.

SEC. 2. Section 21290.75 of said code is repealed.

SEC. 3. Section 21363.75 of said code is repealed.

SEC. 4. Section 20306 of said code is amended to read:

20306. Local safety members, forestry members, members of the California Highway Patrol, and law enforcement members become and remain members of this system in the same manner as other eligible state officers or employees, except that when any such person sustains an industrial disability or death he is deemed, in respect to such industrial disability or death, to be a member while in state service, to the same extent as if the six months of service required of other eligibles prior to membership were completed prior to such disability or death.

SEC. 5. Section 20602.91 is added to said code, to read:

20602.91. The normal rate of contribution for each law enforcement member shall be based on his age at entrance into this system as such a member, and, if he is entitled to credit for prior service, his age when he entered law enforcement service, both ages being taken to the preceding completed quarter year.

The age at entrance into law enforcement service, if prior to July 1, 1963, shall be determined by deducting the total of such service credited to him at October 1, 1963, from his age at that date.

SEC. 6. Section 20602.92 is added to said code, to read:

20602.92. The rates of contribution provided for in Sections 20603.4 and 20604.7 for law enforcement members shall apply on and after October 1, 1963.

SEC. 7. Section 20603.4 is added to said code, to read:

20603.4. For each law enforcement member who became such a member of this system, or, if entitled to credit for prior service, who entered law enforcement service, at or below age 45, the normal rate of contribution shall be such as will provide, on the average, a service retirement annuity excluding automatic continuance of said annuity after the member's death, to surviving wife, children, or dependent parents, at age 55, or upon completion of 20 years of law enforcement service at an age higher than 55 years, equal to one-fourth of his final compensation less one-half of his prior service pension, it being the intention that the retirement allowances of such members, upon retirement at age 55, or such higher age, shall be, on the average, one-half of their final compensations, respectively.

SEC. 8. Section 20603.5 is added to said code, to read:

20603.5. The normal rate of contribution otherwise established pursuant to this article for a law enforcement member whose services are also covered by the federal system shall be reduced by an amount equal to the employee federal contribution.

SEC. 9. Section 20604.7 is added to said code, to read:

20604.7. For each law enforcement member who entered law enforcement service at an age greater than 45 years, the normal rate of contribution shall be such as will provide on the average an annuity at age 65 equal to one-eightieth of his final compensation for each year of law enforcement service after the date as of which his age at entrance into this system is taken under Section 20602.91.

SEC. 10. Section 20750.42 is added to said code, to read:

20750.42. The State's contribution to the Retirement Fund in respect to law enforcement members is a sum equal to 36.407 percent of the compensation paid law enforcement members.

SEC. 11. Section 20803.7 is added to said code, to read:

20803.7. "Law enforcement service" means service rendered as a law enforcement member only while receiving compensation for such service, except as provided in Article 4.

It includes service that would have qualified a person as such a member had that classification of members existed at the time the service was rendered.

SEC. 12. Section 20950.7 is added to said code, to read:

20950.7. A law enforcement member shall be retired for service upon his written application to the board if he has attained age 50 and is entitled to be credited with 20 years of continuous state service.

SEC. 13. Section 20980.7 is added to said code, to read:

20980.7. Every law enforcement member shall be retired on the first day of the calendar month succeeding that in which he attains age 65.

SEC. 14. Section 21022.1 is added to said code, to read:

21022.1. Any law enforcement member incapacitated for the performance of duty as the result of an industrial disability shall be retired for disability, pursuant to this chapter, regardless of age or amount of service.

SEC. 15. Section 21252.10 is added to said code, to read:

21252.10. The current service pension for law enforcement members is a pension derived from the contributions of the employer which, when added to the service retirement annuity that is derived from the accumulated normal contributions of the member, shall equal the same percentage of his final compensation, regardless of his age at retirement, for each year of law enforcement service, as the contributions of the member and the employer are calculated to provide upon retirement for service at age 55, or upon completion of 20 years of service at an age higher than 55, or upon retirement with less than 20

years service at age 65, for each year of law enforcement service after January 1, 1932.

Provided, however, that the allowance payable to or on account of a law enforcement member regardless of age at the time he entered law enforcement service, who is credited with service as a member of the system. compensation for which was also subject to contribution under the federal system, shall be reduced by the amount of any retirement or disability benefit he is entitled to receive under the federal system. The reduction shall apply only during such time as the member or those claiming through him are entitled to receive the benefit under the federal system and shall not exceed the amount of the allowance derived from contributions of the State. The reduction shall be made whether the member retires for service, for industrial disability or for nonindustrial disability. A person shall be considered to be entitled to a federal benefit if he has fulfilled the age and coverage requirements for qualification for receipt of a federal benefit.

SEC. 16. Section 21256.3 is added to said code, to read:

21256.3. The prior service pension for a law enforcement member is a pension equal to the sum of the following:

(a) In respect to prior service other than law enforcement service, a prior service pension computed pursuant to subdivision (a) of Section 21253.

(b) In respect to prior service consisting of law enforcement service, the same percentage of his final compensation, regardless of his age at retirement, for each year of such service as the contributions of the member and the State are calculated to provide upon retirement for service at age 55 or upon completion of 20 years of service at an age higher than 55 years or upon retirement with less than 20 years of service at age 65, for each year of law enforcement service after January 1, 1932.

SEC. 17. Section 21257.3 is added to said code, to read:

21257.3. If a law enforcement member retires for service before attaining age 55, his prior and current service pensions shall be reduced to that amount which the value of the pensions as deferred to age 55 will purchase at the actual age of retirement.

SEC. 18. Section 21263.1 is added to said code, to read:

21263.1. Upon the death of a law enforcement member after the effective date of this section and after retirement for service or for industrial disability, including such members heretofore and hereafter retired, one-half his retirement allowance as it was at his death, excluding any portion of said allowance which is based on service other than law enforcement service or which was derived from accumulated additional contributions of the member, shall be continued throughout life or until remarriage, to his surviving wife. If there be no surviving wife entitled to an allowance hereunder, or if she die or remarry before every child of such deceased member attains the age of 18 years, then the allowance which the surviving wife would have received had she lived and not re-

married shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age; provided, that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving wife and no children under the age of 18 years, but leave a parent or parents dependent upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving wife otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving wife unless she was married to the member at least one year prior to his retirement. If at the effective date of said retirement, said member has no wife, children or dependent parents, who would so qualify and if said member elects as provided in Section 21330 to have the actuarial equivalent of his retirement allowance applied to a lesser retirement allowance, in accordance with an optional settlement, no allowance shall be paid under this section.

SEC. 19. Section 21290.75 is added to said code, to read:

21290.75. Upon retirement for nonindustrial disability, a law enforcement member who has attained age 55 shall receive his service retirement allowance.

SEC. 20. Section 21330 of said code is amended to read:

21330. In lieu of the retirement allowance for his life alone, a member or retired member may elect, or revoke or change a previous election prior to the approval of the previous election, to have the actuarial equivalent of his retirement allowance as of the date of retirement applied to a lesser retirement allowance, in accordance with one of the optional settlements specified in this article. Said election or revocation or change thereof, with respect to patrol or law enforcement members, shall apply to all of the retirement allowance, if, at the effective date of retirement for service or for industrial disability, said member has no wife, children or dependent parents who would qualify for continuance of the allowance after the death of said member; or, if at retirement said member has a wife, children or dependent parents who would so qualify, then said election, or revocation, or change thereof shall apply only to the portion of the allowance which would not be continued after the member's death, regardless of dependents.

SEC. 21. Section 21330 5 is added to said code, to read:

21330.5. The lesser retirement allowance under an optional settlement elected at retirement for law enforcement members who are entitled to receive benefits under the federal system, shall be actuarially equivalent to that part of the retirement allowance which is subject to option pursuant to Section 21330 that would have been payable at retirement had no optional settlement been elected after taking into consideration the reduction in said allowance provided for in Section 20603.4. Upon the election of an optional settlement by a member who has not attained the federal retirement age the board shall estimate the federal benefit upon the basis of information

then available to it. If the death of such a member should occur before he has attained the federal retirement age payments under the optional settlement elected shall be as estimated. If such a member attains the federal retirement age, the board shall then recalculate the lesser retirement allowance payable under the optional settlement upon the basis of the age of the member and the beneficiary on the effective date of retirement, actuarial tables then in use and the federal benefit.

SEC. 22. Section 21363.75 is added to said code, to read:

21363.75. The special death benefit is also payable if the deceased was a law enforcement member, if his death was industrial, as determined by the Industrial Accident Commission, using the same procedure as in workmen's compensation hearings, and if there is a wife or child who qualifies under subdivision (b), Section 21364.

SEC. 23. Section 21364.7 of said code is amended to read:

21364.7. The special death benefit or the continued allowance under Section 21263 or 21263.1 payable if the deceased was a state member who was credited with service, compensation for which was subject to contribution under the federal system, shall be reduced during such time as his survivor or survivors are entitled to receive a survivor benefit under the federal system. The reduction shall be in the amount of the benefit to which there is entitlement under the federal system; provided, however, that it shall not exceed the amount of the benefit derived from contributions of the State.

SEC. 24. Section 15005 is added to said code, to read:

15005. Notwithstanding Section 18932 of the Government Code, the minimum age limit for any examination for the position of special agent shall be 21 years, and the maximum age limit shall be 40 years. The age limits set forth herein shall not affect civil service eligible lists in effect at the time this section becomes effective.

SEC. 25. This act shall become effective on October 1, 1963.

CHAPTER 2032

An act to amend Sections 431.5, 431.6 and 431.8 of the Health and Safety Code, and to amend Sections 1 and 6 of Chapter 1754 of the Statutes of 1961, relating to hospitals, and making an appropriation.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 431.5 of the Health and Safety Code is amended to read:

431.5. The Advisory Hospital Council may establish a hospital planning region in the San Francisco Bay area, a hospital

planning region in the Los Angeles Metropolitan area, a hospital planning region in the San Diego area and a hospital planning region in the South San Joaquin Valley area. The hospital planning regions shall be determined on the basis of appropriate service areas and population factors.

SEC. 1.5. Section 431.6 of said code is amended to read:

431.6. The Advisory Hospital Council shall appoint a local hospital committee, consisting of not more than 11 members, for each hospital planning region which it establishes. A local hospital committee shall not include more than one health officer, one licensed physician, one hospital administrator, one representative of prepayment plans or insurance carriers, and one member who shall be an administrator of a nursing and convalescent home. The remaining members of a local hospital committee shall represent the public as consumers of hospital services.

The members of a local hospital committee, while serving on the business of the committee, shall receive no compensation, but shall be entitled to receive actual and necessary travel and sustenance expenses while so serving away from their places of residence.

SEC. 2. Section 431.8 of said code is amended to read:

431.8. Each local hospital committee shall make a report of its activities to the Advisory Hospital Council and to the Legislature not later than the 5th legislative day of the 1965 Regular Session.

SEC. 3. Section 1 of Chapter 1754 of the Statutes of 1961 is amended to read:

Section 1. This act establishes a basis for regional planning to guide communities in developing hospitals of desirable size, location and community service purpose. Through co-ordinated development of hospitals, the people of California can obtain more effective service and can save hundreds of millions of dollars in capital investment during the next decade.

Regional planning for hospitals is complex and involves sensitive relationships between professional groups, institutions and government. State action on planning under this act will be based on advice from regional planning groups which represent consumer and professional viewpoints.

The purpose of this act is to encourage regional plans for hospitals where this planning is needed most urgently and where there is substantial local interest and support. The legislative intent is to provide appropriations to cover limited regional planning activity for not to exceed four regions which can be reviewed by the Legislature before extension of the planning program is authorized.

SEC. 4. Section 6 of said act is amended to read:

Sec. 6. This act shall remain in effect until the 91st day after the 1965 Regular Session and shall thereafter be of no further effect.

SEC. 5. The sum of twenty-five thousand dollars ($25,000) is hereby appropriated out of the General Fund in the State Treasury in augmentation of Item 170 _____ of the Budget Act of 1963 to be expended by the Department of Public Health in carrying out the provisions of this act.

CHAPTER 2033

An act to amend Sections 4902, 4910, 4913, 4950, 4963, 4964, 4967, 4968, 4969, 4970, and 4972 of, to repeal Section 4962 of, and to add Sections 4962, 4967.1, 4967.2, 4967.5, 4973, 4973.5 and 4974 to, the Public Resources Code, relating to forest practices.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 4902 of the Public Resources Code is amended to read:

4902. The State Forester, acting in accordance with the policies adopted by the State Board of Forestry and under the supervision and direction of the Director of Conservation, shall administer this chapter, and may exercise all powers necessary to accomplish its purposes and intent, including entering and inspecting lands subject to provisions of this chapter.

SEC. 2. Section 4910 of said code is amended to read:

4910. "Timber operator" means any person engaged in timber operations, except a person who is engaged in timber operations as an employee with wages as his sole compensation.

SEC. 3. Section 4913 of said code is amended to read:

4913. "Director" means the Director of Conservation.

SEC. 4. Section 4950 of said code is amended to read:

4950. The director shall require the State Forester to make periodic inspections of timber operations to determine and require compliance with the rules and forest management plans and alternate plans.

Upon notification by the timber owner that operations have been completed upon any area, the State Forester may cause a final inspection to be made and will thereupon give notice to the timber owner whether or not violations of forest practice rules, applicable alternate plans or forest management plans, exist upon the area.

SEC. 5. Section 4962 of said code is repealed.

SEC. 6. Section 4962 is added to said code, to read:

4962. Every timber owner shall notify the State Forester of proposed timber operations on his holdings prior to the date of commencement of said timber operations in accordance with rules and regulations of the State Board of Forestry adopted pursuant to the provisions of Chapter 4.5 (commenc-

ing with Section 11371), Part 1, Division 3, Title 2 of the Government Code. Every such notice shall include: (1) the location of the proposed timber operations given by a legal subdivision description or in such a manner as to enable the State Forester to locate the timber operations on the ground; (2) the approximate area of said timber operations; and (3) the dates within which such timber operations are to take place. If the timber operations are to be conducted by a person other than the timber owner, the notice shall so state and contain the name and address of the person with whom the timber owner has contracted to conduct the timber operations. Violation of this section is a misdemeanor.

SEC. 7. Section 4963 of said code is amended to read:

4963. After January 31, 1964, all timber operators' permits previously issued and then in effect shall be null and void and have no further force or effect. Thereafter, no person shall engage in timber operations without an original permit to engage in timber operations issued pursuant to provisions of this article. Such permits shall be issued by the State Forester on proper written application to the State Forester on forms approved by the State Forester and upon payment of a license fee in the amount of fifteen dollars ($15). The application for such permit shall contain the name and address of the applicant, name and address of applicant's principal officer on whom notice may be served if a corporation or a partnership, and authorization from the applicant permitting the State Forester or his agent to enter and inspect such operations. The State Forester may require an applicant not resident in this State to designate a resident agent for service of notices and papers.

SEC. 8. Section 4964 of said code is amended to read:

4964. Upon receipt of such application the State Forester shall issue an original permit to the applicant, provided, however, that the State Forester may deny a permit for some, any, or all of the following reasons:

(a) Where the applicant is not the real person in interest.

(b) Material misrepresentation or false statement in the application.

(c) Conviction within one year of the application of unlawfully operating without a permit.

(d) The failure or refusal of the applicant to comply with the forest practice rules, an applicable forest management plan, or an applicable alternate plan within three years prior to the date of the application.

SEC. 9. Section 4967 of said code is amended to read:

4967. Effective January 1, 1964, every permit to engage in timber operations shall be renewed annually during the month of January. Application for renewal shall be made to the State Forester on forms approved by the State Forester and shall be accompanied by a renewal fee of ten dollars ($10). The renewal application shall contain such other information as in an original application.

The State Forester may refuse to renew any permit for any reason that he is authorized by Section 4964 to deny an original permit. In addition, the State Forester may refuse to renew any permit until any violations by said operator of the forest practice rules, applicable forest management plan, or applicable alternate plan as exist on the date of said renewal application, of which the timber operator has been notified by the State Forester and given reasonable opportunity to correct, are corrected on such reasonable terms and conditions as the State Forester may require, including but not limited to, the planting of a reasonable number of seedlings and young growth trees to restock cutover lands. The applicant shall, upon such refusal, have the same rights as are granted by Sections 4965 and 4966 to an applicant for an original permit which has been denied by the State Forester.

SEC. 10. Section 4967.1 is added to said code, to read:

4967.1. Commencing February 1, 1964, the original and annual permit shall be for the period from February 1 through January 31, of the year following or for the remaining portion of such period.

SEC. 11. Section 4967.2 is added to said code, to read:

4967.2. A penalty fee in the amount of five dollars ($5) shall be added to the annual renewal fee in all cases where the fee for renewal of a permit is not paid on or before February 1.

SEC. 12. Section 4967.5 is added to said code, to read:

4967.5. Every timber operator shall, prior to the commencement of any timber operations in this State, give notice of said timber operations to the State Forester in accordance with rules and regulations of the State Board of Forestry adopted pursuant to the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code. Said notice shall include: (1) the location of said timber operations given by legal subdivision description or in such a manner as to enable the State Forester to locate such operations on the ground; (2) the approximate area of said timber operations; and (3) the proposed date of commencement and the approximate date of completion of said operations. Violation of this section is grounds for the suspension or revocation of a timber operator's permit.

SEC. 13. Section 4968 of said code is amended to read:

4968. A permit is subject to future legislation. It is not transferable The permit or copy thereof shall be available for inspection at all times in the area in which timber operations are being conducted.

The holder of a permit shall notify the State Forester at his Sacramento office in writing within 15 days of any change of address.

Any permit issued pursuant to this act to a person who held a permit to engage in timber operations under this code prior to February 1, 1964, may, within one year, be suspended or revoked not only for acts or omissions occurring after Feb-

ruary 1, 1964, which constitute grounds for suspension or revocation of a permit, but also for acts or omissions occurring within three years prior to the effective date of this act which would have been grounds for suspension or revocation of such previously issued permit.

SEC. 14. Section 4969 of said code is amended to read:

4969. A permit may be suspended or revoked by the director pursuant to Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code for some, any, or all of the following reasons:

(a) Failure or refusal to comply with the forest practice rules.

(b) Failure or refusal to comply with an applicable forest management plan.

(c) Failure or refusal to comply with an applicable alternate plan.

(d) Material misrepresentation or false statement in the application.

(e) Material misrepresentation or false statement in any required notice.

(f) Where the applicant is not the real person in interest.

(g) Refusal to allow inspection by the State Forester.

SEC. 15. Section 4970 of said code is amended to read:

4970. The director may not suspend or revoke for acts or omissions committed more than three years prior to filing, except where there has been material misrepresentation or false statement in an application or where the applicant is not the real person in interest.

SEC. 16. Section 4972 of said code is amended to read:

4972. An order of suspension or revocation is final when made. On petition of respondent once within one year after date of suspension or revocation and on showing of change of conditions which led to suspension or revocation, the director may remit all, or any part of, the unexecuted portion of the penalty.

SEC. 17. Section 4973 is added to said code, to read:

4973. (a) As used in this section, the term "rules" means any provision of the forest practice rules, applicable forest management plan, or applicable alternate plan unless the context otherwise requires.

(b) The director may bring an action to enjoin the violation or threatened violation of the rules. Any such proceedings shall be in accordance with the provisions of Chapter 3 (commencing with Section 525), Title 7, Part 2, of the Code of Civil Procedure. If in such a proceeding it shall appear from facts shown by affidavit or verified complaint that any such violation has occurred or is threatened, the court may issue a temporary restraining order restraining and ordering the immediate discontinuance of any timber operation in which such violation has occurred or is threatened pending a hearing on the matter.

(c) If upon the hearing to show cause why a preliminary injunction should not be issued, or upon the hearing of any motion for a preliminary injunction, or if the court should find in any such action that any such defendant is violating, or has violated any rules, then the court may not only order the discontinuance of any timber operations in which such violation has occurred or is occurring, but may also enjoin any further timber operations by the defendant in this State until the violations complained of have been corrected or until satisfactory provisions have been approved by the court for the violations to be corrected by a specified date. Any defendant in such proceedings may enter into a written agreement with the director assuring that he will (1) resume operations in compliance with the rules and (2) correct the violations on such reasonable terms and conditions, including, but not limited to, the planting of a reasonable number of seedlings or young growth trees to restock cutover land, as the director may require to achieve maximum possible compliance with said rules under all of the circumstances. Upon approval by the court, any temporary restraining order, preliminary injunction or permanent injunction may include or be amended to include an order that any defendant entering into such an agreement comply with the terms of such agreement as a condition for engaging in any timber operations enjoined by such temporary restraining order, preliminary injunction or permanent injunction. The court may require a cash deposit or bond payable to the director in such amount as the court deems proper to insure correction of any such violation of the rules in accordance with such agreement or any other provisions required by the court. The court may make any other orders reasonable and necessary to carry out the intent of this section.

(d) Nothing contained in this section shall be construed to require as a condition for the bringing of any proceedings hereunder or the granting of an order in any such proceedings that the notice referred to in Section 4971 first be given to the timber operator.

SEC. 18. Section 4973.5 is added to said code, to read:

4973.5. The State Forester may take appropriate steps as are necessary and incur expenses to correct any violation of the forest practice rules, applicable forest management plan, or applicable alternate plan, including but not limited to the planting of a reasonable number of seedlings and young growth trees to restock cutover land. The expenses so incurred shall not exceed an average of forty dollars ($40) for each acre in violation.

Prior to taking such corrective action, the State Forester shall serve a written notice upon the timber operator and the timber owner by certified or registered mail to the last address of record of each. If the timber owner is unknown, then service of such notice may be made upon such owner by posting a copy of said notice upon the property where said violations exist. Said notice shall include a statement of the corrective

action to be taken, a date not less than 30 days from the date of service or posting of said notice by which such corrective action is to be taken, and a statement that if such corrective action is not taken on or before the date specified the State Forester may take such corrective action and charge the timber operator or the timber owner for the costs thereof pursuant to this section. Said notice shall also include a statement that if the timber operator or timber owner disagrees for any reason with the proposed corrective action or with the charging of said owner or operator with the costs thereof, he may within 10 days from the service or posting of said notice request of the State Forester a public hearing before the State Board of Forestry.

If said corrective action is not taken by the timber operator or the timber owner on or before the date specified in the notice, then the State Forester may take or contract for the taking of such corrective action and recover the expenses thereof as provided below; provided, however, that if a request is made for a public hearing within 10 days from the service or posting of said notice or if the service of said notice is made upon the timber owner by posting a copy thereof on the property, the State Forester shall not take any corrective action without further order by the board. Where the timber owner or the timber operator makes such request for public hearing, then the board after at least 15 days written notice shall hold a public hearing to hear the objections of said owner or operator or both to the proposed action. The board may, but need not, conduct such hearing in accordance with the applicable provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code. At the conclusion of the hearing, the board may make an order specifying the action to be taken by the timber owner or the timber operator to correct the violation, setting the time limits for such action, and authorizing the State Forester to take such action if the timber owner or timber operator does not do so within the specified time.

The expenses incurred by the State Forester in taking any corrective action pursuant to this section shall constitute a debt of the timber owner and the timber operator and if not paid by the timber operator within 10 days after written demand therefor may be recovered by the State Forester in a civil action against the timber owner or the timber operator or against both jointly. No action shall lie to recover expenses of correcting any violation occurring more than three years prior to commencement of such corrective action and no action to recover such expenses shall be commenced later than two years following the incurring of such expenses.

Neither the State Forester nor any person authorized by him to enter upon any lands for the purpose of administering this section nor any timber operator or timber owner shall be liable to civil action for trespass for acts necessary to carry out the provisions of this section.

SEC. 19. Section 4974 is added to said code, to read:

4974. The penalties and remedies which are prescribed in this article are concurrent and alternative to any other civil, criminal, or administrative rights, remedies, or penalties which are provided or allowed by law with respect to such violation.

SEC. 20. No action or proceeding commenced before this act takes effect, and no right accrued, is affected by any provision of this act, but all procedures thereafter taken therein shall conform to the provisions of this act so far as possible.

CHAPTER 2034

An act to amend Sections 6002 and 6003 of, and to add Section 6003.1 and 6003.2 to, the Welfare and Institutions Code, relating to county psychopathic hospitals.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6002 of the Welfare and Institutions Code is amended to read:

6002. The superintendent or person in charge of the county psychopathic hospital may receive, detain, supervise, care for or treat in the hospital any person who comes within any of the following descriptions:

(a) Who has been placed therein pursuant to a court order or court commitment under the provisions of this code or the Penal Code.

(b) Who has been placed therein pursuant to the provisions of Section 5050.3 of this code.

(c) Who voluntarily makes a written application to the superintendent or person in charge thereof for admission into the hospital for care, treatment, or observation, and who is a suitable person for care, treatment, or observation, and who in the case of an adult person is in such condition of mind, at the time of making application for admission, as to render him competent to make such application. In the case of a minor person, the application shall be made by his parents, or by the parent, guardian, or other person entitled to his custody.

SEC. 2. Section 6003 of said code is amended to read:

6003. No adult person received into the county psychopathic hospital under the provisions of subdivision (c) of Section 6002 of this code shall be detained therein for more than seven days, after having given notice, in writing, to the superintendent or person in charge, of his desire to leave such hospital.

No minor person received into the county psychopathic hospital under the provisions of subdivision (c) of Section 6002 of this code shall be detained therein for more than seven days,

after notice is given, in writing, to the superintendent or person in charge of the hospital by the parents, or the parent, guardian or other person entitled to the custody of the minor, of their desire to remove the minor from the hospital unless, within such period, a petition has been filed with the superior court for commitment of such person as a mentally ill person.

SEC. 3. Section 6003.1 is added to said code, to read:

6003.1. A superintendent or person in charge of the county psychopathic hospital may discharge any patient who is not a proper case for treatment therein, or whose discharge, in the judgment of the superintendent or person in charge, will not be detrimental to the public welfare or injurious to the patient.

SEC. 4. Section 6003.2 is added to said code, to read:

6003.2. The superior court of the county shall review the cases of all persons held under court commitment in a county psychopathic hospital for a period of six months and shall rereview such cases at six months intervals thereafter. Section 5100.5 of this code shall be applicable to such review.

CHAPTER 2035

An act to add Chapter 7 (commencing with Section 18900) to Division 7 of the Financial Code and to add Sections 18003.1, 18200.8, 18203.6, 18624.2, and 18669.1 to, and to amend Section 18201 of, said code, relating to industrial loan companies.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 7 is added to Division 7 of the Financial Code, to read:

CHAPTER 7. INSURANCE PREMIUM FINANCING

Article 1. Definitions

18900. Such terms relating to insurance as are used in this chapter shall have the meaning ascribed to them in the Insurance Code and in the practices of the insurance business.

18901. As used in this chapter, "insured" means the person who has purchased or arranged to purchase an insurance contract and who enters into a premium finance agreement with a premium finance agency.

18902. As used in this chapter, "premium financing" means the activities of a company engaging in the business of advancing money directly or indirectly to an insurer or producer at the request of an insured pursuant to the terms of a premium finance agreement, wherein the insured has assigned

the unearned premiums, accrued dividends or loss payments as security for such advancement in payment of premiums on insurance contracts only, and does not include the financing of insurance contract premiums purchased in connection with the financing of goods and services. The amount of such advancement in payment of premiums must bear a reasonable relationship to the premium or premiums being financed.

18903. As used in this chapter, "premium finance agreement" means a loan contract, note, agreement or obligation by which an insured agrees to pay to a company in installments the principal amount advanced by the company to an insurer or producer in payment of premium on an insurance contract or contracts, plus charges, with the assignment as security therefor of the unearned premiums, accrued dividends or loss payments, the final installment due date of the agreement not to extend beyond the term of the insurance contract included in the agreement having the latest expiration date.

18904. As used in this chapter, "company" means a premium finance agency.

18905. As used in this chapter, "principal balance" means the difference between the amount of the premium and fees charged by the insurer or producer and the down payment on the premium.

18906. As used in this chapter, "finance charge" means any amount which the insured agrees to pay the company in excess of the premium and fees charged by the insurer or producer, and exclusive of the cost of credit life insurance and attorney fees.

Article 2. Provisions of Premium Finance Agreements

18920. A premium finance agreement shall be in writing and the printed portion thereof shall be in at least eight-point type. The agreement shall set forth:

1. The names and addresses of the insured and the company, and the date of the agreement.
2. A description of the insurance contracts for which the premiums are advanced including the total amount of the premiums and fees and a specific breakdown thereof by policies and a general description of coverages.
3. The amount of the downpayment.
4. The cost, if any, for credit life insurance.
5. The principal balance.
6. The finance charges.
7. The unpaid balance.
8. The due date of the first installment.
9. The number, amount and frequency of payment of the installments.
10. A statement that the insured may prepay the full amount due and receive a rebate of a portion of the finance charge, in the manner provided by Section 18667.

18921. No premium finance agreement shall be executed by or on behalf of the insured when it contains any blank space to be filled in thereafter; however, if any insurance contract, premiums for which are advanced or to be advanced under the agreement, has not been issued at the time of execution and the premium finance agreement so provides, the name of the insurer, the policy number and the due date of the first installment may be left blank and inserted later. In connection with the financing of an additional premium or policies, upon the completion of the computations necessary to determine the amount of the revised unpaid balance and the number and amount of future installment payments, the company shall mail notice of the changes to the insured at his address shown in the agreement. The notice of the revised finance agreement shall set forth:

(a) The unpaid balance, as adjusted.

(b) The number and frequency of each installment under the revised finance agreement.

(c) The amount of each installment.

(d) A statement to the insured that he may disaffirm the revised finance agreement by mailing, to the company's office, notice of his intention to do so within 10 days of the company's mailing of the notice of the revised finance agreement.

(e) A statement to the insured that the company may, in the event he disaffirms, cancel his insurance contract or contracts as provided in Section 18923, except that the 10-day period required by that section shall be deemed to commence with the mailing of the notice of the revised finance agreement.

18922. Upon receipt of the loan form the company shall promptly mail to the insured at the address shown in the agreement, or deliver to the insured personally, either a notice to the effect that the application for a loan is rejected or a copy of the agreement, thereby signifying acceptance by the company, or if the agreement contained any blank space when it was executed by or on behalf of the insured and such blank space was subsequently filled in, a copy of the agreement as so filled in and the insured shall in such event have 10 days in which to disaffirm his obligation under the premium finance agreement by giving written notice thereof to the producer and the company. In the event the agreement is not disaffirmed by the insured, the agreement shall be as binding an obligation of the insured as if the agreement were complete on its face when it was executed.

18923. A premium finance agreement may contain a power of attorney or other authority enabling the company to cancel the insurance contract or contracts listed in the agreement in the event of default in the terms thereof. Upon the exercise of such right to cancel, the company shall mail to the insured, to his last known address or to the address shown on the premium finance agreement at least 10 days prior to cancellation, a notice of its intent to cancel the insurance contract or con-

tracts. The liability of a company to any person or corporation upon the exercise of such right or authority of cancellation shall be limited to the amount of the principal balance, except in the event of willful failure by the company to mail the notice required by this section.

18924. All statutory, regulatory and contractual restrictions providing that the insured or the insurer shall not cancel the insurance contract unless the insured or the insurer first satisfies such restrictions by giving a prescribed notice of cancellation to a governmental agency, the insurer, the insured, the holder of a security interest in the subject of the insurance, or other prescribed party, shall not be affected by the provisions of this division. However, any cancellation notice period required by such statutory, regulatory or contractual restriction shall not be cumulative to the period required by Sections 18921 or 18923. If cancellation of the insurance contract is initiated by the company under the terms of this division, the insurer shall (in accordance with the requirement for a prescribed notice), on behalf of itself or the insured, give such notice to the governmental agency, the holder of a security interest in the subject of the insurance or other prescribed party; and the insurer shall determine and calculate the effective date of cancellation (in accordance with the terms of that prescribed notice) from the date it receives the notice of request for cancellation from the company. In no instance shall the effective date of cancellation be prior to that established by the company.

18925 The insurer within a reasonable time after the effective date of cancellation shall return whatever gross unearned premiums or accrued dividends are payable under the insurance contract to the company, which financed the insurance contract, in trust for and in transit to the insured.

18926. At the time of mailing the notice required by Sections 18921 or 18923, the employee of the company who is doing the mailing shall prepare and sign an affidavit setting forth the following:

(a) The name and address of the employee doing the mailing.

(b) That the employee is over 18 years of age.

(c) The date and place of deposit in the mail.

(d) The addressee's name and address as shown on the envelope mailed.

(e) That the envelope was sealed and deposited in the mail with the postage thereon fully paid.

An affidavit of mailing, prepared as prescribed in this section, shall raise a rebuttable presumption that the notice was mailed to the addressee stated in the affidavit.

Article 3. General Provisions

18940. Unless the insured has notice of the assignment of a premium finance agreement, payment thereunder by him to the

last known assignee of the agreement shall be binding upon all subsequent assignees.

Assignment of the premium finance agreement shall not cut off any defenses which the insured would have against the company or an assignee of the agreement arising from obligations imposed by this division.

The obligations and rights of a premium finance agency, under this chapter, shall also apply to the assignee of a premium finance agreement.

18941. At any time during the term of the premium finance agreement, but not later than one (1) year after the last payment thereunder, the company shall upon written request of the insured, give or mail to him a written statement of the dates and amounts of payment, and the total amount, if any, unpaid thereunder. Such a statement shall be supplied once each year without charge; if any additional statement is requested, the company shall supply such statement at a charge not exceeding one dollar ($1) for each additional statement so supplied. Upon payment of a loan in full the company upon request shall return the premium finance agreement marked "Paid" to the insured.

18942. In the event that the insurance policy or policies which are the subject of a premium finance agreement are canceled by the insured or by the insurer, for any cause, the insured shall be entitled to receive a refund credit thereon. This refund credit shall be calculated in the same manner as prescribed in Section 18667, and shall be paid to the insured within a reasonable time.

18943. No filing of the premium finance agreement shall be necessary to perfect the validity of such agreement as a secured transaction as against creditors, subsequent purchasers, pledgees, encumbrancers, successors or assigns of the insured.

18944. In the event of any conflict in the provisions of this chapter with the provisions of any other chapter in this division, the provisions of this chapter shall control with regard to insurance premium financing

18945. Any down payment which is made and which is received by the company from the insured, or from the insurance producer on behalf of the insured, shall be held by the company in trust for and in transit to the insurer, and shall be paid to the insurer within a reasonable time.

18946. Any corporation organized as an industrial loan company other than a premium finance agency shall conduct any insurance premium financing business under the authority of this chapter and it shall be subject to all of the provisions of this chapter in respect to such business, as if it were organized hereunder except that no cumulative capitalization requirement shall be imposed.

18947. A premium finance agency shall not incorporate the words "industrial loan company" in its corporate name, on its loan forms, or in its advertising.

SEC. 2. Section 18003.1 is added to said code, to read:

18003.1. "Premium finance agency" means any industrial loan company incorporated under this division which, by the terms of its authority to engage in the industrial loan business, is not permitted to issue or sell investment certificates and its business is limited to that set forth in Chapter 7 (commencing with Section 18900) of this division.

SEC. 3. Section 18200.8 is added to said code, to read:

18200.8. A premium finance agency desiring the full authority which may be conferred by this division, shall, in respect to any lending operations other than insurance premium financing, be required to amend its articles of incorporation and meet the requirements of this chapter as if it were making an original application for authority to organize under this division.

SEC. 4. Section 18201 of said code is amended to read:

18201. The articles of incorporation of a corporation formed under this division shall include a statement that such corporation is incorporated under this division.

The articles of incorporation of any corporation formed under this division as a premium finance agency shall include reference to that fact.

SEC. 5. Section 18203.6 is added to said code, to read:

18203.6. Capital stock of any premium finance agency shall be not less than one hundred thirty-five thousand dollars ($135,000) and need not exceed that sum regardless of the number of branch offices or business locations which may be authorized under the provisions of this division.

SEC. 6. Section 18624.2 is added to said code, to read:

18624.2. An insurance premium finance agreement, as defined in Section 18903, may be prepared in the office of an insurance producer licensed by the Department of Insurance, and mailed or otherwise delivered to premium finance agency for acceptance without the office of the producer thereby being constituted a place of business of the company. A producer at whose office a premium finance agreement is so prepared who receives no compensation or fees, from the premium finance agency, in excess of his regular insurance commission for the preparation and handling of the premium finance agreement shall not be considered to be a broker of the company as that term is used in this division.

SEC. 7. Section 18669.1 is added to said code, to read:

18669.1. The provisions of Sections 18668, 18668.1, 18668.2, 18668.3 and 18669 shall not apply to a premium finance agency.

SEC. 8. The Commissioner of Corporations may accept applications for authority to transact business under the terms of this act, he may process such applications, and he may grant such authority at any time after the effective date of this act, but any authority granted by the commissioner

prior to January 1, 1964, shall become effective on January 1, 1964, and no premium finance agency shall actually transact business under the provisions of this act prior to January 1, 1964.

CHAPTER 2036

An act to amend the title of Chapter 19 (commencing with Section 3500) of Division 1 of, and Sections 3500, 3501, 3504, 3506, 3507, 3508, 3509, 3513, 3515, 3522, 3524, 3525, 3526, 3531, 3533, 3536, 3537, 3538, and 3540 of, and to repeal Section 3503 of, and to add Sections 3503, 3542, 3543, 3544, 3545, 3546, 3547, 3548 and an article heading and Article 2 (commencing with Section 3560) to Chapter 19 of Division 1 of, the Financial Code, relating to international and foreign banking and financing.

[Approved by Governor July 23, 1963 Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. The title of Chapter 19 (commencing with Section 3500) of Division 1 of the Financial Code is amended to read:

CHAPTER 19. INTERNATIONAL AND FOREIGN BANKING AND FINANCING

SEC. 2. An article heading is added immediately preceding Section 3500 to Chapter 19 of Division 1 of the Financial Code, to read:

Article 1. International and Foreign Banking and Financing Corporations

SEC. 3. Section 3500 of said code is amended to read:

3500. As used in this article, unless the context otherwise requires, "corporation" means a corporation organized pursuant to this article.

SEC. 4. Section 3501 of said code is amended to read:

3501. When authorized by the previous written consent of the superintendent as provided by Chapter 3 (commencing with Section 350) of this division three or more persons may organize a corporation for the purpose of engaging in international or foreign banking or other international or foreign financial operations, or in banking or other financial operations in a dependency or insular possession of the United States, either directly or through the agency, ownership, or control of local institutions in foreign countries, or in such dependencies or insular possessions as provided by this article, and to act when required by the Secretary of the Treasury of the United States as fiscal agents of the United States.

SEC. 5. Section 3503 of said code is repealed.

SEC. 6. Section 3503 is added to said code, to read:

3503. The articles of incorporation shall be submitted to the superintendent for his approval before they are filed with the Secretary of State pursuant to the Corporations Code. After the articles have been filed with the Secretary of State the corporation shall file with the superintendent a copy thereof, certified by the Secretary of State, and, after the organization meeting of the directors, a copy of its bylaws certified by its secretary.

SEC. 7. Section 3504 of said code is amended to read:

3504. Each corporation shall have power, under such rules and regulations as the superintendent may prescribe:

(a) To purchase, sell, discount, and negotiate, with or without its endorsement or guaranty, notes, drafts, checks, bills of exchange, acceptances, including bankers' acceptances, cable transfers, and other evidences of indebtedness; to purchase and sell, with or without its endorsement or guaranty, securities, including the obligations of the United States or of any state thereof but not including shares of stock in any corporation except as herein provided; to accept bills or drafts drawn upon it subject to such limitations and restrictions as the superintendent may impose; to issue letters of credit; to purchase and sell coin, bullion, and exchange; to borrow and to lend money; to issue debentures, bonds, and promissory notes under such general conditions as to security and such limitations as the superintendent may prescribe, but in no event having liabilities outstanding thereon at any one time exceeding 10 times its capital stock and surplus; to receive deposits outside of the United States and to receive only such deposits in this State or in any other state of the United States as may be incidental to or for the purpose of carrying out transactions in foreign countries or dependencies or insular possessions of the United States.

(b) Generally, to exercise such powers as are incidental to the powers conferred by this article or as may be usual, in the determination of the superintendent, in connection with the transaction of the business of banking or other financial operations in the countries, colonies, dependencies, or possessions in which it shall transact business and not inconsistent with the power specifically granted herein. Nothing contained in this article shall be construed to prohibit the superintendent, under his power to prescribe rules and regulations, from limiting the aggregate amount of liabilities of any or all classes incurred by the corporation and outstanding at any one time. Whenever a corporation receives deposits in the United States authorized by this article it shall carry reserves in such amounts as the superintendent may prescribe, but in no event less than 10 per centum of its deposits.

(c) To establish and maintain for the transaction of its business branches or agencies in foreign countries, their de-

pendencies or colonies, and in any state of the United States, and in the dependencies or insular possessions of the United States, at such places as may be approved by the superintendent and under such rules and regulations as he may prescribe, including any state of the United States, or countries or dependencies not specified in the original organization certificate.

(d) With the consent of the superintendent to purchase and hold stock or other certificates of ownership in any other corporation organized under the provisions of this article, or under the laws of the United States, or under the laws of any foreign country or a colony of dependency thereof, or under the laws of any state, dependency or insular possession of the United States but not engaged in the general business of buying or selling goods, wares, merchandise, or commodities in the United States, and not transacting any business in the United States except such as in the judgment of the superintendent may be incidental to its international or foreign business.

SEC. 8 Section 3506 of said code is amended to read:

3506. No corporation shall purchase, own, or hold stock or certificates of ownership in any other corporation organized under this article or under the laws of any state which is in substantial competition therewith, or which holds stock or certificates of ownership in corporations which are in substantial competition with the purchasing corporation.

SEC 9. Section 3507 of said code is amended to read:

3507. Nothing contained in this article shall prevent corporations from purchasing and holding stock in any corporation where such purchase shall be necessary to prevent a loss upon a debt previously contracted in good faith; and stock so purchased or acquired in corporations shall within six months from such purchase be sold or disposed of at public or private sale unless the time to so dispose of same is extended by the superintendent as provided by Section 762.

SEC. 10. Section 3508 of said code is amended to read:

3508. No corporation shall carry on any part of its business in the United States except such as, in the judgment of the superintendent, shall be incidental to its international or foreign business. Except such as is incidental and preliminary to its organization no corporation shall exercise any of the powers conferred by this article until it has been duly authorized by the superintendent to commence business as a corporation organized under the Corporations Code and the provisions of this article.

SEC. 11 Section 3509 of said code is amended to read:

3509. No corporation shall engage in commerce or trade in commodities except as specifically provided in this article, nor shall it either directly or indirectly control or fix or attempt to control or fix the price of any such commodities. The license of any corporation violating this section shall be subject to forfeiture as provided in this article.

SEC. 12. Section 3513 of said code is amended to read:

3513. Any bank may invest in the stock of any corporation organized under the provisions of this article, but the aggregate amount of stock held in all corporations engaged in business of the kind described in this chapter, together with such bank's investment in foreign branches established under the provisions of Article 2 (commencing with Section 530) of Chapter 4 of this division, shall not exceed 10 per centum of the subscribing bank's capital and surplus.

SEC. 13. Section 3515 of said code is amended to read:

3515. Whenever it shall appear to the superintendent that any corporation has violated the provisions of its articles of incorporation or any law of this State, or is conducting its business in an unsafe or unauthorized manner, or if the capital of any such corporation is impaired, or if the corporation shall refuse to submit its books, papers and concerns to the inspection of any examiner of the department or if any officer thereof shall refuse to be examined upon oath touching the concerns of the corporation or if the corporation shall suspend payment of its obligations, or if from any examination or report provided for by this article the superintendent shall have reason to conclude that the corporation is in an unsound or unsafe condition to transact the business for which it is organized, or that it is unsafe and inexpedient for it to continue business, or if any corporation shall neglect or refuse to observe any order of the superintendent specified in Sections 661, 1912, or 1913, the superintendent may forthwith take possession of the property and business of such corporation and retain such possession until such corporation shall resume business, or its affairs be finally liquidated as provided by this code for the liquidation of banks.

SEC. 14. Section 3522 of said code is amended to read:

3522. On or before the first day of February in each year, each corporation and every foreign corporation licensed by the superintendent to transact the business of such a corporation in this State, shall make a written report to the superintendent which shall contain a statement of its condition on the morning of the first day of January in that year and shall be in the form and contain the matters prescribed by the superintendent. The superintendent may, however, in his discretion, accept from a corporation, which has branches in a foreign country or countries, a report containing a statement of its condition as of a date not later than the first day of January and not earlier that the first day of November in the preceding year. Every such report shall be verified by the oaths of the two principal officers in charge of the affairs of the corporation or foreign corporation at the time of such verification, which shall state that the report is true and correct in all respects to the best of the knowledge and belief of the persons verifying it, and that the usual business of such corporation or foreign corporation has been transacted at the location required by this article and not elsewhere.

SEC. 15. Section 3524 of said code is amended to read:

3524. If any corporation or foreign corporation shall fail to make any report required by this article on or before the day designated for the making thereof, or shall fail to include therein any matter required by the superintendent, it shall forfeit to the people of the State the sum of one hundred dollars ($100) for every day that such report shall be delayed or withheld, and for every day that it shall fail to report any such omitted matter, unless the time therefor shall have been extended by the superintendent.

SEC. 16. Section 3525 of said code is amended to read:

3525. Every corporation shall hold a meeting of its stockholders annually upon a date fixed in its bylaws at its main office, or if its main office is to be located outside of this State, at its branch or other office in this State.

SEC. 17. Section 3526 of said code is amended to read:

3526. Every corporation shall keep at its main office, or if its main office is to be located outside of this State, at its branch or other office in this State, books containing the names of all stockholders thereof, and the names and addresses of the members of its board of directors, together with copies of all reports made by it to the superintendent.

SEC. 18. Section 3531 of said code is amended to read:

3531. Every officer, director, clerk, employee, or agent of any corporation who embezzles, abstracts, or willfully misapplies any of the moneys, funds, credits, securities, evidence of indebtedness or assets of any character of such corporation, or who, without authority from the directors, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, debenture, draft, bill of exchange, mortgage, judgment, or decree, or who makes any false entry in any book, report, or statement of such corporation with intent, in either case, to injure or defraud such corporation or any other company, body politic or corporate, or any individual person, or to deceive any officer of such corporation, the superintendent, or any agent or examiner appointed to examine the affairs of any such corporation; and every receiver of any corporation and every clerk or employee of such receiver who shall embezzle, abstract, or willfully misapply or wrongfully convert to his own use any moneys, funds, credits, or assets of any character which may come into his possession or under his control in the execution of his trust or the performance of the duties of his employment; and every such receiver or clerk or employee of such receiver who shall, with intent to injure or defraud any person, body politic or corporate, or to deceive or mislead the superintendent or any agent or examiner appointed to examine the affairs of such receiver, shall make any false entry in any book, report, or record of any matter connected with the duties of such receiver; and every person who with like intent aids or abets any officer, director, clerk, employee, or agent of any corporation, or receiver or clerk

or employee of such receiver as aforesaid in any violation of this article shall upon conviction thereof be imprisoned for not less than two years nor more than 10 years, and may also be fined not more than five thousand dollars ($5,000), in the discretion of the court.

SEC. 19. Section 3533 of said code is amended to read:

3533. No person shall act in this State as the representative of any foreign corporation in transacting the business described in this article as the business of a corporation unless such corporation shall have complied with the provisions of this article relating to such corporations.

SEC 20. Section 3536 of said code is amended to read:

3536. No foreign corporation shall transact in this State the business defined in this article or any part thereof, unless such corporation shall have:

(a) Been authorized by its charter to carry on such business and shall have complied with the laws of the state or country under which it is incorporated.

(b) Made the deposit with the State Treasurer required by this article.

(c) Designated the superintendent, by an instrument in writing duly executed, its true and lawful attorney upon whom all process in any action or proceeding by any resident of the State against it may be served with the same effect as if it were a domestic corporation and had been lawfully served with process within the State.

(d) Received a license duly issued to it by the superintendent.

SEC. 21. Section 3537 of said code is amended to read:

3537. When the superintendent shall have issued a license to any foreign corporation, it may engage in the business of a corporation of the kind authorized by this article at the location specified in the license.

SEC. 22. Section 3538 of said code is amended to read:

3538. Every foreign corporation, before receiving a license to transact business in this State, shall deposit with the State Treasurer of the State of California upon authorization of the superintendent, in trust as security for the depositors with and creditors of such corporation in this State, lawful money of the United States or securities of the kind and character described in Article 3 (commencing at Section 1540) of Chapter 12 of this division, of the value of one hundred thousand dollars ($100,000). Such foreign corporation so long as it shall continue solvent and comply with the laws of this State, may be permitted by the superintendent to collect the interest on the securities so deposited and from time to time to exchange such securities for others, and examine and compare such securities, as provided by said article.

SEC. 23. Section 3540 of said code is amended to read:

3540. Every foreign corporation, duly licensed by the superintendent to transact in this State the business defined

and authorized in this article, or any part thereof, shall within 30 days after the date of such license, submit to the superintendent a statement verified by two of its principal officers, which shall contain the full name and business address of every individual, partnership or unincorporated association, who is acting or whom it proposes to have act as its agent or representative in this State. Whenever any such corporation shall engage any person to act for it in this State and the name and address of such person is not contained in such verified statement submitted to the superintendent, such foreign corporation shall forthwith submit to the superintendent an amended statement verified in the same manner as the original. A violation of this provision shall subject such foreign corporation to a forfeiture of one thousand dollars ($1,000) for each offense.

SEC. 24. Section 3542 is added to said code, to read:

3542. Nothing in this division restricts the right of a state international or foreign banking or financing corporation to convert into an international or foreign banking or financing corporation organized under the laws of the United States upon compliance with such laws.

SEC. 25. Section 3543 is added to said code, to read:

3543. An international or foreign banking or financing corporation organized under the laws of the United States may convert into a state international or foreign banking or financing corporation with the approval of the superintendent which he shall not grant unless he is satisfied that such international or foreign banking or financing corporation organized under the laws of the United States meets all of the requirements set forth in this article for the establishment of a state international or foreign banking or financing corporation.

SEC. 26. Section 3544 is added to said code, to read:

3544. Nothing in this division restricts the right of any one or more state international or foreign banking or financing corporations to merge into or consolidate with one or more international or foreign banking or financing corporations organized under the laws of the United States.

SEC. 27. Section 3545 is added to said code, to read:

3545. Nothing in this division restricts one or more international or foreign banking or financing corporations organized under the laws of the United States from merging into or consolidating with one or more state international or foreign banking or financing corporations. For the purpose of effecting any such merger or consolidation any such international or foreign banking or financing corporation shall be deemed a "foreign corporation" as that term is used in Chapter 3 (commencing at Section 4100), Part 8, Division 1, Title 1, of the Corporations Code and the laws of Congress shall be deemed the "laws of the state" in which such international or foreign banking or financing corporation is formed.

SEC. 28. Section 3546 is added to said code, to read:

3546. Whenever a state international or foreign banking or financing corporation results from the merger or consolidation of one or more international or foreign banking or financing corporations and the agreement for merger or consolidation has been filed with the Secretary of State with the approval of the superintendent endorsed thereon, a copy thereof, certified by the Secretary of State, shall immediately be filed with the superintendent and upon, but not until, such filing the merger shall be and become effective for all purposes. In case of a consolidation, the superintendent, thereupon, and as of the hour and day of such filing, shall issue his certificate authorizing the consolidated corporation to engage in international or foreign banking or financing, as the case may be.

SEC. 29. Section 3547 is added to said code, to read:

3547. Whenever one or more state international or foreign banking or financing corporations and one or more international or foreign banking or financing corporations organized under the laws of the United States have been merged or consolidated, the surviving or consolidated international or foreign banking or financing corporation succeeds without other transfer to all the rights and property of each constituent international or foreign banking or financing corporation and is subject to all the debts and liabilities of each such constituent corporation in the same manner as if the surviving or consolidated international or foreign banking or financing corporation had incurred them.

All rights of creditors of each constituent international or foreign banking or financing corporation are preserved unimpaired, limited in lien to the property affected by such liens immediately prior to the time of the consolidation or merger.

Any action or proceeding pending by or against any one of the constituent international or foreign banking or financing corporations may be prosecuted through judgment, which binds the consolidated or surviving international or foreign banking or financing corporation; or such consolidated or surviving corporation may be proceeded against or substituted in the place of any such constituent corporation.

SEC. 30. Section 3548 is added to said code, to read:

3548. Whenever an international or foreign banking or financing corporation organized under the laws of the United States converts into a state international or foreign banking or financing corporation, or whenever such state corporation converts into such corporation organized under the laws of the United States, or if any such state corporation merges or consolidates with any such corporation organized under the laws of the United States, the resulting corporation shall be deemed to be the same corporate entity as the converting or constituent corporation and any reference to the converting corporation or to any constituent corporation, whether executed or taking effect before or after the conversion, merger or consolidation, shall be deemed a reference to the resulting corporation.

SEC. 31. Article 2 (commencing with Section 3560) is added to Chapter 19 of Division 1 of said code, to read:

Article 2. Bank Investments in International or Foreign Banking or Financing Corporations Organized Under the Laws of the United States

3560. Any bank may, with the consent of the Superintendent of Banks, upon such conditions and under such regulations as he may prescribe, invest in the stock of one or more corporations organized under the laws of the United States for the purpose of engaging in international or foreign banking or other international or foreign financial operations, or in banking or other financial operations in a dependency or insular possession of the United States, either directly or through the agency, ownership or control of local institutions in foreign countries, or in such dependencies or insular possessions and to act when required by the Secretary of the Treasury of the United States as fiscal agents of the United States; provided, however, that the aggregate amount of stock held in all corporations engaged in business of the kind described in this chapter, together with such bank's investment in foreign branches established under the provisions of Article 2 (commencing at Section 530) of Chapter 4 of this division, shall not exceed 10 per centum of the subscribing bank's capital and surplus.

3561. Every bank investing in the capital stock of any corporation described in Section 3560 shall be required to furnish information concerning the condition of such corporation to the Superintendent of Banks upon demand, and the Superintendent of Banks may order special examinations of said corporation at such time or times as he may deem appropriate. The cost of such special examinations shall be paid by said corporation.

3562. Before any bank shall be permitted to purchase stock in any corporation described in Section 3560 the said corporation shall enter into an agreement or undertaking with the Superintendent of Banks to restrict its operations or conduct of its business in such manner or under such limitations and restrictions as the said Superintendent of Banks may prescribe for the place or places wherein such business is to be conducted. If at any time the Superintendent of Banks shall ascertain that the regulations prescribed by him are not being complied with, said Superintendent of Banks is hereby authorized and shall have power to institute an investigation of the matter and to send for persons and papers, subpoena witnesses and administer oaths in order to satisfy himself as to the actual nature of the transactions referred to. Should such investigation result in establishing the failure of the corporation in question, or any bank which may be a stockholder therein, to comply with the regulations laid down by the said Superintendent of Banks, said bank may be required to dispose of its stockholding in the said corporation upon reasonable notice.

CHAPTER 2037

An act to amend Sections 9000, 9031, 9034, 9036, 9037, and 9054 of, and to repeal Section 9038 of, and to add Section 5100.1 to, the Welfare and Institutions Code, relating to community mental health services.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 5100.1 is added to the Welfare and Institutions Code, to read:

5100.1. In lieu of the facilities described in Section 5100, the judge may order that the person be cared for and detained in a community mental health service facility established under the provisions of Division 8 (commencing with Section 9000) of this code, until the further order of the court.

SEC. 1.5. Section 9000 of said code is amended to read:

9000. This division shall be known and may be cited as the Short-Doyle Act. This division is designed to encourage and to assist financially local governments in the establishment and development of mental health services, including services to the mentally retarded, through locally administered and locally controlled community mental health programs. It is furthermore designed to augment and promote the improvement and, if necessary, the expansion of already existing psychiatric services in general hospitals or clinics that help to conserve the mental health of the people of California.

SEC. 2. Section 9034 of said code is amended to read:

9034. Subject to appropriation therefor, there shall be paid to each city, county or local health district on account of expenditures subject to reimbursement by the State pursuant to Section 9030, 50 percent of the amount expended by the local agency for mental health services, until the amount expended each fiscal year exceeds the amount that such entity actually expended for such mental health services in the fiscal year prior to receipt of state aid for such mental health services.

Where in any fiscal year expenditures for increased mental health services specified in this chapter are made from local funds after the fiscal year prior to receipt of state aid for such mental health services, in excess of the sums spent in the fiscal year prior to receipt of state aid for such mental health services, and equal to or in excess of the sums spent by the local agency from locals funds for such mental health services in the year ending June 30, 1963, the total expenditures made for such increased services shall be shared at the rate of 75 percent state funds and 25 percent local funds. Local funds, as used in this section, shall be considered to include only funds derived

from the tax or revenue base of a city, county or local hospital district. The provisions of this paragraph shall apply only to mental health services which are first approved for receipt of state aid pursuant to this chapter prior to October 1, 1965.

For each mental health service which is first approved for receipt of state aid pursuant to this chapter subsequent to October 1, 1965, and subject to appropriation therefor, there shall be paid to each city, county, or local health district on account of expenditures subject to reimbursement by the State pursuant to Section 9030, 50 percent of the amount expended from local funds for such mental health service.

For the purpose of determining the expenditures to be reimbursed as provided in this section, there shall be deducted any fees received from patients or on behalf of a specified patient. If the total of the funds provided by the county, city, or local hospital district and the state reimbursement, in any fiscal year exceeds the total expenditures, the state reimbursement shall be reduced to the amount required to provide the balance of funds necessary to complete funding of the mental health program. Reimbursement shall be made on a quarterly basis, upon submission to the Director of Mental Hygiene such information as he may require.

SEC. 2.5. Section 9031 of said code is amended to read:

9031. The community mental health services provided herein shall consist of:

(a) Outpatient psychiatric clinics for those who are unable to obtain private care, including referrals by physicians and surgeons.

(b) Inpatient psychiatric services in general hospitals and in psychiatric hospitals which are affiliated as the psychiatric division of or with a general hospital for those who are unable to obtain private care, including referrals by physicians and surgeons.

(c) Rehabilitation services for patients with psychiatric illnesses for those who are unable to obtain private care, including referrals by physicians and surgeons.

(d) Informational services to the general public and educational services furnished by qualified mental health personnel to schools, courts, health and welfare agencies, probation departments, and other appropriate, public or private agencies or groups authorized in the approved plan for community mental health services.

(e) Psychiatric consultant services to public or private agencies for the promotion and co-ordination of services that preserve mental health and for the early recognition and management of conditions that might develop into psychiatric illnesses.

To be eligible for reimbursement, a city, county, local health district, or in the case of a joint community mental health serv-

ice two or more counties, shall first have established one or more of the facilities or services, provided for herein, in compliance with rules and regulations adopted by the State Department of Mental Hygiene under Section 9054.

Such inservice training as may be necessary in providing the foregoing services shall be proper items of expenditure in connection therewith.

SEC. 3. Section 9036 of said code is amended to read:

9036. Expenditures subject to reimbursement shall include expenditures for the items specified in Section 9031; salaries of personnel; approved facilities and services provided through contract; operation, maintenance and service costs; expenses incurred under this act by members of the California Conference of Local Health Officers or members of the Conference of Local Directors of Mental Health Services for attendance at regular meetings of such conferences; and such other expenditures as may be approved by the Director of Mental Hygiene. It shall not include expenditures for capital improvements; the purchase or construction of buildings except for such equipment items and remodeling expense as may be provided for in regulations of the Department of Mental Hygiene; compensation to members of a local mental health advisory board (except actual and necessary expenses incurred in the performance of official duties); or expenditures for a purpose for which state reimbursement is claimed under any other provision of law.

SEC. 4. Section 9037 of said code is amended to read:

9037. Reimbursement shall not be made for expenditures for treatment services furnished to patients who are able to obtain private care.

SEC. 5. Section 9038 of said code is repealed.

SEC. 6. Section 9054 of said code is amended to read:

9054. The State Department of Mental Hygiene shall administer this division and shall adopt standards for approval of local mental health services, rules and regulations necessary thereto; provided, however, that such standards, rules and regulations shall be adopted only after consultation with and approval by the California Conference of Local Mental Health Directors. Approval of such standards, rules and regulations shall be by majority vote of those present at an official session.

If the conference refuses or fails to approve standards, rules, or regulations submitted to it by the department for its approval, the department may submit such standards, rules, or regulations to the conference at its next semiannual meeting, and if the conference again refuses to approve them, the standards, rules, or regulations shall take effect immediately, notwithstanding the failure of the conference to approve them.

SEC. 7. This act shall become operative on October 1, 1963.

CHAPTER 2038

An act to add Sections 4016, 4017, 4018, 4019, 4100, 4105, 4106, 4107, 4108, 4109, 4110, 4150, 4153.1, 4159.5, 4161.5, 4167, 4169, and 4170 to, to add Article 2 (commencing with Section 4051) to Chapter 1 of, and to add Chapter 7 (commencing with Section 4850) and Chapter 10 (commencing with Section 4890) to, Division 4 of, to amend Sections 4101, 4151, and 4153 of, and to repeal Sections 4105 and 4167 of, the Public Resources Code, to add Chapter 4 (commencing with Section 14500) Part 5, Division 3, Title 2 of the Government Code, to amend Section 13002 of the Health and Safety Code, to add Section 101.6 to the Streets and Highways Code, and to add Section 1817 to, and amend Section 23111 of the Vehicle Code, relating to fire prevention and control.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature of the State of California hereby finds and declares that the unrestricted use of grass-, grain-, brush-, or forest-covered land within the State is a potential menace to life and property from fire and resulting erosion. It finds further that no objective evaluation of the needs of fire suppression forces can be made until full utilization of every approach to prevent fires from occurring has been accomplished. This act is designed as an aid for facilitating fire prevention and fire prevention law enforcement.

SEC. 2. Section 4016 is added to the Public Resources Code, to read:

4016. The burning of growing, dead, or downed vegetation is for a public purpose if the State Forester has determined that the burning of such vegetation is necessary for the prevention or suppression of forest fires.

SEC. 3. Section 4017 is added to said code, to read:

4017. Except as otherwise provided in this code "person" includes any agency of the State, county, city and county, city, district, or other local public agency, and any individual, firm, association, partnership, business trust, corporation, or company.

SEC. 4. Section 4018 is added to said code, to read:

4018. Counties, cities and counties, cities, and districts may adopt ordinances, rules, or regulations to provide fire prevention restrictions or regulations that are necessary to meet local conditions of weather, vegetation, or other fire hazards. Such ordinances, rules, or regulations may be more restrictive than state statutes in order to meet local fire hazard conditions.

SEC. 5. Section 4019 is added to said code, to read:

4019. Except as otherwise provided, the willful or negligent commission of any of the acts prohibited or the omission of

any of the acts required by Division 4 (commencing with Section 4000) of this code is a misdemeanor.

SEC. 6. Article 2 (commencing with Section 4051) is added to Chapter 1, Division 4 of said code, to read:

Article 2. Rubbish Dumps

4051. As used in this article "rubbish dump" means any accumulation for the purpose of disposal of any rubbish, rags, paper, boxes, crates, excelsior, petroleum products or the residue thereof, fallen timber, slash, limb wood, branches, brush, grass, leaves, litter, or other combustible or flammable materials. "Rubbish dump" does not include slash from timber operations or the temporary piling of flammable materials which have accumulated from clearing while the construction or operation is in progress in conjunction with public works, utility, or other industrial projects where such accumulation is located wholly within the exterior limits of such projects.

4052. A person shall not maintain, use or operate any rubbish dump outside of the exterior boundaries of any incorporated city on or after January 1, 1964, without obtaining a special permit from the State Forester and in strict accordance with the terms and conditions prescribed in the special permit. The State Forester may include in the terms of the special permit provisions for the prevention of uncontrolled fire. These terms may include but are not limited to the requirements set forth in Section 4053 of this code. The responsibility for obtaining the special permit for rubbish dumps shall be that of the owner or operator or jointly. Such special permit issued by the State Forester does not relieve such owner or operator from the duty of securing any other permit which is required by law or any rule or regulation.

4053. No rubbish dump shall be maintained or operated, without providing a clearance of flammables for a minimum distance of 150 feet from the periphery of the accumulation of such rubbish dump. If any structure or building is located within 150 feet of the periphery of the accumulation, the area within a minimum of 100 feet of the periphery of the structure or building shall also be maintained clear of all flammables.

4054. Any rubbish dump which is maintained or operated in violation of this article is a public nuisance.

SEC. 7. Section 4100 is added to Article 3, Chapter 1, Division 4 of said code, to read:

4100 As used in this article:

"Hazardous fire area" means any area which is designated by the State Board of Forestry or the State Forester to be a hazardous fire area pursuant to Section 4101.

SEC. 8. Section 4101 of said code is amended to read:

4101. (a) Upon the written petition of the owners or authorized agents of more than 50 percent of the land, including

public land, within the exterior boundaries of any area of not less than 10,000 acres in size, upon which a fire hazard exists due to the presence of flammable material or cover, the State Board of Forestry may designate such area as a "hazardous fire area," and shall declare the period during which the area shall be so designated.

(b) Whenever the State Forester determines that a fire hazard exists in any other area due to the presence of flammable material or cover, he may, by regulation, designate such area to be a "hazardous fire area." Such a regulation shall declare the period during which the area shall be so designated.

SEC. 9. Section 4105 of said code is repealed.

SEC. 10. Section 4105 is added to said code, to read:

4105. Any person who owns, leases, controls, operates, or maintains any building or structure in, upon, or adjoining any mountainous area or forest-, brush-, or grass-covered lands or land covered with flammable material shall at all times do all of the following:

(a) Maintain around and adjacent to such building or structure a firebreak made by removing and clearing away, for a distance of not less than 30 feet on each side thereof or to the property line, whichever is nearer, all flammable vegetation or other combustible growth. This subdivision does not apply to single specimens of trees, ornamental shrubbery, or similar plants which are used as ground cover, provided that they do not form a means of rapidly transmitting fire from the native growth to any building or structure.

(b) Maintain around and adjacent to any such building or structure additional fire protection or firebreak made by removing all brush, flammable vegetation, or combustible growth which is located from 30 feet to 100 feet from such building or structure or to the property line, whichever is nearer, as may be required by the State Forester when he finds that because of extra hazardous conditions a firebreak of only 30 feet around such building or structure is not sufficient to provide reasonable fire safety. Grass and other vegetation located more than 30 feet from such building or structure and less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion.

(c) Remove that portion of any tree which extends within 10 feet of the outlet of any chimney or stovepipe.

(d) Maintain any tree adjacent to or overhanging any building free of dead or dying wood.

(e) Maintain the roof of any structure free of leaves, needles, or other dead vegetative growth.

(f) Every chimney or stovepipe that is attached to any fireplace, stove, or other device that burns any solid or liquid fuel shall be provided and maintained at all times with a screen over the outlet. Such screen shall be constructed of nonflammable material with openings of not more than one-half inch in size.

SEC. 11. Section 4106 is added to said code, to read:

4106. Except as otherwise provided in Section 4110, any person who owns, controls, operates, or maintains any electrical transmission or distribution line upon any mountainous land, or forest-, brush-, or grass-covered land shall, during such times and in such areas as are determined to be necessary by the State Forester or the agency having primary responsibility for fire protection thereof, maintain around and adjacent to any pole or tower which supports a switch, fuse, transformer, lightning arrester, line junction, or dead end or corner pole, a firebreak which consists of a clearing of not less than 10 feet in each direction from the outer circumference of such pole or tower, provided, however, that this section does not apply to any line which is used exclusively as telephone, telegraph, telephone or telegraph messenger call, fire or alarm line, or other line which is classed as a communication circuit by the Public Utilities Commission. The State Forester or the agency having primary fire protection responsibility for the protection of such areas may permit exclusions from the requirements of this section based upon the specific circumstances involved.

SEC. 12. Section 4107 is added to said code, to read:

4107. Except as otherwise provided in Sections 4108 to 4110, inclusive, any person who owns, controls, operates, or maintains any electrical transmission or distribution line upon any mountainous land, or in forest-, brush-, or grass-covered land shall, during such times and in such areas as are determined to be necessary by the State Forester or the agency having primary responsibility for the fire protection thereof, maintain a clearance of the respective distances which are specified in this section in all directions between all vegetation and all conductors which are carrying electric current:

(a) For any line which is operating at 2,400 or more volts, but less than 72,000 volts, four feet.

(b) For any line which is operating at 72,000 or more volts, but less than 110,000 volts, six feet.

(c) For any line which is operating at 110,000 or more volts, 10 feet.

In all cases, such distance shall be sufficiently great to furnish the required clearance at any position of the wire, or conductor when the adjacent air temperature is 120 degrees Fahrenheit, or less. Dead trees, old decadent or rotten trees, trees weakened by decay or disease and trees or portions thereof that are leaning toward the line which may contact the line from the side or may fall on the line shall be felled, cut, or trimmed so as to remove such hazard. The State Forester or the agency having primary responsibility for the fire protection of such areas may permit exclusions from the requirements of this section based upon the specific circumstances involved.

SEC. 13. Section 4108 is added to said code, to read:

4108. No clearing to obtain line clearance is required when self-supporting aerial cable is used, except that forked trees,

leaning trees, and any other growth which may fall across the line and break it shall be removed.

SEC. 13.1. Section 4109 is added to said code, to read:

4109. A person is not required by Section 4106 or 4107 to maintain any clearing on any land where such person does not have the legal right to maintain such clearing, nor do such sections require any person to enter upon or to damage property which is owned by any other person without the consent of the owner of the property.

SEC. 13.2. Section 4110 is added to said code, to read:

4110. The provisions of Sections 4106 and 4107 shall not apply where the transmission or distribution line voltage is 750 volts or less.

SEC. 14. Section 4150 is added to Article 5, Chapter 1, Division 4 of said code, to read:

4150. For the purposes of this article, the State is divided into the following two zones:

(a) "Zone A" includes any county and any portion of any county which is south of the Mount Diablo base line, except the counties and the portions of the Counties of Alameda, Calaveras, Contra Costa, Marin, Mariposa, Mono, San Francisco, San Joaquin, Stanislaus, and Tuolumne which are south of such line.

(b) "Zone B" includes any county and portion of any county which is not included in Zone A.

SEC. 15. Section 4151 of said code is amended to read:

4151. A person shall not set fire or cause fire to be set to any forest, brush, or other flammable material which is on any land that is not his own, or under his legal control, without the permission of the owner, lessee, or agent of such land.

SEC. 16. Section 4153 of said code is amended to read:

4153. In those areas of the State which are classified as state responsibility lands for fire protection purposes and in those areas receiving fire protection by the State Forester by contract or upon federal lands administered by the United States Departments of Agriculture or Interior, a person shall not do any of the following, either upon his own land or on the property of another, at any time in Zone A, or in Zone B at any time between April 1st and December 1st of any year, or at any other time in Zone B during any year when the Director of Conservation has declared, by proclamation, that unusual fire hazard conditions exist in the area in which the property is located unless he has a written permit from the State Forester or his duly authorized representative or the authorized federal officer on federal lands administered by the United States Departments of Agriculture or Interior and in strict accordance with the terms of the permit:

(a) Burn brush, stumps, logs, fallen timber, fallows, slash, or grass-, brush-, or forest-covered land, or any other flammable material.

(b) Blast with dynamite, powder, or other explosives, or blasting agents of any kind in grass, brush, fallows, or forest-

covered land. This subdivision (b) shall not apply to blasting performed in connection with the construction of a highway or public utility facility, or a utility facility owned and operated by a public agency, where such blasting is performed wholly within the limits of the right-of-way of such highway or such public utility facility, or such utility facility owned and operated by a public agency, and where detonation is performed solely by electrical means.

SEC. 17. Section 4153.1 is added to said code, to read:

4153.1. Any violation of the terms of a burning permit which is issued pursuant to Section 4153 is prima facie evidence of noncompliance with the terms of the permit and renders the permit null and void.

SEC. 18. Section 4159.5 is added to said code, to read:

4159.5. The escape of any campfire from the control of any person who is maintaining the campfire is prima facie evidence that such person was negligent in maintaining the campfire.

SEC. 19. Section 4161.5 is added to said code, to read:

4161.5. If any fire originates from the operation or use of any engine, machine, barbecue, incinerator, railroad rolling stock, chimney, or any other device which may kindle a fire, the occurrence of the fire is prima facie evidence of negligence in the maintenance, operation, or use of such engine, machine, barbecue, incinerator, railroad rolling stock, chimney, or other device. If such fire escapes from the place where it originated and it can be determined which person's negligence caused such fire, such person is guilty of a misdemeanor.

SEC. 20. Section 4167 of said code is repealed.

SEC. 21. Section 4167 is added to said code, to read:

4167. Except as provided herein, no person shall use or operate any internal combustion engine which is operated on hydrocarbon fuels on any forest-, brush-, or grass-covered lands without providing, and maintaining in effective working order, a spark arrester attached to the exhaust system. For the purposes of this section, a spark arrester is a device constructed of nonflammable materials specifically for the purpose of removing and retaining carbon and other flammable particles over 0.0232 of an inch in size from the exhaust flow of an internal combustion engine that is operated by hydrocarbon fuels. Motor trucks, truck tractors, buses and passenger vehicles, except motorcycles, are not subject to the provisions of this paragraph provided the exhaust system is equipped with a muffler as defined in the Vehicle Code.

Provided, further, that spark arresters affixed to the exhaust system of engines or vehicles, as described in this section, shall not be placed or mounted in such a manner as to allow flames or heat therefrom to ignite any flammable material.

Provided, further, that all mobile equipment, including trucks, tractors, bulldozers and other mobile equipment engaged in lumbering, logging, and other industrial operations in any forest-, brush-, or grass-covered land, shall also be equipped with and carry at all times a serviceable shovel for

use in the prevention and suppression of fire, except that mobile equipment used in the business of a common carrier or railroad does not have to be equipped with or to carry a shovel for use in the prevention and suppression of fire.

SEC. 22. Section 4169 is added to said code, to read:

4169. A person shall not burn any flammable material in any incinerator upon any property unless both of the following requirements are complied with:

(a) The area within 10 feet of the periphery of the incinerator is maintained free and clear of all flammable material and vegetation.

(b) A screen constructed of a nonflammable material, with no greater than a ¼-inch mesh, is installed in the chimney and any other opening of the incinerator to prevent the escape of sparks and burning particles of material from the incinerator.

For the purposes of this article an incinerator means any device constructed of nonflammable materials for the purpose of burning therein trash, debris, and other flammable materials, excluding those devices regulated by Section 4165 of this code.

SEC. 23. Section 4170 is added to said code, to read:

4170. A reward of one hundred dollars ($100) shall be paid out of any state funds which are made available to the State Forester for such purpose to any person, other than a law enforcement officer, agent, or employee, whose information leads to the arrest and conviction of any person who willfully and maliciously sets fire to any property which is included within any area in which the financial responsibility for preventing and suppressing fires is primarily the responsibility of the State.

SEC. 24. Chapter 7 (commencing with Section 4850) is added to Division 4 of said code, to read:

CHAPTER 7. DIVISION OF FORESTRY BURNING CONTRACTS

4850. The State Forester, with the approval of the Director of Conservation and the Director of Finance, may enter into a contract with the owner or any other person who has legal control of any property which is included within any area in which the financial responsibility of preventing and suppressing forest fires is primarily the responsibility of the State, excluding those areas for which the State Forester has contracted forest fire protection to counties or the United States Forest Service, for the burning of any brush, vegetation, or structure which is situated upon such property for the purpose of preventing or suppressing forest fires.

4851. Any contract which is entered into by the State Forester pursuant to this chapter shall do all of the following:

(a) Absolve the State and its employees of liability for damages or costs which occur as a result of the burning of the brush, vegetation, or structure.

(b) Vest in the State Forester the final determination of the time and necessity of the burning of the brush, vegetation, or structure.

(c) Provide that the decision by the State Forester regarding the necessity of the burning of the brush, vegetation, or structure is to be based upon the benefits to be derived by such burning in preventing or suppressing forest fires and the risks and possible damage involved in conducting such burning.

(d) Require that only personnel of the Division of Forestry or personnel in its employ shall be used in conducting the burning of the brush, vegetation, or structure.

(e) Provide that prior to the burning the State Forester will submit an estimate of costs to the person contracting with the State. The person contracting with the State shall prior to the burning place on deposit with the State Forester an amount equal to the estimate of costs. Upon completion of the contract, the State Forester will determine the actual costs incurred by the State in performance of the contract and should this amount be less than that on deposit, return the balance to the person. Should the amount of actual costs be more than that amount on deposit, the State Forester shall submit an itemized statement showing the balance due and from which the person contracting with the State shall within 90 days make payment.

(f) Provide that the person contracting with the State Forester shall purchase a third party liability policy of insurance in an amount determined by the State Forester. A certificate of insurance covering this policy shall be attached to and become a part of the contract.

4852. Should the amount of moneys due the State not be paid as provided for in subdivision (e) of Section 4850 such amount shall become a lien upon the property.

(a) Notice of the lien shall be recorded by the State Forester in the office of the county recorder of the county in which the property is situated within one year.

(b) An action to foreclose the lien shall be commenced by the Attorney General in the name of the people of the State of California within six months after the lien is filed and recorded.

(c) When the property is sold, enough of the proceeds to satisfy the lien and the costs of the foreclosure shall be paid to the State and the surplus, if any, shall be paid to the owner of the property.

4853. Upon receipt of final payment of moneys due in performance of the contracts provided for in this chapter the State Forester shall deposit such moneys received in the General Fund of the State of California.

SEC. 25. Chapter 10 (commencing with Section 4890) is added to Division 4 of said code, to read:

CHAPTER 10. PUBLIC NUISANCES

4890. Any condition which exists upon any property which is included within any area in which the financial responsibility for preventing and suppressing forest fires is primarily the responsibility of the State that endangers public safety by creating a fire hazard, is a public nuisance. Whenever the State Forester determines that such a public nuisance exists, he shall notify the owner of the property to abate the public nuisance. If the owner is unknown, a copy of the notice shall be posted upon the property. The State Board of Forestry shall establish standards, based upon its determination of conditions which create an unreasonable hazard to life or property from fire, for what constitutes a hazardous condition in those instances not covered by state law. Such standards shall be established for each of the division's administrative districts after public hearing for which ample publicity is given.

4891. The notice shall be in writing and shall do all of the following:

(a) Describe the public nuisance.

(b) Specify the time within which the property owner is required to abate the public nuisance.

(c) State that, unless the public nuisance is abated within the time specified in the notice, the State Forester may abate the public nuisance and the costs of the abatement will be assessed against the property.

(d) State that the property owner may, within 15 days after the receipt or posting of the notice, request a hearing before the State Forester upon whether or not a public nuisance actually exists.

4892. If a property owner requests a hearing, the State Forester shall fix a time and a place for the hearing and notify the property owner. At the time and place of the hearing, the property owner may appear and be heard upon the question of whether or not a public nuisance actually exists upon property which he owns. The hearing shall be conducted in accordance with the provisions of Chapter 2 (commencing with Section 11180, Part 1, Division 3, Title 2 of the Government Code).

4893. If the State Forester determines, at the conclusion of the hearing, that a public nuisance actually exists upon property owned by the property owner, he shall order the property owner to abate the public nuisance within a specified time.

4894. If the public nuisance is not abated within the time specified in the notice to the property owner pursuant to Section 4890 or, if a hearing is not requested by the property owner, within the time specified in the order made by the State Forester pursuant to Section 4893, the State Forester may abate the public nuisance.

4895. Any costs which are incurred by the State Forester in abating any public nuisance pursuant to this chapter, are

a lien upon the property upon which the public nuisance existed when notice of the lien is filed and recorded as provided in Section 4896.

4896. Notice of the lien shall be recorded by the State Forester in the office of the county recorder of the county in which the property is situated within one year after the first item of expenditures by the State Forester or within 90 days after the completion of the work, whichever first occurs, and upon recordation of the notice of lien the lien shall have the same force, effect and priority as a judgment lien.

4897. An action to foreclose the lien shall be commenced by the Attorney General in the name of the people of the State of California within six months after the lien is filed and recorded.

4898. When the property is sold, enough of the proceeds to satisfy the lien and the costs of the foreclosure shall be paid to the State and the surplus, if any, shall be paid to the owner of the property, if known, and if not known, shall be paid into the court in which the lien was foreclosed for the use of the owner when he is ascertained.

SEC. 26. Chapter 4 (commencing with Section 14500) is added to Part 5, Division 3, Title 2 of the Government Code, to read:

CHAPTER 4. ADVISORY COMMITTEE ON THE TREATMENT OF RIGHTS-OF-WAY

14500. There is in the Department of Conservation an Advisory Committee on the Treatment of Rights-of-way. The committee shall be composed of representatives of appropriate industries, state and local fire services and agencies, and those responsible for the construction and maintenance of streets and highways in this State who shall be appointed by, and serve at the pleasure of, the Governor.

14501. As used in this chapter, "committee" means the Advisory Committee on the Treatment of Rights-of-way.

14502. The Governor shall select from among the members of the committee a chairman and a vice chairman.

14503. The committee shall meet at such times and such places as the chairman shall prescribe. All meetings of the committee shall be open and public and all persons shall be permitted to attend any meeting of the committee. The members of the committee shall serve without compensation but shall be reimbursed for any necessary expenses which are incurred pursuant to this chapter.

14504. The committee shall act as a clearinghouse for information regarding materials and methods which may be used for the treatment of utility, highway and railroad rights-of-way for fire prevention purposes and, when funds are made available for such purposes, may cause such materials and methods to be tested under any conditions which it may determine may be necessary, and may recommend the materials and

methods which it determines are the most effective in any area of the State.

14505. The committee may enter into such contracts or may incur such other expenses as may be necessary to enable it to carry out any of its functions pursuant to this chapter.

14506. The Departments of Conservation and Public Works and the State Fire Marshal's office and, upon request, other governmental departments and agencies, shall co-operate with the committee and furnish it with such assistance and facilities as it may require in carrying out its functions pursuant to this chapter.

SEC. 27. Section 13002 of the Health and Safety Code is amended to read:

13002. Every person is guilty of a misdemeanor who throws or discharges from any vehicle any litter or any lighted cigarette, cigar, ashes, or other flaming or glowing substance, or any substance or thing which may cause a fire.

"Litter," as used in this section, includes any substance which is mentioned in Section 23112 of the Vehicle Code.

Any person convicted under this section for throwing or discharging any litter or any flaming or glowing substance from any motor vehicle outside of a business or residence district is guilty of a misdemeanor.

SEC. 28. Section 101.6 is added to the Streets and Highways Code, to read:

101.6. The department shall design, place and maintain or cause to be placed and maintained at appropriate places along state highways signs which indicate the maximum penalty which may be prescribed for throwing or discharging any litter or any flammable or glowing substance from any vehicle outside of a business or residence district. County road commissioners shall place such signs along roads for which they are responsible.

SEC. 29. Section 1817 is added to the Vehicle Code, to read:

1817. Written allegations received by the department from members of the public identifying motor vehicles or other vehicles by license number from which flaming or glowing substance has been thrown, or discharged, shall be forwarded to the Division of Forestry of the Department of Conservation together with information as to the identity of the registered owner of the vehicle as shown by the records of the department.

SEC. 30. Section 23111 of said code is amended to read:

23111. Outside of a business or residence district no person in any vehicle and no pedestrian shall willfully or negligently throw or discharge from or upon any road or highway, public or private, any litter or any lighted cigarette, cigar, ashes, or any other flaming or glowing substance.

"Litter," as used in this section, includes any substance which is mentioned in Section 23112.

Any person convicted under this section for throwing or discharging any litter or any flaming or glowing substance is guilty of a misdemeanor.

SEC. 31. If any section, subsection, sentence, clause or phrase of this enactment is, for any reason, held unconstitutional such decision shall not affect the validity of the remaining portions of the act.

CHAPTER 2039

An act to add Section 5823.6 to the Public Resources Code, relating to small craft harbors.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 5823.6 is added to the Public Resources Code, to read:

5823.6. No city, county or district which has received, or is receiving, money under this division for the construction or improvement of small craft harbors of refuge shall, consistent with the intent of Section 5831, exclude the use of such harbor by commercial boats.

CHAPTER 2040

An act to add Division 4.6 (commencing with Section 6200) to the Labor Code, relating to the establishment of a Workmen's Compensation Study Commission, defining its powers, duties and responsibilities, and making an appropriation therefor.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature, in 1918, was empowered by a constitutional amendment to establish a complete system of workmen's compensation. The constitutional purpose underlying this system is that substantial justice be accomplished in all cases expeditiously, inexpensively, and without incumbrance of any character.

In enacting this division, the Legislature finds that since 1918, there has been a tremendous growth in the population of this State, which, together with the great industrial, social, economic, and technical progress which has occurred, has imposed new burdens on, and created new problems with respect to, the State's workmen's compensation system and has, there-

fore, made it advisable at this time that the system be reexamined.

Therefore, it is the purpose of the Legislature, in enacting this division, to authorize a study of the system to ascertain whether it is presently fully serving its original constitutional purpose and whether it may, in view of conditions which may be anticipated in this State, be expected to serve that purpose in the future; or whether, on the other hand, it has become so uncertain, discriminatory, expensive, and full of delay that it no longer effectively serves that purpose.

SEC. 2. Division 4.6 (commencing with Section 6200) is added to the Labor Code, to read:

DIVISION 4.6. THE WORKMEN'S COMPENSATION STUDY COMMISSION

CHAPTER 1. CREATION AND MEMBERSHIP

6200. There is in the State Government a Workmen's Compensation Study Commission, hereafter referred to in this division as the "commission." The commission shall consist of seven members appointed by the Governor, with the approval of the Senate, who shall be representative of the broad interests of this State and of those persons most directly concerned in workmen's compensation, but specifically including representatives of labor, employers, the medical and legal professions, the insurance industry, and the general public.

6201. Two Members of the Senate of the State of California appointed by the Committee on Rules of the Senate and two Members of the Assembly of the State of California appointed by the Speaker of the Assembly shall meet with the commission and participate in its activities to the extent that such participation is not incompatible with their respective positions as Members of the Legislature.

6202. The members of the commission, except the chairman, shall serve without other compensation but shall be reimbursed for all necessary expenses actually incurred in the performance of their duties.

6203. For the purposes of this division the members of the Legislature shall be considered a joint committee of the two houses of the Legislature and constitute an investigating committee on the subject of this division; and, as such, shall have the powers and duties imposed on such a committee by the Joint Rules of the Senate and Assembly and, in accordance with those rules, shall be allowed, out of the Contingent Funds of the Senate and the Assembly, their expenses incurred for mileage and other purposes in the exercise or performance of such powers or duties.

6204. The Governor shall select from among the members of the commission a chairman. The chairman shall serve as the executive officer of the commission and shall receive such

salary as may be fixed by the commission, subject to the provisions of Section 18004 of the Government Code.

6205. Four members of the commission shall constitute a quorum.

6206. The Governor shall summon the commission to its first meeting.

6207. All vacancies in the commission membership shall be filled in the same manner in which original appointments were made.

CHAPTER 2. PURPOSES AND DUTIES

6217. The commission shall conduct a study of, and make suggestions regarding, the workmen's compensation system as set forth in Division 4 (commencing with Section 3201) and Division 4.5 (commencing with Section 6100) of the Labor Code to determine whether the system most effective contributes to the original, fundamental purposes of the workmen's compensation laws, including relief from the consequences of injury; prompt, certain, and nonlitigious determination of rights under the law; and the rehabilitation and restoration of injured workers to gainful employment.

This study may include, but need not be limited to, a study of constitutional and statutory provisions and administrative regulations, procedures, and practices; a critical analysis of the permanent disability rating system and its actual effect upon injured workmen; a study leading to the establishment of guidelines to secure greater certainty in the disposition of cases involving physiological disorders as well as cases involving psychic disorders; and consideration of a first-class rehabilitation system to obtain maximum medical relief from the consequences of industrial injury and to encourage return to gainful employment.

The commission shall advise the Governor and the Legislature of its findings, conclusions, and suggestions, including recommendations in regard to proposed constitutional and statutory changes, improved administrative regulations, procedures, and practices, permanent disability rating schedules, and anything else in its opinion designed to further the accomplishment of the purposes of the workmen's compensation system in regard to restoring injured workmen to employment.

6218. The commission may submit to the Governor and the Legislature at such time, or times, as the commission deems necessary, interim reports of its activities.

6219. For the purposes of expenditures for the support of the commission, including the expenses of the members of the commission, the commission shall be deemed to be within the Department of Finance, but the commission shall not be subject to the control or direction of the Director of Finance.

6220. All meetings of the commission and all hearings held by the commission shall be open to the public.

CHAPTER 3. POWERS

6230. In carrying out its duties and responsibilities, the commission shall have all of the following powers:

(a) To meet at such times and places as it may deem proper.

(b) As a body or, on the authorization of the chairman, as a subcommittee composed of one or more members, to hold hearings at such times and places as it may deem proper.

(c) To issue subpoenas to compel the attendance of witnesses and the production of books, records, papers, accounts, reports, and documents.

(d) To administer oaths.

(e) To employ a secretary and such clerical, legal, and technical assistance as may appear necessary.

(f) To contract with and engage the services of one or more public or private research agencies, universities, or other institutions, whether located within or outside of this State, which would conduct research, prepare recommendations, or undertake the general administration and conduct of the study authorized by this division under the direction of the commission, or any of such activities, as the commission may determine, and to contract with such other individuals or agencies, public or private, as it deems necessary, for the rendition and affording of such services, facilities, studies, and reports to the commission as will best assist it to carry out its duties and responsibilities.

(g) To co-operate with, and to co-ordinate its work with, all state and federal agencies now or hereafter engaged in, or concerned with, rehabilitation and retraining insofar as such rehabilitation and retraining shall apply to the rehabilitation and retraining of industrially injured workers in this State and the operation of the workmen's compensation law.

(h) To co-operate with, and to secure the co-operation of, county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of its duties and responsibilities, and to direct the sheriff of any county or any marshal to serve subpoenas, orders, and other process.

(i) To certify to the superior court of any county in which proceedings are held the facts concerning the disobedience or resistance, by any person, of any lawful order, or the refusal of any person to respond to a subpoena, to take the oath or affirmation as a witness, or to be examined, or the misconduct of any person during a hearing; and to receive the assistance of the court in enforcing orders and process, in the manner prescribed by Section 11525 of the Government Code

(j) To co-operate with every department, agency, or instrumentality in the state government; and to secure directly from every department, agency, or instrumentality full co-operation, access to its records, and access to any information, suggestions, estimates, data, and statistics it may have available.

(k) To authorize its agents and employees to absent themselves from the State where necessary for the performance of their duties.

(*l*) To do any and all other things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the powers expressly granted it.

CHAPTER 4. DURATION

6240. The commission shall be empowered to act and shall act until 90 days following the end of the 1965 Regular Session or such earlier time as its final report shall have been submitted to the Governor and to the Legislature, but not thereafter.

SEC. 3. The sum of one hundred thousand dollars ($100,000) is hereby appropriated out of any moneys in the State Treasury in the General Fund for the expenses of the commission.

CHAPTER 2041

An act to add Article 8 (commencing with Section 13575) to Chapter 2 of Division 10 of the Education Code, relating to school teachers, and making an appropriation therefor.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Article 8 (commencing with Section 13575) is added to Chapter 2 of Division 10 of the Education Code, to read:

Article 8. Exchange and Recruitment of Teachers

13575. This article shall be known as the "Foreign Language Teacher Exchange and Recruitment Law of 1963."

13575.1. The purposes of this article are to encourage and promote the temporary exchange of teachers between school districts in California and schools in foreign countries and to make available to California schools as teachers foreign-born persons and others who are especially qualified to provide instruction in one or more modern foreign languages in order that the schools of this State may comply with the requirement of the state law that foreign language instruction be given to pupils in grades six, seven, and eight as of July 1, 1965. It is the finding of the Legislature that California teachers will become more fluent in a foreign language and more knowledgeable about peoples of other countries and their environment by teaching service in a country where that language is used in daily life, and that it will be of substantial

benefit to California pupils beginning the study of a foreign language to be instructed by teachers who are fluent in the language and conversant with the attendant culture and are therefore able to instill and reinforce the appropriate speech habits early in the learning experience of the pupil. It is the purpose of the Legislature to encourage and enable California schools to benefit from the language abilities of citizens of foreign countries who are now or in the future may be residents of this State.

13575.2. The State Board of Education shall adopt rules and regulations under which teachers employed by California school districts may exchange positions with teachers in schools in other countries for a period of one year or less. The arrangements for such exchanges shall be made through the State Department of Education and in co-operation with the teacher exchange programs administered by agencies of the federal government. The first such exchanges shall take place during the 1964-1965 school year.

Grants from the federal government or any department or agency thereof may be accepted by the State and its agencies to be expended pursuant to the programs and plans enumerated in this article. The State Department of Education shall administer the teacher exchange program provided for in this article and shall do all acts necessary to carry out the purposes of this article.

13575.3. Teachers employed by California school districts desiring to participate in an exchange of positions under this article shall file with the Department of Education an application setting forth a plan of study to be completed during the year of service in a foreign country and shall agree to teach in a California school district for a minimum of two years following the year of exchange service.

13575.4. The exchange of teachers with a foreign country under the provisions of this article shall be conditioned upon the fact that the employing school district in California shall not be required to pay the salary of the teacher from the foreign country. Teachers employed by California school districts shall, while serving as teachers in a foreign country pursuant to this article, continue to receive from their employing school districts the full amounts of the regular salaries which would be payable to them if they were serving in the schools of the particular employing districts, and the district shall make all deductions provided by law for retirement purposes during such period.

The Department of Education may pay to the teachers from a foreign country employed by a school district in California under this article, part or all of the difference between the salary being paid them by their respective foreign employers and the salary being paid by the California school district to the particular teachers with whom they are exchanged, as the department shall determine to be appropriate in each instance;

except that no such payment to a foreign teacher shall exceed three thousand dollars ($3,000) in one school year nor shall such payments be made to more than 500 teachers from foreign countries in any one fiscal year.

The Department of Education may pay the travel expenses of teachers in the exchange program but such payments shall not be made to more than 500 California teachers and 500 teachers from foreign countries in any one fiscal year. Such payments shall be for the actual expense involved in travel to and from the exchange assignments or for one thousand dollars ($1,000), whichever is the lesser amount.

The State Board of Education shall establish minimum standards for credentials for such exchange teachers from a foreign country and shall provide for the issuance of such credentials to such teachers.

13575.5. The State Board of Education shall adopt rules and regulations providing for the recruitment of, and issuance of special credentials in the teaching of a foreign language to foreign-born persons or others having native fluency in a modern foreign language who are resident in the United States to teach foreign languages in the public schools of California. The issuance of special credentials in the teaching of foreign languages pursuant to this section shall be limited to 500 persons a year. The State Board of Education shall prescribe the minimum standards for such special credentials and shall provide for the renewal of such credentials. In issuing the credentials to any applicant the State Board of Education shall take into consideration fluency in the language to be taught, academic preparation, previous teaching experience, a knowledge of modern methods of foreign language instruction and a knowledge of peoples of other countries and their environment. No person shall be issued a special credential under this section unless he is a citizen as defined in Section 1940 of the Labor Code, or has declared his intention to become a citizen in the manner prescribed in subdivision (a) of Section 1944 of the Labor Code. The State Board of Education shall adopt rules and regulations which require the holder of a special credential issued under this section to undertake, within a reasonable time, a course of study which will enable the holder to become eligible for a standard teaching credential.

13575.6. The State Department of Education may contract with universities and colleges in this State accredited by the State Board of Education as a teacher education institution for furnishing refresher courses in which applicants for a special credential in the teaching of a foreign language issued under Section 13575.5 who have not had previous recent teaching experience may secure instruction in the teaching of a foreign language that will enable them to meet the standards prescribed by the State Board of Education.

Instruction in the teaching of foreign language pursuant to the provisions of this section shall be limited to 500 persons a year.

The State Department of Education may pay to each person enrolled in such a refresher course a stipend of seventy-five dollars ($75) a week for a total of six weeks or a stipend paid in some other manner but the total amount paid to an individual shall not exceed four hundred fifty dollars ($450).

13575.7. Sections 13272, 14001, and 14065 apply to exchange teachers

SEC. 2. There is hereby appropriated out of the General Fund in the State Treasury the sum of one hundred thousand dollars ($100,000) to the State Department of Education to be expended for administration of this article during the 1964-1965 and 1965-1966 fiscal years.

SEC. 3. This act shall become operative only on the date when federal grants-in-aid first become available for the purposes of this article.

CHAPTER 2042

An act to amend Section 21355 of the Vehicle Code, relating to stop signs.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 21355 of the Vehicle Code is amended to read:

21355. Stop signs erected under Section 21350, 21351, 21352, or 21354 may be erected either at or near the entrance to an intersection.

The Department of Public Works and local authorities in their respective jurisdictions may erect stop signs at any location so as to control traffic within an intersection.

When a required stop is to apply at the entrance to an intersection from a one-way street the roadway of which is 30 feet or more in width, stop signs shall be erected both on the left and the right sides of such one-way street at or near the entrance to the intersection.

Notwithstanding any other provision of this code, stop signs shall not be erected at any entrance to an intersection when such entrance is controlled by an official traffic control signal. Stop signs erected prior to the effective date of this provision and which are in place in contravention hereof shall be removed prior to January 1, 1965, by the Department of Public Works and local authorities in their respective jurisdictions.

CHAPTER 2043

An act to amend Section 5050 of the Public Resources Code, relating to Tamalpais State Park.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 5050 of the Public Resources Code is amended to read:

5050. In Tamalpais State Park, leases of buildings in the area at the foot of Steep Ravine shall be made by the department to the present occupants for a term of two years from the expiration of the existing leases at a reasonable rental and on such terms and conditions as determined by the department to be necessary to hold the State harmless on account of any damage arising out of the use of the buildings under such leases.

At the expiration of any such two-year lease, the lease shall be automatically renewed on a year-to-year basis, subject to the same annual rental and the same terms and conditions. The two-year lease or any subsequent year-to-year lease shall be terminated at its expiration if the Department of Finance, at least 30 days prior to the expiration of such period, notifies the tenant in writing that funds have been appropriated for an approved project in the state park which will require the removal in the following year of the building being occupied by the tenant.

Nothing in this section shall prevent the Department of Parks and Recreation from leasing any such building which is vacated by a tenant at the same rental and on the same terms and conditions as the lease to the former tenant.

CHAPTER 2044

An act to amend Section 1447 of the Health and Safety Code, relating to county medical facilities.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1447 of the Health and Safety Code is amended to read:

1447. Notwithstanding any other provisions of the Welfare and Institutions Code, the county which is responsible for the payment of public assistance to any person or group of persons under Chapter 1 of Part 2 of Division 2, Chapter 1 of Division 3, or Division 5 of that code, and the needy relative in the

case of aid to needy children, shall provide the necessary hospital or medical care, or both, if otherwise qualified for such care. If a recipient of public assistance moves from one county to another county within this State to make his home, the county to which such recipient removes shall become responsible for providing medical or hospital care or both upon notification by the first county that such recipient has moved to the second county for the purpose of making his home in said county, provided that the recipient is otherwise qualified for such care, except that he need not meet the residence qualifications set forth in Section 2556 of the Welfare and Institutions Code.

SEC. 2. Nothing contained in this act shall affect the right of a county to demand payment from another county under Section 1475 of the Health and Safety Code.

CHAPTER 2045

An act to add Sections 31703.2 and 31703.3 to the Water Code, relating to county water districts.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 31703.2 is added to the Water Code, to read:

31703.2. Annually, the Sierra Lakes County Water District, Placer County, may request, and the board of supervisors shall levy a bond tax on land only in the district or improvement district benefited by the purposes of the bonded debt. The bond tax levied pursuant to this section constitutes a lien on all property, both land and improvements, located on the land benefited by the purposes of the bonded debt.

This special provision is necessary because of the benefit to undeveloped land within the Sierra Lakes County Water District by the availability of improvements in the area.

SEC. 2. Section 31703.3 is added to the Water Code, to read:

31703.3. Annually, the Circle Oaks County Water District, Napa County, may request, and the board of supervisors shall levy a bond tax on land only in the district or improvement district benefited by the purposes of the bonded debt. The bond tax levied pursuant to this section constitutes a lien on all property, both land and improvements, located on the land benefited by the purposes of the bonded debt.

This special provision is necessary because of the benefit to undeveloped land within the Circle Oaks County Water District by the availability of improvements in the area.

CHAPTER 2046

An act to amend Sections 26300 and 26306 of the Water Code, relating to irrigation district assessments.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 26300 of the Water Code is amended to read:

26300. (a) Subject to the limitations of subdivision (b), a collector's deed conveys to the grantee free of all encumbrances the absolute title to the property described in it except when the land is owned by the United States or this State, in which case it is prima facie evidence of the right of possession.

(b) If the record title to minerals or to oil, gas or other hydrocarbon substances was held by one or more persons other than the owner of the land at the date of the assessment for which the property was sold, the collector's deed to the land shall not convey title to such minerals, oil, gas or other hydrocarbon substances; provided that the minerals, oil, gas or other hydrocarbon substances so held under separate ownership shall be subject to sale for delinquent assessments assessed to the owner of such substances, in the same manner as with respect to land.

SEC. 2. Section 26306 of said code is amended to read:

26306. The provisions of Sections 26304 and 26305 do not apply in the following cases:

(a) Where the assessments for which the property was sold were paid before the sale.

(b) Where the property was redeemed after the sale.

(c) Where the land was not subject to assessment at the time it was assessed.

(d) Where no assessments were due on the land at the time of the sale.

(e) Where fraud is established.

(f) Where the deed is void on its face.

(g) Where the owner of the land was at the time of the sale a minor or insane person, in which case the earliest time that the statute of limitations begins to run is when the disability is removed.

(h) In any action described in Section 26304 or 26305 based on the alleged ineffectiveness of the collector's deed to convey the title to minerals or to oil, gas or other hydrocarbon substances which was held by one or more persons other than the owner of the land on the date of the assessment for which the property was sold.

CHAPTER 2047

An act to amend Sections 16645.2, 16645.3, 16645.5, 16645.9 and 16645.11 of, and to add Sections 16645.12a and 16645.28 to, the Education Code, relating to child care centers, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 23, 1963 Filed with Secretary of State July 25, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 16645.2 of the Education Code is amended to read:

16645.2. The governing board of any school district or a county superintendent of schools with the approval of the county board of education is authorized to establish and maintain, upon the approval of the Superintendent of Public Instruction, one or more pilot child care centers for physically handicapped and mentally retarded children between 3 years and 16 years of age residing in, and in the custody of persons residing in, the district or county. The governing board or county superintendent shall determine the hours, days, and months during which the child care center is to be maintained.

Nothing in this section shall be construed as vesting in the county superintendent of schools any authority to alone effect the levy and collection of any county, school, or other local taxes for the support of any such pilot child care center for physically handicapped and mentally retarded children.

The establishment and maintenance of any pilot child care center for physically handicapped and mentally retarded children by the county superintendent of schools shall be undertaken subject to the prior approval of the county board of education, upon the application of one or more school districts under his jurisdiction, and such establishment and maintenance shall be upon such terms and conditions as may be provided for in a written contract entered into between the county superintendent of schools and the governing board of any such district. Not more than four pilot centers shall be established pursuant to this section.

SEC. 2. Section 16645.3 of said code is amended to read:

16645.3. As used in this article (commencing at Section 16645.1) "parent" includes any person having legal custody of a child, "child care center" means a child care center for mentally retarded and physically handicapped children, "governing board of any school district" includes a county board of education, and "school district" includes a county superintendent of schools, except as used in Section 16645.12 or unless a different meaning clearly appears from the context.

SEC. 3. Section 16645.5 of said code is amended to read:

16645.5. A governing board maintaining a child care center may accommodate in the center children residing in another district upon such terms and under such conditions as may be agreed upon by the governing boards of both districts. Such terms and conditions shall include the payment of the cost required or authorized to be paid from the district general fund or a special child care tax levied by the operating district. The amount shall be paid from any funds of the contracting school district available for that purpose.

SEC. 4. Section 16645.9 of said code is amended to read:

16645.9. The Superintendent of Public Instruction shall prepare a schedule of fees which shall be used by each school district and county superintendent for the charging of fees to parents. The fees shall be based on the financial status of the parents, with larger fees to be charged for children of families having larger incomes.

If the combined income of the parents having one child exceeds seven hundred fifty dollars ($750), or, where there is more than one child, if it exceeds seven hundred fifty dollars ($750) plus an additional sixty-six dollars ($66) for each additional child, the parents shall be charged the full cost of care of the child at the center. Fees for children of parents having lower incomes shall be fixed on a sliding scale basis. If it becomes necessary for the Superintendent of Public Instruction to adjust the fee schedule, any increase shall be made first in fees charged to those in the higher income brackets. The rate of increase in fees charged for children of families of different income levels need not be uniform as between the different income levels.

The fee schedule shall, so far as reasonably possible, be established on such basis and in accordance with such principles as the Superintendent of Public Instruction may determine to insure proper administration of the child care center program and to establish uniform budgetary and accounting procedures.

SEC. 5. Section 16645.11 of said code is amended to read:

16645.11. The Superintendent of Public Instruction shall apportion state funds to the districts in such amounts as will equal the difference between seventy cents ($0.70) and the average hourly fee per child collected as provided for in Section 16645 9 of this code, except that in no event shall the amount apportioned exceed sixty cents ($0 60) per hour per child.

SEC. 6. Section 16645.12a is added to said code, to read:

16645.12a. Any school district the governing board of which has entered into a contract with the county superintendent of schools for the establishment of a pilot child care center for physically handicapped and mentally retarded children pursuant to Section 16645.2 shall be deemed for the purpose of Section 16645.12 to be maintaining a child care center.

SEC. 7. Section 16645.28 is added to said code, to read:

16645.28. The governing board of any school district, or any county superintendent of schools, may provide for the transportation of children between their homes and the center attended by them as provided by a school district. The Superintendent of Public Instruction shall allow to each school district an amount equal to the current expense of transporting severely handicapped children, but not to exceed one-half the cost or two hundred dollars ($200), whichever is the lesser amount, for each unit of average weekly paid membership per year resulting from the attendance of such children transported between home and the child care center.

SEC. 8. There is appropriated from the General Fund to the Department of Education for use during the 1963-1964 fiscal year for the purpose of Article 2 (commencing with Section 16645 1), Chapter 5, Division 12 of the Education Code, the amount of eighty thousand six hundred seventy-two dollars ($80,672).

SEC. 9. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There is an urgent need for child care centers for physically handicapped and mentally retarded children in the smaller school districts. In order to give the county superintendent of schools adequate time to make necessary preparations for child care centers in their counties for the 1963-64 fiscal year, it is necessary that this act take effect immediately.

CHAPTER 2048

An act to amend Sections 2841, 2842, and 2843 of the Business and Professions Code, relating to the Board of Vocational Nurse Examiners of the State of California.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 2841 of the Business and Professions Code is amended to read:

2841. There is hereby created in the Department of Professional and Vocational Standards a Board of Vocational Nurse Examiners of the State of California, consisting of 11 members

Within the meaning of this chapter, board, or the board, refers to the Board of Vocational Nurse Examiners of the State of California.

SEC. 2. Section 2842 of said code is amended to read:

2842. Each member of the board shall be a citizen of the United States and a resident of the State of California. One member shall be a duly licensed physician and surgeon; one member shall be a registered nurse who shall have had not less than five years' experience as a teacher or administrator in an accredited school of nursing offering a program of study in professional nursing under the provisions of Chapter 6, Division 2 of the Business and Professions Code; one member shall be a hospital administrator; one member shall be a public school administrator of this State; two members shall be certified psychiatric technicians, each of whom shall have had not less than five years experience in a psychiatric hospital, or in a psychiatric unit of a hospital licensed by the Department of Public Health, or private institution licensed by the Department of Mental Hygiene; and five members shall be duly licensed vocational nurses who have been licensed for a period of three years prior to appointment.

No person may serve as a member of the board for more than two consecutive terms.

Per diem and expenses of members of the board who are certified psychiatric technicians shall be paid solely from revenues received pursuant to the provisions of Chapter 10 (commencing with Section 4500) of Division 2.

SEC. 3. Section 2843 of said code is amended to read:

2843. Members of the board shall be appointed by the Governor for a term of four years. The terms of the members of the board first appointed under this chapter shall expire as follows: the two practical nurses who are qualified to meet the requirements for a license under this chapter, on January 15, 1952; two on January 15, 1953, two on January 15, 1954; two on January 15, 1955. Vacancies occurring shall be filled by appointment for the unexpired term in the manner hereinabove provided.

A vacancy is hereby created on the effective date of the 1957 amendment of this section in the term of the public health nurse, and the Governor shall within 90 days thereafter fill the vacancy so created and the two new positions by the appointment of three duly licensed vocational nurses who have been licensed for a period of three years prior to appointment. One of the nurses so appointed shall serve for the balance of the term of the public health nurse member; one for a term to expire on January 15, 1960; and one for a term to expire on January 15, 1961.

The Governor shall, on or before January 1, 1964, appoint the two certified psychiatric technicians to the board. Their terms shall expire January 15, 1967. Thereafter all appointments of certified psychiatric technicians shall be for a term of four years, and vacancies shall be filled by appointment for the unexpired term.

CHAPTER 2049

An act to amend Section 1142 of the Agricultural Code, relating to eggs.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 1142 of the Agricultural Code is amended to read:

1142. It is unlawful for any person to engage in egg-breaking, liquefying, or dehydration of egg products or to bring or cause to be brought into this State egg products from other states or from outside the United States for the purpose of resale as such products without first obtaining a license from the State Department of Public Health. The provisions of this section shall not apply to any bakery or restaurant, or employee thereof, in which eggs are broken for immediate use upon the premises.

CHAPTER 2050

An act to amend Sections 34270 and 34272 of, the Health and Safety Code, relating to housing authorities.

[Approved by Governor July 23, 1963 Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 34270 of the Health and Safety Code is amended to read:

34270. When the governing body of a city adopts a resolution declaring the need for an authority, it shall promptly notify the mayor of the adoption. Upon receiving the notice and if his office is one filled by election by the people, the mayor, subject to the confirmation of a majority of the members of the governing body, shall appoint five persons as commissioners of the authority. If the office of the mayor is not elective, the city governing body shall make the appointments.

SEC. 2. Section 34272 of said code is amended to read:

34272. Three of the commissioners first appointed shall be designated to serve for terms of one, two, and three years, respectively, from the date of their appointment, and two shall be designated to serve for terms of four years from the date of their appointments. Their successors shall be appointed for a term of four years except that all vacancies shall be filled for the unexpired term. No commissioner of an authority may be an officer or employee of the county or city for which the au-

thority is created. Any appointment of a successor to a commissioner of a city housing authority shall be made by the mayor if his office is one filled by election by the people, subject to the confirmation of a majority of the members of the governing body. If the office of mayor is not elective the governing body of the city shall make the appointment. All appointments of commissioners of a county housing authority shall be made by the governing body of the county.

CHAPTER 2051

An act to add Chapter 12 (commencing with Section 4987) to Division 4 of the Public Resources Code, relating to the California Youth Conservation and Training Program.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 12 (commencing with Section 4987) is added to Division 4 of the Public Resources Code, to read:

CHAPTER 12. YOUTH CONSERVATION AND TRAINING PROGRAM

Article 1. General Provisions and Purposes

4987. It is the intention of the Legislature in adopting the program provided by this chapter on a demonstration or pilot basis, to afford young men an opportunity to participate in work and activities which will permit them to develop the trades and attitudes necessary to become productive members of society, and while in the course of such work and training, to benefit the natural resources of the State. Work projects developed under this chapter shall be confined to natural resource conservation projects which serve a useful public purpose and do not result in the displacement of regular workers.

4988. There is in the Department of Conservation a Board of Directors for the California Youth Conservation and Training Program (hereafter referred to in this chapter as "the board"), composed of the Director of Conservation, the Superintendent of Public Instruction, the Director of Employment, the Director of Industrial Relations, and the Director of the Youth Authority. The Director of Conservation shall be chairman.

The board shall meet at least four times a year. The function of the board is to establish general policies governing a Youth Conservation and Training Program, which program shall involve the following essential elements:

(a) Procedures for the admission and discharge of young men qualifying for this program pursuant to the standards

specified in this chapter. In such procedures for discharge, to include referral of such participants who have completed their tenure in the program, through the offices and facilities of the Department of Employment to educational, training, or work in the competitive labor market; and in so doing, utilizing to the maximum extent possible any assistance which may be available under the Manpower Development and Training Act of 1962.

(b) Determination of the vocational instruction to be afforded and of the general conservation activities to be accomplished consistent with the provisions of this chapter.

(c) Allocation of the time of the participants to vocational training, conservation work, recreation, study, free time, visitation and such other activities to establish a well-ordered, pleasant and productive environment.

(d) Procedures for permitting such participants to engage in emergency fire suppression, disaster relief, rescue services and civil defense activities.

(e) Procedures for the handling of grievances and appeals, and of death or disability claims by or on behalf of any supervisorial personnel or participant.

(f) Procedures for the contracting by various agencies of government for the utilization of such participants.

(g) Such other procedures, standards, policies or considerations as are necessary to achieve the stated objective of this program.

Article 2. Procedures and Operations

4990. The program is established in the Division of Forestry of the Department of Conservation. Subject to policies established by the board, the State Forester shall be responsible for the administration of the program and shall provide facilities and a work program for the purpose of training youth conservation trainees in conservation and forest practices, and in such skills for which vocational training is available in the conduct of this program. The State Forester shall also provide the necessary personnel to instruct, supervise and train youth conservation trainees in these activities. The State Forester shall prepare and submit to the Director of Conservation reports of the activities of the program for such board, executive or legislative action as may be necessary.

To aid in accomplishing the purposes of the program all state departments and agencies shall afford full co-operation to the board in its administration of the provisions of this chapter.

4991. To qualify as a youth conservation trainee (hereafter referred to in this chapter as a "trainee") a young man shall meet each of the following conditions:

(a) Have attained the age of 16 years, but not the age of 22 years, and have secured any permission required by law by virtue of age.

(b) Have volunteered for the program through the Director of Employment as hereafter provided.

(c) Have never been convicted of a felony.

(d) Have passed such physical and mental aptitude test as required.

(e) Have thereafter been recommended for participation in the program by the Director of Employment.

4992. The Director of Employment, through the public employment service maintained within the Department of Employment, shall conduct such tests and make such determinations required in Section 4991 and shall establish, under direction of the board, and in co-operation with the state agencies represented by members of the board, lists of such qualified young men currently available for assignment to the program for a continuous period of six months.

Any young man whose name appears on any such list as available for assignment may apply to the State Forester for participation in the program as a trainee, and may thereupon be accepted by the State Forester for such participation.

The total period for which a trainee may participate in the program shall be one year.

4993. The conservation work to be afforded trainees under the demonstration program shall involve principally the improvement and protection of the forest and watershed lands in the State, through the construction and maintenance of firebreaks, fire control roads, truck trails, and related forms of fire suppression facilities. It shall involve also work in fire suppression, timber-stand improvement, reforestation, park development, fish and game habitat improvement, control of forest pests and diseases, and improvement of riding and hiking trails.

Article 3. Fiscal and Miscellaneous Matters

4996. The State Forester may enter into agreements with any agency of the federal government for the financial support of the program and shall conform the administration of the program in such a manner as may be necessary to qualify for such support under existing or subsequent federal legislation having the same or similar purpose or establishing the same or a similar program or for the purpose of aiding or supporting a state program as established by this chapter.

4996.5. (a) The county superintendent of schools, with the approval of the county board of education, of any county in which any camp or other facility maintained by the State Forester at which trainees reside is wholly or partially located may furnish education for the trainees in the camp at the request of the State Forester.

(b) The school attendance of such trainees shall be credited to the county school service fund of the county superintendent of schools providing the education for the trainees; and State School Fund apportionments on account of such attendance

shall be made to the fund in the amount, per unit of average daily attendance, equal to the foundation program computed per unit of average daily attendance for the high school district in which the camp or facility is situated.

4997. A trainee shall be deemed to be a resident of the high school district in which he lived at the time of his admission to the program and the excess cost for a school year of educating such trainee shall be paid by the high school district of which he is a resident to the county superintendent who is providing education for the trainees. The excess cost shall be determined by dividing the total current expense of education during such school year (for the maintenance of a high school level school or classes for trainees), by the total number of units of average daily attendance in such school or classes during such school year, less state and federal apportionments on account of such average daily attendance.

Average daily attendance of trainees shall be computed, for purposes of this chapter, by dividing the number of days such trainee attended the schools or classes by the number of days that the schools or classes were taught, except that with respect to a trainee attending such schools or classes for more than 175 days in a school year, the average daily attendance shall be computed by using the divisor of 175.

For purposes of computing average daily attendance 180 minutes of class attendance shall be deemed to constitute a school day, and no more than 15 hours of class time per week shall be considered.

Not later than July 15th of each year, the superintendent of schools of the county providing education for trainees shall forward his claim for the excess expense reimbursement to the high school district of residence of each trainee during the preceding school year, and the governing board of such high school district shall upon receipt thereof pay such claims.

The governing board of the high school district to which the claim is presented may include in its budget the amount necessary to pay the claim, and, if the amount is included in the budget, the board of supervisors shall levy a school district tax to raise the amount. The school district tax shall be in addition to any other school district tax authorized by law to be levied.

4998. A trainee shall:

(a) Receive sixty dollars ($60) per month, of which forty dollars ($40) per month will be retained until termination of his assignment to the program. Twenty percent (20%) of the youth trainees may receive added compensation up to an additional ten dollars ($10) per month for assigned leadership responsibilities. Subject to the approval of the Director of Finance, the amount of the stipends paid trainees may be adjusted as necessary to qualify for any federal grant that may become available for the purposes of the youth conservation trainee program.

(b) Be provided room, board, and work clothing, and medical attention including emergency dental care.

(c) Be provided with a one-thousand-dollar ($1,000) life insurance policy for assignee in case of an industrial death where no dependents can be shown.

(d) Have available to him schooling in basic learning skills.

4999. A trainee in the program shall not be entitled to sick leave, vacation, retirement or other benefits accorded state employees, but shall be entitled to the benefits under Division 4 (commencing with Section 3201) and Division 4.5 (commencing with Section 6100) of the Labor Code as though he were an employee of the State during membership in the program.

In case of emergency fire conditions or disaster, trainees may be required to work extra hours as well as on weekends and holidays.

SEC. 2. Chapter 12 (commencing with Section 4987), Division 4 of the Public Resources Code, as enacted by Section 1 of this act, shall be operative only until the 91st day after the final adjournment of the 1965 Regular Session of the Legislature, and thereafter shall have no force and effect.

CHAPTER 2052

An act to amend Sections 1800 and 1801 of, to amend and renumber Sections 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809 and 1809.1 of, to repeal Section 1810 of, and to add Sections 1802, 1803, 1804, 1805, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825 and 1826 to, the Financial Code, relating to transmission of money abroad, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1800 of the Financial Code is amended to read:

1800. No person shall engage in the business of receiving money for the purpose of transmitting the same or its equivalent to foreign countries without first obtaining a license from the superintendent. For the purposes of this article "licensee" means any person licensed pursuant to this article. The provisions of this article shall also apply to persons engaged in the business of receiving money for the purpose of transmitting the same within the United States by an instrument or order drawn upon and directed to the person receiving the money for transmission. The provisions of this article shall not apply to (a) a bank or trust company or a foreign banking corpora-

tion licensed to do business in this State, or (b) the receipt of money by an agent of an incorporated telegraph company at any regular office of such company for immediate transmission by telegraph. A licensee engaged in the business of receiving money for transmission to a foreign country or for the purpose of paying to others, bills, invoices or accounts of an obligor, or selling or cashing checks, including travelers' checks, drafts, or money orders, or receiving money for the purpose of transmitting the same within the United States by an instrument or order drawn upon and directed to the person receiving the money for transmission, shall pay to the superintendent annually on or before July 1st twenty dollars ($20) for each branch office and three dollars ($3) for each agency at which money is received for transmission within the United States or to a foreign country or for the purpose of paying the bills, invoices or accounts of an obligor or at which such instruments are cashed or sold, excluding any agency at which only travelers' checks are cashed or sold.

SEC. 2. Section 1801 of said code is amended to read:

1801. Every licensee shall pay annually on or before July 1st a license fee of two hundred fifty dollars ($250).

SEC. 3. Section 1802 is added to said code, to read:

1802. An application for a license shall be in writing, under oath, and in a form prescribed by the Superintendent of Banks. It shall contain the name and address of the applicant, and, if a corporation, of every officer and director thereof. The application shall also contain such other information as the superintendent may require. Upon the filing of the application for a license the applicant shall pay to the superintendent a filing fee of two hundred fifty dollars ($250).

SEC. 4. Section 1803 is added to said code, to read:

1803. The superintendent may deny an application for a license issued pursuant to this article if, after a hearing, he finds that:

(a) The granting of the license will be against public interest;

(b) The applicant does not intend actively and in good faith to carry on as a business with the general public the transactions which would be permitted by the issuance of the license applied for;

(c) The applicant is not of good business reputation;

(d) The applicant is lacking in integrity;

(e) The applicant has been refused a professional, occupational or vocational license or had such a license suspended or revoked by any licensing authority for reasons that should preclude the granting of the license applied for;

(f) The applicant has knowingly or willfully made a misstatement in an application to the superintendent for a license, or in a document filed in support of such an application, or has made a false statement in testimony given under oath before the superintendent or any other person acting in his stead;

(g) The applicant has previously engaged in a fraudulent practice or act or has conducted any business in an unlawful or dishonest manner;

(h) The applicant has shown incompetency or untrustworthiness in the conduct of any business, or has by commission of a wrongful act or practice in the course of any business exposed the public or those dealing with him to the danger of loss;

(i) The applicant has failed to perform a duty expressly enjoined upon him by a provision of this article or the rules promulgated by the superintendent or has committed an act expressly forbidden by such a provision or by such rules;

(j) The applicant has been convicted of:

(1) A felony;

(2) Any crime involving moral turpitude; or

(3) A public offense having as one of its necessary elements a fraudulent act or an act of dishonesty in acceptance, custody, or payment of money or property;

(k) The applicant has aided or abetted any person in an act or omission which would constitute grounds for the suspension, revocation or refusal of a license issued under this article to the person aided or abetted; or

(*l*) The applicant has permitted any person in his employ to violate any provision of this article.

SEC 5 Section 1804 is added to said code, to read:

1804. If the application is approved by the superintendent he shall, upon the payment of the license fees, issue and deliver to the applicant a license to engage in business in accordance with this article.

SEC. 6. Section 1805 is added to said code, to read:

1805. The license is not transferable or assignable. Licenses expire on the first day of July following the date of issuance, unless on or before the 15th day of June prior to the expiration date the licensee files an application for renewal and pays to the superintendent the license fees as prescribed in this article.

SEC. 7. Section 1802 of said code is amended and renumbered to read:

1806. Each licensee shall file with the superintendent on or before January 1st and on or before July 1st each year a report in form satisfactory to the superintendent listing (a) its offices in this State at which money is received for transmission to foreign countries, (b) its employees at such offices authorized to receive money for such purpose, and (c) the name and business address of each person not regularly employed by it at one of its offices who is authorized to receive money for transmission by the company to foreign countries. Each such person shall be an agent of the licensee for all purposes in connection with or incidental to the receipt and transmission of money or its equivalent to foreign countries. Whenever the appointment of any such agent is terminated

and another person is appointed by the licensee in his place and whenever the licensee appoints any additional person as such agent, the licensee shall promptly notify the superintendent of such appointment giving the name and business address of each person so designated.

SEC. 8. Section 1803 of said code is amended and renumbered to read:

1807. Each licensee shall file with the superintendent annually on or before July 1st a verified report, in such form as the superintendent may prescribe, showing in such detail as he may require its business and transactions during the preceding calendar year relative to the receipt and transmission of money.

SEC. 9. Section 1804 of said code is amended and renumbered to read:

1808. The superintendent may at any time and from time to time examine the business of any agent in order to ascertain whether such business is being conducted in a lawful manner and whether all moneys received for transmission are properly accounted for. Each agent shall keep his books, records, and accounts in such form and manner as the superintendent may prescribe. The expense of the superintendent in making any such examination of an agent shall be paid to the superintendent on his demand by the licensee represented by such agent.

SEC. 10. Section 1805 of said code is amended and renumbered to read:

1809. Each licensee shall file with the superintendent a certified copy of every receipt form used by it or by its agents for money received for transmission. No such licensee or its agents shall use any receipt a certified copy of which has not first been filed with the superintendent. Any licensee violating the requirements of this section shall be subject to a fine of fifty dollars ($50) for each violation. If any such licensee or its agent uses a receipt form a certified copy of which has not first been filed with the superintendent, such licensee shall be liable for the acts of its agents whether or not the licensee authorized the agent to use such form.

SEC. 11. Section 1806 of said code is amended and renumbered to read:

1810. Every licensee or its agent shall forward all moneys received for transmission to a foreign country or give instructions committing equivalent funds to the person designated by the depositor within 10 days after receiving such money, unless otherwise ordered by his customer.

SEC. 12. Section 1807 of said code is amended and renumbered to read:

1811. As security for the faithful performance of its obligations, each licensee before engaging in the business of transmitting money shall deposit with the State Treasurer one hundred twenty-five thousand dollars ($125,000) in lawful money, or securities of the kind which may be deposited by trust companies to secure court and private trusts under Section 1542

having a market value of at least one hundred twenty-five thousand dollars ($125,000), or money and such securities amounting in the aggregate to at least one hundred twenty-five thousand dollars ($125,000). Such deposit shall be made in the manner specified in and shall be subject to the provisions of Section 1752.

SEC. 13. Section 1808 of said code is amended and renumbered to read:

1812. In lieu of the deposit of money and securities pursuant to Section 1811, a licensee may deliver to the superintendent the bond of a surety company, in form and written by a company satisfactory to the superintendent, in the principal sum of one hundred twenty-five thousand dollars ($125,000), conditioned upon the faithful holding and transmission of all moneys received by such licensee or its agents for such purpose. The superintendent shall deposit such bond with the State Treasurer.

SEC. 14. Section 1809 of said code is amended and renumbered to read:

1813. The money and securities deposited with the State Treasurer pursuant to Section 1811 and the proceeds of any bond held by the State Treasurer pursuant to Section 1812 shall constitute a trust fund for the benefit of such persons as shall deliver to any such licensee or its agent money for transmission. Suit to recover on any such bond may be brought by any party aggrieved in a court of competent jurisdiction of any county in which such licensee has an agent. The service of summons on any agent of such licensee shall constitute service upon such licensee.

SEC. 15. Section 1809.1 of said code is amended and renumbered to read:

1814. No licensee engaged in the business of selling or cashing checks, including travelers' checks, drafts, or money orders within the United States or receiving money for the purpose of transmitting the same within the United States by an instrument or order drawn upon and directed to the person receiving the money for transmission, shall charge a fee for selling or cashing such instruments, except travelers' checks, in excess of one-half of 1 percent of the face amount thereof or thirty-five cents ($0.35), whichever is greater.

SEC. 16. Section 1810 of said code is repealed.

SEC. 17. Section 1815 is added to said code, to read:

1815. A licensee who does not qualify to make use of agencies in the conduct of its business at all times shall maintain assets at least ten thousand dollars ($10,000) in excess of its liabilities, including liquid assets at least five thousand dollars ($5,000) in excess of its liabilities on account of moneys received for transmission within the United States or to a foreign country or in the business of selling checks or receiving money for the purpose of paying bills, invoices, or accounts. A licensee is qualified to make use of agencies in the conduct of its business if at all times it shall maintain assets at least one

hundred thousand dollars ($100,000) in excess of its liabilities, including liquid assets at least twenty-five thousand dollars ($25,000) in excess of its liabilities on account of moneys received for transmission to a foreign country or in the business of selling checks or receiving money for the purpose of paying bills, invoices or accounts. The superintendent may determine by general rule what assets are liquid assets within the meaning of this section and may determine by specific ruling or demand that a particular asset is or is not a liquid asset within the meaning of this section.

SEC. 18. Section 1816 is added to said code, to read:

1816. All funds, less fees, received by a licensee or its agents for transmission to a foreign country shall constitute trust funds owned by and belonging to the person from whom they were received until such time as directions have been given by the licensee or its agents for payment abroad of the remittance and funds provided for such payment.

SEC. 19. Section 1817 is added to said code, to read:

1817. If it appears to the superintendent that a licensee is violating or failing to comply with any law of this State, he may direct such licensee to comply with the law by an order issued over his official seal, or if it appears to the superintendent that any licensee is conducting its business in an unsafe or injurious manner he may in like manner direct it to discontinue the unsafe or injurious practices. The order shall require the licensee to show cause before the superintendent at a time and place to be fixed by him why the order should not be observed.

SEC. 20. Section 1818 is added to said code, to read:

1818. If upon any hearing held pursuant to Section 1817 the superintendent finds that the licensee is violating or failing to comply with any law of this State or is conducting its business in an unsafe or injurious manner he may make a final order directing it to comply with the law or to discontinue the unsafe or injurious practices. Unless within 10 days after the issuance of such final order its enforcement is restrained in a proceeding brought by the licensee, it shall forthwith comply therewith.

SEC. 21. Section 1819 is added to said code, to read:

1819. The superintendent may revoke or suspend any license issued pursuant to this article, if, after a hearing, he finds that:

(a) The licensee has violated any provision of this article or any rule or regulation adopted by the superintendent; or

(b) Any fact or condition exists which, if it had existed at the time of the original application for such license, would be grounds for denying an application for a license under Section 1803; or

(c) The licensee is conducting its business in an unsafe manner; or

(d) The licensee has failed to obey a final order issued by the superintendent.

SEC. 22. Section 1820 is added to said code, to read:

1820. Every order, decision, or other official act of the superintendent is subject to review in accordance with law.

SEC. 23. Section 1821 is added to said code, to read:

1821. Whenever it appears to the superintendent that:

(a) Any licensee has violated any law of this State;

(b) Any licensee is conducting its business in an unsafe or unauthorized manner;

(c) Any licensee refuses to submit its books, papers, and affairs to the inspection of the superintendent;

(d) Any licensee or any officer of a licensee, if a corporation, refuses to be examined upon oath touching the concerns of such licensee;

(e) Any licensee has suspended payment of its obligations;

(f) Any licensee is in such condition that it is unsound, unsafe, or inexpedient for it to transact business; or

(g) Any licensee neglects or refuses to observe any order of the superintendent made pursuant to Section 1913 of this code unless the enforcement of such order is restrained in a proceeding brought by the licensee;

the superintendent may forthwith take possession of the property and business of such licensee and retain possession until such licensee resumes business or its affairs be finally liquidated as herein provided. Such licensee, with the consent of the superintendent, may resume business upon such conditions as he may prescribe.

SEC. 24. Section 1822 is added to said code, to read:

1822. Whenever the superintendent has taken possession of the property and business of any licensee, such licensee, within 10 days after such taking, if it deems itself aggrieved thereby, may apply to the superior court in the county in which the head office of such licensee is located to enjoin further proceedings. The court, after citing the superintendent to show cause why further proceedings should not be enjoined and after a hearing and a determination of the facts upon the merits may dismiss such application or enjoin the superintendent from further proceedings and direct him to surrender the property and business to such licensee.

SEC. 25. Section 1823 is added to said code, to read:

1823. Every person who violates or fails to comply with any of the provisions of this article, or who, without complying with the provisions of this article, represents that he is authorized to receive, or who solicits or receives, money or the equivalent for transmission to a foreign country, is guilty of a felony.

SEC. 26. Section 1824 is added to said code, to read:

1824. An appeal may be taken from the judgment of the court by the superintendent or by the licensee in the manner provided by law for appeals from the judgment of a superior court. An appeal from the judgment of the court operates as

a stay of the judgment. No bond need be given if the appeal be taken by the superintendent but if the appeal be taken by the licensee a bond shall be given as required by Section 943 of the Code of Civil Procedure.

SEC. 27. Section 1825 is added to said code, to read:

1825. When the superintendent takes possession of the property or business of any licensee for the purpose of liquidation or conservation, he shall liquidate or conserve the property or business pursuant to Chapter 17 of this division.

SEC. 28. Section 1826 is added to said code, to read:

1826. Any person who violates any provision of the foregoing sections of this article shall be liable to the people of the State of California in an action brought by the superintendent in the amount of one hundred dollars ($100) a day or part thereof during which such violation continues.

SEC. 29. This act is an urgency measure necessary for the preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In O'Kane v. Catuira, et al., 212 A.C.A. 131, the District Court of Appeal, First Appellate District, Division Two, on January 21, 1963, held that Financial Code Sections 1800 and 1801, which require a license from the Superintendent of Banks to engage in the business of receiving money for the purpose of transmitting the same to a foreign county, are unconstitutional. This act is designed to eliminate the constitutional defects noted by the court.

It is imperative for the protection of the public that there be no interruption in the requirement that a license be obtained from the Superintendent of Banks to engage in such business.

CHAPTER 2053

An act to amend Section 746.3 of the Agricultural Code, relating to milk handlers' fees.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 746.3 of the Agricultural Code is amended to read:

746.3. (a) The fees prescribed in Sections 746, 746.1, and 746.2 of this chapter shall be paid to the director by handlers or producer-handlers, as the case may be, not later than the 30th day after the calendar months mentioned in said sections. All untested milk and cream purchased in bulk and not tested for milkfat content shall be deemed to weigh and test as follows: milk, eight and six-tenths (8.6) pounds per gallon, milkfat content four percent (4%); cream, eight (8) pounds

per gallon, milkfat content thirty-two percent (32%); and any fractional or greater measurement shall be on the above basis.

To the amount of fees unpaid when due, there shall be added a penalty of ten percent (10%), and the amount due, with penalty added, shall bear interest at the rate of one-half of one percent (½ of 1%) per month.

(b) All moneys heretofore or hereafter collected by the director pursuant to this chapter shall be deposited in a bank or banks, or other depository, approved by the Director of Finance. Funds so collected shall be deposited and disbursed in conformity with appropriate rules and regulations prescribed by the director. The expenditure of such funds shall be exempt from the provisions of Section 603 of the Government Code. All such expenditures by the director shall be audited at least every two years by the Department of Finance and a copy of such audit shall be delivered within 30 days after the completion thereof to the Governor, the Director of Agriculture and the Controller. Any moneys in the State Treasury to the credit of the "State Dairy Products Trust Fund" shall be withdrawn and deposited in accordance with the provisions of this paragraph.

(c) All moneys collected by the director pursuant to this chapter are hereby appropriated to the Department of Agriculture to carry out the duties imposed upon the director and the board under the provisions of this chapter. The appropriation herein made shall be exempted from the operation of Section 16304 of the Government Code. The moneys collected by the director pursuant to this chapter shall be disbursed by the director only for the necessary expenses incurred by the board and the director to carry out the purposes of this chapter, including the payment of refunds authorized hereunder. The director may disburse said funds in authorized activities related to particular dairy products without reference to the branches of the dairy industry from which said funds are derived.

(d) Moneys deposited by the director pursuant to this section, which the director determines are available for investment, may be invested or reinvested by the State Treasurer in any of the securities described in Article 1 (commencing with Section 16430), Chapter 3, Part 2, Division 4, Title 2 of the Government Code, or placed in a bank as provided in Chapter 4 (commencing with Section 16500), Part 2, Division 4, Title 2 of the Government Code, and handled in the same manner as money in the State Treasury. For such purposes such moneys may also be combined with funds determined by the director to be available for investment pursuant to Section 1300.17 of this code. Any increment received from such investment or reinvestment or deposit shall be remitted to the director for allocation. The State Treasurer may deduct from such remittance an amount equal to the reasonable costs incurred in carrying out the provisions of this section or may bill the direc-

tor for the costs and the director shall pay the costs from moneys collected pursuant to this chapter.

(e) The director, after consultation with the board, shall prepare an annual budget setting forth in reasonable detail the proposed expenditures which he deems necessary for the performance by him and by the department of the duties imposed upon them by this chapter, and he shall prepare and submit to the board an annual statement, in reasonable detail, of his expenditures hereunder.

The director, by action prosecuted by him, may recover from handlers and producer-handlers all fees which, as prescribed herein, have been or should have been collected by them on milkfat of producers and on producer-handlers' own production and fees on milkfat which they purchased or possesssion or control of which was acquired by them, or which they produced and used for processing, and all penalties and interest which may have accrued thereon under the provisions of this chapter.

CHAPTER 2054

An act to amend Section 1470 of the Civil Code, relating to transfer of obligations.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1470 of the Civil Code is amended to read:

1470. Each covenant made by the lessor in a lease of real property not to use or permit to be used contrary to the terms of such lease any other real property which is owned by the lessor and is contiguous (except for intervening public streets, alleys or sidewalks) to the real property demised to the lessee shall, except as provided by Section 1466, be binding upon each successive owner, during his ownership, of any portion of such contiguous real property affected thereby and upon each person having any interest therein derived through any owner thereof where all of the following requirements are met:

(a) Such contiguous real property is particularly described in the lease;

(b) Such successive owners and persons having any such interest are in the lease expressed to be bound thereby for the benefit of the demised real property;

(c) The lease is recorded in the same manner as grants of real property, in the office of the recorder of each county in which such contiguous real property or some part thereof is situate. Such lease shall include therein the description of any such contiguous land described in any unrecorded instrument,

the contents of which unrecorded instrument are incorporated by reference in such recorded lease.

Where several persons are subject to the burden of any such covenant, it shall be apportioned among them pursuant to Section 1467, except that where only a portion of such contiguous real property is so affected thereby, such apportionment shall be only among the several owners of, and persons having any such interest in, such portion. This section shall apply to the mortgagee, trustee or beneficiary of a mortgage or deed of trust upon such contiguous real property or any part thereof while and only while he, in such capacity, is in possession thereof.

CHAPTER 2055

An act to add Article 6.7 (commencing with Section 795) to Chapter 1 of Part 2 of Division 1 of, and to amend Section 10270.4 of, the Insurance Code, relating to disability insurance.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Article 6.7 (commencing with Section 795) is added to Chapter 1 of Part 2 of Division 1 of the Insurance Code, to read:

Article 6.7. Joint Activities

795. It is the purpose of this article to provide a means of more adequately meeting the needs of persons who are 65 years of age or older and their spouses for insurance coverage against financial loss from accident or disease through the combined resources and experience of a number of insurers; to make possible the fullest extension of such coverage by encouraging insurers to combine their resources and experience and to exercise their collective efforts in the development and offering of policies of such insurance to all such applicants at costs lower than those generally available through individual insurers; and to regulate the joint activities herein authorized in accordance with the intent of Congress as expressed in the Act of Congress of March 9, 1945 (Public Law 15, 79th Congress), as amended.

795.1. Wherever used in this article, the following terms shall have the meanings hereinafter set forth or indicated, unless the context otherwise requires:

(a) "Association" means a voluntary unincorporated association formed for the purpose of enabling co-operative action to provide disability insurance in accordance with this article in this or any other state having legislation enabling the issuance of insurance of the type provided in this article.

(b) "Insurer" means any insurance company which is authorized to transact disability insurance in this State.

(c) "Extended health insurance" means hospital, surgical and medical expense insurance provided by a policy issued as provided by this article.

795.2. Notwithstanding any other provision of this code or any other law which may be inconsistent herewith, any insurer may join with one or more other insurers to plan, develop, underwrite, and offer and provide to any person who is 65 years of age or older and to the spouse of such person, extended health insurance against financial loss from accident or disease, or both. Such insurance may be offered, issued and administered jointly by two or more insurers by a group policy issued to a policyholder through an association formed for the purpose of offering, selling, issuing and administering such insurance. The policyholder may be an association, a trustee, or any other person. Any such policy may provide, among other things, that the benefits payable thereunder are subject to reduction if the individual insured has any other coverage providing hospital, surgical or medical benefits whether on an indemnity basis or a provision of service basis resulting in such insured being eligible for more than 100 percent of covered expenses which he is required to pay, and any insurer issuing individual policies providing extended hospital, surgical or medical benefits to persons 65 years of age and older and their spouses may also use such a policy provision. A master group policy issued to an association or to a trustee or any person appointed by an association for the purpose of providing the insurances described in this article shall be another form of group disability insurance.

Any form of policy approved by the commissioner for an association shall be offered throughout California to all persons 65 and older and their spouses, and the coverage of any person insured under such a form of policy shall not be cancelable except for nonpayment of premiums unless the coverage of all persons insured under such form of policy is also canceled.

795.3. Notwithstanding the provisions of Section 755.5 of this code, any person licensed to transact disability insurance as an insurance agent, insurance broker, insurance solicitor or life agent may transact extended health insurance and may be paid a commission thereon in accordance with commission schedules filed with the commissioner as required by Section 795.5 of this code.

795.4. Any association formed for the purposes of this article may hold title to property, may enter into contracts, and may limit the liability of its members to their respective pro rata shares of the liability of such association. Any such association may sue and be sued in its associate name and for such purpose only shall be treated as a domestic corporation. Service of process against such association, made upon a managing agent, any member thereof or any agent authorized by

appointment to receive service of process, shall have the same force and effect as if such service had been made upon all members of the association. Such association's books and records shall also be subject to examination under the provisions of Sections 730-738, inclusive, either separately or concurrently with examination of any of its member insurers.

795.5. The forms of the policies, applications, certificates or other evidence of insurance coverage, commission schedules and applicable premium rates relating thereto shall be filed with the commissioner. No such policy, contract, certificate or other evidence of insurance, application or other form shall be sold, issued or used and no endorsement shall be attached to or printed or stamped thereon unless the form thereof shall have been approved by the commissioner or 30 days shall have expired after such filing without written notice from the commissioner of disapproval thereof. The commissioner shall disapprove the forms for such insurance if he finds that they are unjust, unfair, inequitable, misleading or deceptive or that the rates are by reasonable assumptions excessive in relation to the benefits provided. In determining whether such rates by reasonable assumptions are excessive in relation to the benefits provided, the commissioner shall give due consideration to past and prospective claim experience, within and outside this State, and to fluctuations in such claim experience, to a reasonable risk charge, to contribution to surplus and contingency funds, to past and prospective expenses, both within and outside this State, and to all other relevant factors within and outside this State including any differing operating methods of the insurers joining in the issue of the policy. In exercising the powers conferred upon him by this section, the commissioner shall not be bound by any other requirement of this code with respect to standard provisions to be included in disability policies or forms.

The commissioner may, after hearing upon written notice, withdraw an approval previously given, upon such grounds as in his opinion would authorize disapproval upon original submission thereof. Any such withdrawal of approval after hearing shall be by notice in writing specifying the ground thereof and shall be effective at the expiration of such period, not less than 90 days after the giving of notice of withdrawal, as the commissioner shall in such notice prescribe.

If and when a program of hospital, surgical and medical benefits is enacted by the federal government or the State of California, the extended health insurance benefits provided by policies issued under this article shall be adjusted to avoid any duplication of benefits offered by the federal or state programs and the premium rates applicable thereto shall be adjusted to conform with the adjusted benefits.

The association shall submit an annual report to the Insurance Commissioner which shall become public information and shall provide information as to the number of persons insured,

the names of the insurers participating in the association with respect to insurance offered under this article and the calendar year experience applicable to such insurance offered under this article, including premiums earned, claims paid during the calendar year, the amount of claims reserve established, administrative expenses, commissions, promotional expenses, taxes, contingency reserve, other expenses, and profit and loss for the year. The commissioner shall require the association to provide any and all information concerning the operations of the association deemed relevant by him for inclusion in the report.

795.6. The articles of association of any association formed in accordance with this article, all amendments and supplements thereto, a designation in writing of a resident of this State as agent for the service of process, and a list of insurers who are members of the association and all supplements thereto shall be filed with the commissioner.

The name of any association or any advertising or promotional material used in connection with extended health insurance to be sold, offered, or issued, pursuant to this article shall not be such as to mislead or deceive the public.

795.7. No act done, action taken or agreement made pursuant to the authority conferred by this article shall constitute a violation of or grounds for prosecution or civil proceedings under any other law of this State heretofore or hereafter enacted which does not specifically refer to insurance.

SEC. 2. Section 10270.4 of the Insurance Code is amended to read:

10270.4. Any disability insurer may issue policies of group disability insurance and family expense disability insurance as defined in this article but shall not issue any form of policy of group disability insurance, or family expense disability insurance except as prescribed in this article and except as provided in Article 6.7 of Chapter 1 of Part 2 of Division 1. Provided, however, that during the calendar years of 1952 to 1956, inclusive, a policy of family expense disability insurance as defined in Section 10270 7 may either (1) contain the provisions required by Section 10270.8 and those promulgated by the commissioner pursuant to Sections 10270.9 and 10270.93 and be subject to this article and to Section 10291.5 or (2) be filed and approved under Article 2 of this chapter and be subject to such article and to Articles 3a, 4a and 5a of this chapter and contain the provision required by Section 10270.8(b). On and after January 1, 1957 the provisions of this article shall no longer relate to such policies except Section 10270.7 and subdivision (b) of Section 10270.8 and all of such policies shall be subject to the provisions set forth in alternative (2) above, except that such policies need not comply with subsection (c) of Section 10320 if they comply with Section 10270.7.

CHAPTER 2056

An act to add Sections 12725, 12726, and 12727 to the Water Code, relating to the project for Russian River, Dry Creek, California.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 12725 is added to the Water Code, to read:

12725. The project for Russian River, Dry Creek, California is hereby adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 128, 87th Congress, 2d Session, as authorized by act of Congress approved October 23, 1962, Public Law 87-874, 87th Congress, 2d Session, 76 Stat. 1173, at an estimated cost to the State of such sum as may be appropriated for state co-operation by the Legislature upon the recommendation and advice of the department, when funds for carrying out said project are appropriated by Congress.

SEC. 2. Section 12726 is added to said code, to read:

12726. The Sonoma County Flood Control and Water Conservation District shall give assurances satisfactory to the Secretary of the Army that the local co-operation, required by the act of Congress approved October 23, 1962 (Public Law 87-874, 76 Stat. 1173), will be furnished by the district in connection with the plan of flood control adopted and authorized by Section 12725.

SEC. 3. Section 12727 is added to said code, to read:

12727. The Sonoma County Flood Control and Water Conservation District, in conjunction with the Department of the Army, shall execute the plans and project referred to in Section 12725 and exercise all powers granted to it in the Sonoma County Flood Control and Water Conservation Act, and the district may make such modifications and amendments to the plans as may be necessary to execute them for the purposes of Chapters 1 (commencing with Section 12570) and 2 (commencing with Section 12639) of this part.

CHAPTER 2057

An act to add Section 4722.2 to the Welfare and Institutions Code, relating to medical care for the aged.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 4722.2 is added to the Welfare and Institutions Code, to read:

4722.2. To the extent that federal sharing is available for the cost of care for the patient involved, medical care as defined and paid for under this chapter shall also include medical assistance provided in a medical institution licensed by the State Department of Mental Hygiene under Section 5700 of this code. Whenever the term "nursing home" is used in this chapter, it shall be construed to refer to facilities described in this section.

CHAPTER 2058

An act to amend Section 71142 of the Government Code, relating to municipal courts.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 71142 of the Government Code is amended to read:

71142. Judges of the municipal courts in the City and County of San Francisco shall be elected at the time and in the manner prescribed in this section.

Judges of the municipal court in the City and County of San Francisco shall be nominated in the manner prescribed in the Charter of the City and County of San Francisco, for an elective office, and shall be elected at the general municipal election held in the city and county in odd-numbered years as follows:

(a) The four offices to which judges were elected at the general municipal election held in 1959 shall be filled at the general municipal election held in 1965.

(b) The four offices to which judges were elected at the general municipal election held in 1961 and the three offices created by Chapter 1800 of the Statutes of 1961 shall be filled at the general municipal election held in 1967.

(c) The four offices to which judges were elected at the general municipal election in 1963 shall be filled at the general municipal election held in 1969.

(d) A successor to a judge elected at the general municipal elections held in 1965, 1967, and 1969, pursuant to subdivisions (a), (b), and (c) of this section shall be elected at the general municipal election held immediately preceding the expiration of the term of such judge.

The term of office of each judge of the municipal court in the City and County of San Francisco is six years and shall commence at 12 o'clock noon on January 8 next succeeding his election. Each judge shall hold office until his successor is elected and qualifies, but the office shall be deemed vacant upon the expiration of the fixed term for the purpose of selecting a successor.

Any vacancy in the office of judge of the municipal court of the City and County of San Francisco shall be filled by appointment by the Governor. The appointee shall hold office for the remainder of the unexpired term of his predecessor and until his successor is elected and qualifies.

The term of office of the judges appointed, prior to the general municipal election held in 1967, to the three offices created by Chapter 1800 of the Statutes of 1961 shall expire at 12 o'clock noon on January 8, 1968; each such appointee shall hold office until his successor is elected and qualifies, but the office shall be deemed vacant upon the expiration of his term for the purpose of selecting a successor.

CHAPTER 2059

An act to amend Sections 19483 and 19484 of and to add Section 19537.5 to, the Business and Professions Code, relating to horseracing.

[Approved by Governor July 23, 1963 Filed with Secretary of State July 25, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 19483 of the Business and Professions Code is amended to read:

19483. Unless the board finds that the purpose of this chapter will be better served thereby, no license to conduct a horseracing meeting at any track shall be issued to any person or held by any person having any financial interest in the conduct of any horseracing meeting by any other person at any other track in this State.

Ownership of stock in one corporation by another corporation constitutes a financial interest within the meaning of this section.

SEC. 2. Section 19484 of said code is amended to read:

19484. Unless the board finds that the purpose of this chapter will be better served thereby, no person licensed under this article to conduct a horseracing meeting at any place, track or inclosure shall own or acquire any stock or hold or obtain any other financial interest in any other track of another such licensee or in the operation thereof, or in the operation of authorized wagering on the results of horseraces at any such other track.

SEC. 3. Section 19537.5 is added to said code, to read:

19537.5. Notwithstanding any other provision of this chapter, the board may, if it finds that the purpose of this chapter will be better served thereby, allocate racing days to a racing

association (which held a license, or the predecessor in interest of which held a license, for thoroughbred racing in 1960, 1961 and 1962) for a thoroughbred racing meeting to be held at a track or tracks different from that at which such racing association held its thoroughbred racing meeting in 1960, 1961 and 1962, whether such different track or tracks be owned or leased by such racing association, or by another licensee or licensees independent of such racing association, or by another licensee or licensees in which such racing association shall have a financial interest, as permitted by the board pursuant to Sections 19483 or 19484; provided that (a) such different track or tracks shall be located not more than 30 air miles from the track at which such racing association conducted its thoroughbred racing meeting in 1960, 1961 and 1962, and (b) the number of days so allocated shall be charged against and shall not exceed the number of days which the board could under other provisions of this chapter have currently allocated to such racing association for a thoroughbred racing meeting at the same track for which it or its predecessor in interest was licensed in 1960, 1961 and 1962

CHAPTER 2060

An act to add Article 6.5 (commencing with Section 6060) to Chapter 6 of Division 6 of the Education Code, relating to the public school system, and making an appropriation therefor.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Article 6.5 (commencing with Section 6060) is added to Chapter 6, Division 6 of the Education Code, to read:

Article 6.5 Special Programs or Classes in English for Elementary School Pupils

6060. The Legislature hereby finds, recognizes, and declares that an extraordinary situation exists with reference to language handicaps of many pupils in attendance at public elementary schools in the Counties of Imperial and San Diego In some of the public elementary schools in those counties, inordinately high percentages of the pupils, particularly at the lower grade levels, are unable to speak the English language, wholly aside from considerations of their inability to read and

write the same. Superimposed upon the responsibility of conduct of the regular elementary program in those schools, consequently, is the necessity of providing preliminary and concurrent work in mastering the rudiments of the English language for large numbers of pupils. Providing the specially trained personnel, and the supplies and equipment necessary for those purposes is found to entail an added financial burden upon the districts maintaining those schools which cannot, without undue hardship, be met through the established state and local system for support of the public schools.

The Legislature intends, by the provisions of this article, to establish a two-year pilot program under the general direction of the State Board of Education, and insofar as the State's direct financial participation is concerned, under the administration of the Superintendent of Public Instruction, which shall serve not only to afford some financial relief to the school districts in Imperial and San Diego Counties which are most severely affected by the problem in question, but which will serve to provide guidelines for the development of effective programs to meet such problems in the future.

6061. The governing board of any school district maintaining an elementary school in Imperial County or San Diego County may, pursuant to this article and the implementing rules and regulations of the State Board of Education and the Superintendent of Public Instruction, establish and maintain special programs or classes for which state financial assistance under this article may be provided, in speaking, reading, and writing the English language for foreign-born minors who are enrolled in an elementary school of the district and who are unable to speak, read, or write the English language to a degree of proficiency necessary to enable the pupil to benefit from the instruction in the regular day classes of the elementary school in which he is enrolled.

6062. The State Board of Education shall adopt rules and regulations prescribing standards for such special programs or classes and no school shall be eligible for an apportionment under this article on account of attendance in such special classes unless it meets such standards.

The standards prescribed by the State Board of Education shall extend to matters including identification of participating pupils, standards to govern the allowance and apportionment to districts with eligible programs of moneys appropriated by the Legislature for purposes of this article, the adequacy and effectiveness of programs in terms of competency of personnel and the availability of necessary equipment and facilities, and any other factors it may deem best suited to carrying out the intent and purpose of the Legislature in enacting this chapter.

6063. The Superintendent of Public Instruction shall compute the excess expense to school district of maintaining pro-

grams under this article, and shall allow to such districts in each fiscal year from moneys appropriated therefor, the amount of such excess expense but not to exceed fifty dollars ($50) per full school year participating pupil. Such allowances shall be made on a current basis commencing in the 1963-1964 fiscal year, and the amounts computed as allowable shall be apportioned to the school districts together with any of the apportionments from the State School Fund made pursuant to Article 3 (commencing with Section 17401) of Chapter 2 of Division 14, as the Superintendent of Public Instruction shall determine.

The Superintendent of Public Instruction may prescribe and require the submission of such reports as he may require for these purposes, and shall otherwise administer this article.

6064. The Department of Education shall, on or before the first legislative day in February, during the 1965 Regular Session, report to the Legislature on the operation and effect of the programs established pursuant to this article, including in the report its recommendations in connection therewith.

6065. The number of pupils in respect to whom allowances shall be provided in any school year under this article shall not exceed five hundred (500).

6066. This article shall remain operative until June 30, 1965, after which it shall be of no force or effect.

SEC. 2. There is hereby appropriated from the General Fund in the State Treasury to the Department of Education, for the 1963-1964 fiscal year, the sum of twenty-five thousand dollars ($25,000) for purposes of carrying out the provisions of Article 6.5 (commencing with Section 6060) of Chapter 6 of Division 6 of the Education Code.

CHAPTER 2061

An act to add Section 10129.5 to the Insurance Code, relating to annuity contracts.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 10129.5 is added to the Insurance Code, to read:

10129.5. Sections 10130 and 10131 do not apply to annuity contracts which are within the scope of Section 401(g) of the Internal Revenue Code of the United States.

CHAPTER 2062

An act to amend Section 1190 of the Insurance Code, relating to excess funds investments.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1190 of the Insurance Code is amended to read:

1190. Any domestic incorporated insurer, which maintains in cash on hand or on deposit in a national or state bank, or in securities specified in Article 3 of this chapter, an amount equal to its required minimum paid-in capital, may invest the remainder of its assets in the purchase of, or loans upon the securities set forth in this article. Such investments are known as excess funds investments and are subject to the restrictions set forth in this article.

CHAPTER 2063

An act relating to the acquisition and improvement of real property in the City and County of San Francisco, making an appropriation and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding the provisions of Section 13471 of the Government Code, the Director of Finance is hereby authorized to invest and there is hereby appropriated the sum of three hundred thirty thousand dollars ($330,000) or so much thereof as may be necessary from the School Land Fund for the acquisition and improvement of real property located at the northwest corner of Hyde and McAllister Streets in the City and County of San Francisco for use as a state building. The real property shall be acquired under the provisions of the Property Acquisition Law except that the Director of Finance shall have jurisdiction and control of the real property and shall hold and possess the real property as trustee for the benefit of the School Land Fund and for the purpose of liquidating said investment and paying interest thereon as hereinafter provided.

SEC. 2. The appropriation may be expended for the payment of all costs and expenses, including administrative costs, incurred in connection with the acquisition or improvement of the real property.

SEC. 3. The Director of Finance may lease all or any portion of the real property on such terms and conditions as he may determine and shall maintain, improve, and care for such property in order to secure rent therefrom. All moneys collected pursuant to this section shall be deposited in the Special Deposit Fund for purposes set forth in Section 4 of this act.

SEC. 4. All costs or expenses, including administrative costs, incurred in maintaining, improving and caring for such real property may be reimbursed or paid from moneys received pursuant to Section 3 of this act. After making the reimbursement or payment of such costs, upon order of the director the remaining moneys received pursuant to said Section 3 shall be deposited as hereinafter provided in the School Land Fund and the State School Fund until the total of all moneys withdrawn pursuant to this act plus an amount equal to 4 percent per annum on the unpaid balances compounded and computed annually, has been deposited. Thereafter, moneys accruing shall be deposited in the General Fund and the Director of Finance shall have jurisdiction and control of the real property free of any trust or other obligations. Deposits of moneys in the School Land Fund and the State School Fund shall be made as follows: First, such sums as are necessary to pay the amount previously compounded and computed based on said 4 percent shall be deposited in the State School Fund; the remaining moneys, if any, shall be deposited in the School Land Fund.

SEC. 5. The appropriation made by this act shall be available for expenditure until June 30, 1964.

SEC. 6. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The civic center plan of the City and County of San Francisco calls for the immediate purchase of this property by the State and the failure of the State to immediately purchase this property could have an effect on the plan which would be detrimental to the public interest. Further, land value of this property is subject to rapid increase and the public interest will suffer if acquisition is not commenced immediately. It is, therefore, necessary in order to protect the public interest in the prompt and economical acquisition of these properties for state purposes that this act take effect immediately.

CHAPTER 2064

An act conveying in trust certain tidelands and submerged lands lying under the waters of the Pacific Ocean to the City of Carlsbad in furtherance of navigation, commerce and fisheries upon certain trusts and conditions, and providing for the government, management, use and control thereof, and reserving rights to the State.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby granted and conveyed in trust to the City of Carlsbad (hereinafter referred to as the "city") in the County of San Diego, State of California, all the right, title and interest of the State of California (hereinafter referred to as the "State"), except as hereinafter reserved and upon the conditions specified herein, held by said State by virtue of its sovereignty in and to all of the certain tide and submerged lands under the waters of the Pacific Ocean, whether filled or unfilled, which are described as follows and referred to hereinafter as "granted lands":

Beginning at the point of intersection of the northern city limit of the City of Carlsbad and the ordinary high water mark of the Pacific Ocean; thence extending out into the Pacific Ocean at a 90 degree angle from the general direction of the shore in the vicinity of said northern city limit for three statute miles to a point; thence in a southeasterly direction parallel to the ordinary high water mark to a point on a line drawn at a 90 degree angle from the general direction of the shore at the intersection of the southern city limit and the ordinary high water mark; thence along said line drawn at a 90 degree angle from the general direction of the shore to the intersection of the ordinary high water mark with the southern city limits; thence northwesterly following the ordinary high water mark to the point of beginning.

SEC. 2. The city shall have and there is hereby granted to it and its authorized agents and lessees the right to make within and upon the granted lands, or within and upon the granted lands in combination with neighboring lands of the city, all improvements, betterments and structures of every kind and character proper, needful, useful, convenient or incidental to and for the development of commerce, navigation and fisheries, including, without limiting the generality of the foregoing, the following:

(a) The establishment, improvement and conduct of a harbor, and the construction, reconstruction, repair and maintenance of works and facilities incidental to a harbor;

(b) The construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, beltline railroads and other transportation facilities or betterments incidental to a harbor;

(c) The construction, reconstruction, repair and maintenance of small boat harbors, marinas, aquatic playground and similar recreational facilities, together with structures and facilities incidental thereto;

(d) The construction, reconstruction, repair and maintenance of wharves, docks, piers, warehouses, and commercial and industrial buildings, plants and facilities.

SEC. 3. No grant, conveyance or transfer of the granted lands or any part thereof shall be made by the city and the city shall continue to hold the granted lands in trust and the whole thereof unless the same revert or be receded to the State of California.

The city may, however, lease the granted lands, or any part thereof, and any utilities, structures, improvements or appliances thereon, for periods not to exceed 50 years, or such greater periods as may be permitted by general law, for purposes consistent with the trusts upon which the granted lands are held by the State of California and with the requirements of commerce and navigation at said harbor. Any such lease made by the city shall contain, in addition to terms and conditions deemed desirable or necessary by the city, the following provisions:

(a) The lease may be terminated by the city upon violation of any of the provisions of the lease by the lessee; and

(b) Neither the lease nor the leased premises may be assigned, transferred or sublet without the prior written consent of the city.

SEC. 4. The granted lands shall be improved and all improvements, betterments and structures thereon shall be made or erected by the city or its authorized agents or lessees, without expense to the State of California; provided, however, that nothing contained in this act shall preclude the city from accepting and expending any grant of funds from the State of California for the development of the granted lands for any public purpose not inconsistent with the trusts for commerce, navigation and fishery. In the management, conduct, operation and control of the granted lands or any improvements, betterments or structures thereon, the city and its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

This grant is made upon the express condition that within 10 years from the effective date of this act the granted lands shall be substantially improved by the city without expense to the State and that if the State Lands Commission determines that the city has failed to improve said lands as herein required, all right, title, and interest of said city in and to all lands granted by this act shall cease and all said right, title

and interest in the granted lands shall revert and rest in the State.

SEC. 5. Except as provided in Section 7 hereof, the city shall have the right hereunder to all rents, revenues, issues and profits in any manner hereafter arising from the granted lands or any improvements, betterments or structures thereon, from and after the effective date of the grant, and the city may use such rents, revenues, issues and profits for any purpose or use set forth in Section 2 hereof, including the payment, refunding or discharge of any indebtedness incurred or sustained by the city in connection with any such purpose or use.

SEC. 6. There is hereby reserved to the people of the State of California the right to fish in the waters upon the granted lands with the right of convenient access to said waters over the granted lands for said purpose.

SEC. 7. There is hereby excepted and reserved to the State of California the following:

(a) All deposits of minerals, including oil and gas in said land, together with the right of the State of California or persons authorized by the State of California to prospect for, mine and remove such deposits from the granted lands;

(b) The right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon the granted lands for any vessel or other watercraft or railroad owned or operated by the State of California;

(c) The right at any time in the future to use the granted lands or any portion thereof for highway purposes without compensation to the city, its successors, or any person, firm or public corporation claiming under it, except as to improvements, betterments or structures made or erected within or upon the portions of the granted lands so used by the State for which compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures so used or the damages to such interest.

SEC. 8. In the event of a violation of any of the provisions of this act, the granted lands and the whole thereof shall revert to the State of California.

SEC. 9. The State Lands Commission shall, at the expense of the city, survey and monument the granted lands, prepare a metes and bounds description and plat of the granted lands, and record such description and plat in the office of the County Recorder of San Diego County.

SEC. 10. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

CHAPTER 2065

An act to amend Section 3205 of Division 5 of the Education Code as proposed to be added by Senate Bill No. 718, relating to school districts.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 3205 of Division 5 of the Education Code as proposed to be added by Senate Bill No 718 is amended to read:

3205. When the county committee has selected all or any portion of the county to be studied for possible recommendation for reorganization, the county committee shall be augmented as set forth below in this section for purposes of the study and the adoption of any plans and recommendations for reorganization of the territory selected:

(a) If the study is to consider a possible recommendation for reorganization other than for the formation of a junior college district, each member of the governing board of each elementary, high school, and unified school district included in whole or in part within the territory to be considered shall be included in the membership of the committee.

(b) If the study is to consider a possible recommendation for reorganization consisting of the formation of a junior college district, each member of the governing board of each high school district, unified district, and junior college district included in whole or in part within the territory to be considered shall be included in the membership of the committee, except the governing boards of the high school or unified districts which are components of an existing junior college district.

(c) If the territory selected for study is changed pursuant to Section 3204, the membership of the augmented county committee is changed immediately thereafter to exclude the members of the governing boards of districts no longer included in the territory to be studied and to include on the augmented committee each member of the governing board of each district newly included, in whole or in part, in the territory to be studied.

SEC. 2. Section 1 of this act becomes operative only if Division 5 of the Education Code as proposed to be added by Senate Bill No. 718 of the 1963 Regular Session is enacted by the Legislature at such session, and in such case at the same time as said Division 5 takes effect.

CHAPTER 2066

An act to add Section 223.5 to the Welfare and Institutions Code, relating to county welfare workers.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 223.5 is added to the Welfare and Institutions Code, to read:

223.5. Each social worker employed by the county agency charged with the duty of administering public social services under this code shall be provided with an identification card, showing the name and position of the worker, and containing a recent picture. Upon calling at the home of any applicant for or recipient of public social services, the social worker shall display the identification card to the applicant or recipient.

Should a social worker terminate his employment with the agency, he shall return his identification card to the agency.

CHAPTER 2067

An act to amend Sections 25551, 25552, 25553, 37353, 38300 and 61600 of the Government Code, to amend Sections 5541, 5780.6 and 13070 of the Public Resources Code, and to amend Section 16463 of the Public Utilities Code, relating to golf courses.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 25551 of the Government Code is amended to read:

25551. If the legislative body of any city finds that any public park, beach, golf course, or recreation ground belonging to the city is being used by large numbers of residents of the county generally who are not residents of the city, and that the use by the nonresidents of the city necessitates the enlargement or improvement or increases the cost of maintenance of the public park, beach, golf course, or recreation ground, it may request financial assistance from the county in which the city is situated by a resolution adopted by a vote of four-fifths of all its elected members.

SEC. 2. Section 25552 of said code is amended to read:

25552. The resolution shall designate the public park, beach, golf course, or recreation ground affected and state the

amount required for enlargement, improvement, or maintenance of the public park, beach, golf course, or recreation ground. It shall also contain a description of the property needed for the purpose of enlargement, the nature of the proposed improvement, and its estimated total cost, or the nature of the additional maintenance cost imposed by the use by nonresidents of the city.

SEC. 3. Section 25553 of said code is amended to read:

25553. Upon receiving a certified copy of the resolution, if the board of supervisors finds by four-fifths vote of all its members that the enlargement or improvement of the public park, beach, golf course, or recreation ground is of general county interest or that the cost of maintenance is increased by reason of use by residents of the county outside of the city, it may determine to extend aid to the city for the purpose in an amount to be fixed by it by resolution, but not exceeding the amount requested by the legislative body of the city.

SEC. 4. Section 37353 of said code is amended to read:

37353. The legislative body may acquire property needed for:

(a) Parking motor vehicles.

(b) Opening and laying out any street, alley, lane, or tunnel from the point where it ceases to the point where it again commences. It may lay out and improve such a street, alley, lane, or tunnel and pay the expense incurred out of the general fund.

(c) Golf courses; provided, however, that no existing golf course may be acquired by means of proceedings pursuant to eminent domain.

SEC. 5. Section 38300 of said code is amended to read:

38300. City officers have the same jurisdiction over city-owned parks, boulevards, golf courses, and playgrounds situated outside the city limits, over streets leading from the city to such places, and over persons and property in such places, as they have over the cities and persons and property in them.

SEC. 6. Section 61600 of said code is amended to read:

61600. A district formed under this law may exercise the powers hereinafter granted for such of the following purposes as have been designated in the petition for formation of such district and for such others of the following purposes as the district shall adopt as hereinafter provided:

(a) To supply the inhabitants of the district with water for domestic use, irrigation, sanitation, industrial use, fire protection, and recreation.

(b) The collection, treatment or disposal of sewage, waste and storm water of the district and its inhabitants.

(c) The collection or disposal of garbage or refuse matter.

(d) Protection against fire.

(e) Public recreation by means of parks, including but not limited to aquatic parks and recreational harbors, playgrounds, golf courses, swimming pools or recreation buildings.

(f) Street lighting.

(g) Mosquito abatement.

(h) The equipment and maintenance of a police department or other police protection to protect and safeguard life and property.

(i) To acquire sites for, construct, and maintain library buildings, and to co-operate with other governmental agencies for library service.

(j) The opening, widening, extending, straightening, and surfacing, in whole or part of any street in such district, subject to the consent of the governing body of the county or city in which said improvement is to be made.

(k) The construction and improvement of bridges, culverts, curbs, gutters, drains, and works incidental to the purposes specified in subdivision (j), subject to the consent of the governing body of the county or city in which said improvement is to be made.

SEC. 7. Section 5541 of the Public Resources Code is amended to read:

5541. A district may plan, adopt, lay out, plant, and otherwise improve, extend, control, operate, and maintain a system of public parks, playgrounds, golf courses, beaches, parkways, scenic drives, boulevards, and other facilities for public recreation, for the use and enjoyment of all the inhabitants of the district, and it may select, designate, and acquire land, or rights in land, within or without the district, to be used and appropriated for such purposes. It may cause such parkways, scenic drives, and boulevards to be opened, altered, widened, extended, graded or regraded, paved or repaved, planted or replanted, repaired, and otherwise improved, may conduct programs and classes in outdoor science education and conservation education, and may do all other things necessary or convenient to carry out the purposes of this article.

The board of directors of a district shall not interfere with control of any of the foregoing or other public property, that are existing, owned or controlled by a municipality or county in the district, except with the consent of the governing body of the municipality, or of the county if the same is in unincorporated territory, and upon such terms as may be mutually agreed upon between the board of directors of the district and the governing body.

SEC. 8. Section 5780.6 of said code is amended to read:

5780.6. "Recreation center" means a place, structure, area, or other facility under the jurisdiction of a governing body of a public authority used for community recreation whether or not it may be used also for other purposes, playgrounds, golf courses, playing fields or courts, beaches, lakes, rivers, swimming pools, gymnasiums, auditoriums, rooms for arts and crafts, camps, meeting places, parks and parkways, and recreational reservoirs.

SEC. 9. Section 13070 of said code is amended to read:

13070. The district may acquire, construct, maintain and operate property, works and facilities for any one or more of the following purposes:

(a) To supply the inhabitants of the district with water for domestic use, irrigation, sanitation, industrial use, fire protection, and recreation.

(b) The collection, treatment or disposal of sewage, waste and storm water of the district and its inhabitants.

(c) Protection against fire.

(d) Comprehensive planning for the physical growth of the area within the district.

(e) The collection or disposal of garbage or refuse matter

(f) Public recreation by means of parks, including but not limited to aquatic parks and recreational harbors, playgrounds, golf courses, swimming pools or recreation buildings for all-year recreation, including, but not limited to facilities for public and private meetings, and other public squares and places.

(g) Street lighting.

(h) Mosquito abatement.

(i) The equipment and maintenance of a police department or other police protection to protect and safeguard life and property.

(j) The opening, widening, extending, straightening, and surfacing, in whole or part of any street in such district, subject to the consent of the State Department of Public Works, with respect to state highways, and local authorities, as defined in Section 385 of the Vehicle Code, with respect to highways under their jurisdiction.

(k) The construction and improvement of bridges, culverts, curbs, gutters, drains, and works incidental to the purposes specified in subdivision (j), subject to the consent of the State Department of Public Works, with respect to state highways, and local authorities, as defined in Section 385 of the Vehicle Code, with respect to highways under their jurisdiction.

(*l*) The construction and maintenance of parking facilities, and other transportation facilities.

SEC. 10. Section 16463 of the Public Utilities Code is amended to read:

16463. A district may acquire, construct, own, complete, use, and operate a fire department, public parks, public playgrounds, golf courses, public swimming pools, public recreation buildings, buildings to be used for public purposes, and works to provide for the drainage of roads, streets, and public places, including, but not limited to, curbs, gutters, sidewalks, and pavement of streets. For the purposes of this division all of the foregoing projects shall be considered a public utility or public utility works.

CHAPTER 2068

An act to amend Section 28105 of the Government Code, relating to compensation for public service.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 28105 of the Government Code is amended to read:

28105. In a county of the fifth class the following shall receive as compensation for the services required of them by law or by virtue of their office the following sums:

(a) The auditor, sixteen thousand eight hundred dollars ($16,800) a year.

(b) The district attorney, nineteen thousand two hundred dollars ($19,200) a year for his full-time services. He shall not engage in the private practice of law.

(c) Each supervisor, thirteen thousand two hundred dollars ($13,200) a year and the necessary and actual expenses incurred in the performance of the duties of his office.

(d) Grand jurors and trial jurors in superior courts and municipal courts shall receive for each day's attendance in court, upon regularly called jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations, five dollars ($5) a day. In justice courts in civil cases, jurors shall receive for each day's attendance, three dollars ($3). In justice courts and in criminal cases jurors shall receive for each day's attendance, three dollars ($3). Grand jurors and trial jurors in superior courts and municipal courts shall receive twenty cents ($0.20) for each mile actually and necessarily traveled from their residences to the places of service, in going only, mileage to be allowed but once in any one day, during any session of the court where the jurors serve; all other jurors shall receive ten cents ($0.10) per mile. The fees of all trial jurors in civil cases shall be paid by the litigants as other costs are paid.

CHAPTER 2069

An act to amend Section 53 of Chapter 1020 of the Statutes of 1931, relating to districts formed under the Water Conservation Act of 1931.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 53 of Chapter 1020 of the Statutes of 1931 is amended to read:

Sec. 53. The secretary of the board of directors shall cause a notice of the filing of such petition to be published for at least once a week for two weeks in some newspaper published in the county where the office of the board of directors is situated, and if any portion of such territory asked to be excluded lie within another county or counties, then said notice shall be so published in a newspaper published within each of said counties; or if no newspaper be published therein, then by posting such notice for the same time in at least three public places in said district, and in case of the posting of said notices, one of said notices must be so posted on the lands proposed to be excluded. The notice shall state the filing of such petition, the names of the petitioners, a description of the lands mentioned in said petition, and the prayer of said petition; and it shall notify all persons interested in, or who may be affected by such change of the boundaries of the district, to appear at the office of said board at a time named in said notice, and show cause, in writing, if any they have, why the change of the boundaries of said district, as proposed in said petition, should not be made. The time to be specified in the notice at which they shall be required to show cause shall be the regular meeting of the board next after the expiration of the time for the publication of the notice.

CHAPTER 2070

An act to amend Section 906.5 of the Education Code, relating to school district governing boards.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 906.5 of the Education Code is amended to read:

906.5. The governing board of any school district may contract for the services of an attorney in private practice to prepare and conduct school district litigation, or to assist it in the preparation and conduct of school district litigation, and compensation of such attorney pursuant to contract shall be a proper use of school district funds, provided, however, that the school district shall first obtain the written views of the district attorney or county counsel as to the merits of the litigation and the form of the proposed contract of employment with the private attorney. The district attorney or the county counsel shall furnish his written views within seven days from the time he is requested by the governing board of the school district.

CHAPTER 2071

An act to add Section 46010 to the Water Code, relating to assessments.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 46010 is added to the Water Code, to read:

46010. If, after a project has been completed, the board determines that an additional project would be for the benefit of the entire district, the board may, in the manner provided in this chapter, levy a supplemental preliminary assessment up to an amount not in excess of two dollars and fifty cents ($2.50) per acre. The approval of the department on an assessment levied under this section and Section 42752 shall not be required.

CHAPTER 2072

An act to amend Section 13.1 of Chapter 1544 of the Statutes of 1951, and to amend Section 14 of the Monterey County Flood Control and Water Conservation District Act (Chapter 699, Statutes of 1947), relating to county flood control and water conservation districts.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 13.1 of Chapter 1544 of the Statutes of 1951 is amended to read:

Sec. 13.1. Where, pursuant to Section 12, a zone has been established and the project adopted therefor is that of operation and maintenance of works or improvements for such zone which have been constructed by the State of California or the federal government or any agency or authority of either or both of them other than the board and the board has been requested in writing to provide such operation and maintenance of such works or improvements by said zone, funds for such purpose may, at the discretion of the board, be raised by assessment in the manner herein provided, namely:

(1) The board shall appoint three valuation assessment commissioners who have no interest in any real property within the zone and each of whom, before entering upon his duties, shall make and subscribe an oath that he is not in any manner interested in any real property within the zone, directly or indirectly, and that he will perform the duties of a commis-

sioner to the best of his ability. At least one of the commissioners shall be a civil engineer who has had experience in the establishment of valuation assessments in reclamation districts. For purposes of satisfying this requirement it shall be sufficient that such civil engineer shall have had experience in assessment work in the zone covered in this act or assessment work in the district.

(2) The commissioners shall view and fix upon the real property in the zone an assessment valuation at a per acre rate for each parcel which is in proportion to the benefits to be derived from the continuance in operation and maintenance of such works or improvements.

(3) The commissioners shall prepare an operation and maintenance assessment roll in duplicate containing the following information in separate columns:

(a) A description of each parcel assessed by legal subdivisions, swampland surveys, or other boundaries sufficient to identify the same.

(b) The number of acres, or part of an acre, in each parcel.

(c) The names of the owners of each parcel, if known, and if unknown, that fact.

(d) The assessment valuation per acre rate of each parcel assessed.

(e) The total assessment valuation of each parcel.

(f) A blank column for rate to be fixed as shown hereinafter.

(g) A blank column for amount of assessment to be computed as shown hereinafter.

The board, by resolution, may direct the assessment commissioners, in the preparation of the valuation assessment roll, to divide the zone into numbered subzones which shall be described in such resolution. In such case the assessment valuations on the lands in each subzone shall be separately grouped on such assessment roll under the proper number for each such zone. Before assessment valuations are placed by the assessment commissioner on any real property within any subzone they shall first ascertain and fix the comparative shares of any operation and maintenance assessment on the entire zone which shall be borne by each subzone and only thereafter shall establish the assessment valuations upon the real property in each zone.

(4) No error in the name of the owner or supposed owner of any parcel assessed, and no error in any other particular, shall render the assessment thereof invalid.

(5) Such assessment valuations shall be used as a basis for levying assessments against the parcels described in such assessment roll for the purpose of raising such funds, including expenses of levying, calling and collecting such assessments.

(6) The assessment roll shall be filed with the clerk of the board. Thereupon the board shall appoint a time when it will meet for the purpose of hearing objections thereto.

(7) No objection to any assessment valuations on such roll shall be considered by the board, or allowed in any other action or proceeding, unless the objection is made in writing to the board either before or on the hearing.

(8) Notice of the hearing shall be given by publication once a week for two successive weeks in some newspaper of general circulation published in the principal county and having circulation within such zone.

(9) At the hearing, the board shall hear any evidence offered in support of the written objections and may modify or amend the assessment valuations.

(10) The board shall then make an order approving the assessment valuation or any modification thereof and shall endorse the order on the assessment roll. The endorsement shall be signed by the chairman of the board and attested by the clerk thereof.

(11) The decision of the board in approving the assessment roll is final, and thereafter the endorsed assessment roll is conclusive evidence that the assessment valuations were determined and fixed according to law, except in an action commenced pursuant to subdivision (12) of this section.

(12) Within 30 days after an operation and maintenance assessment roll is approved by the board any person aggrieved by the decision may commence an action in the superior court of the principal county to have the assessment valuations corrected, modified or annulled.

(13) If the action is not commenced within 30 days after approval of the operation and maintenance assessment roll, no action or defense shall thereafter be maintained attacking the legality of the assessment valuations therein.

(14) When the board determines that it is necessary to raise any sum for a purpose specified in subdivision (5) of this section it shall, by order entered in its minutes, state the total amount necessary to be raised and fix a rate designating the number of cents to be levied on each one hundred dollars ($100) of assessment valuation shown on the operation and maintenance assessment roll.

(15) In lieu of completing the operation and maintenance assessment roll, the board may, following each levy of assessment, cause a supplement to be prepared and filed with the county treasurer setting forth the rate and total assessment as determined by the board, and when so filed it shall be deemed a part of the original operation and maintenance assessment roll to the same extent and purpose as if said rate and total assessment had actually been inserted in said original operation and maintenance assessment roll.

(16) The board, by order entered upon its minutes and endorsed on or made a part of the operation and maintenance assessment roll or supplement, may direct that the payment of the assessment be made in one installment or in more than one annual or semiannual installment over a period not to exceed five years.

(17) If the board orders payment of the total assessment inserted in column (g) in installments over a period of years, the due date and the amount of each installment shall be endorsed by, or under the direction of, the board, on the operation and maintenance assessment roll or supplement.

(18) When the operation and maintenance assessment roll or supplement has been completed by inserting the rate and assessment in columns (f) and (g), and an order has been entered providing for the payment of all or any part thereof, it shall be filed forthwith in the office of the county treasurer.

(19) An assessment levy is a lien upon the parcels against which it is levied from the date the completed operation and maintenance assessment roll or supplement is filed in the office of the county treasurer until paid, and bears interest until paid from a date 60 days from the date of such filing.

(20) The rate of interest on unpaid operation and maintenance assessments is 7 percent per year unless the board, by resolution, adopts a lesser rate and files a certified copy of the resolution with the county treasurer for insertion in the operation and maintenance assessment roll.

(21) Additional operation and maintenance assessment levies may be made by the board, as required, so long as the operation and maintenance assessment roll remains in effect.

(22) The operation and maintenance assessment roll shall be returned to and held by the board except during such periods as it is filed in the office of the county treasurer during the period of assessment or installment collections or while any warrants of the district payable from such assessment levy are outstanding and unpaid. Such operation and maintenance assessment roll shall be the original roll, or a copy thereof, certified by the secretary of the board as correctly setting forth the subject matter of the original roll, together with all reapportioned assessment valuations of all subdivisions of any original assessment parcel.

(23) The operation and maintenance assessment roll shall be used for the purposes specified in subdivision (5) of this section until the board, on its own motion or on petition by landowners representing at least 15 percent of the zone lands, makes an order directing the valuation assessment commissioners who made the original operation and maintenance assessment roll or new valuation assessment commissioners, to be named in the order, to prepare a new operation and maintenance assessment roll.

(24) Valuation assessment commissioners appointed to prepare a new operation and maintenance assessment roll shall have the same qualifications and take the same oath as the original assessment commissioners.

(25) The new operation and maintenance assessment roll when prepared by the valuation assessment commissioners shall be filed with the clerk of the board and shall be subject to the same provisions as an original operation and maintenance assessment roll.

(26) No bonds shall be issued for funds for the payment of the principal or interest of any bonded indebtedness of the zone raised on the basis of operation and maintenance assessments.

(27) When the board has ordered an operation and maintenance assessment levy and has fixed the installments, the secretary shall enter in the minutes of the board a notice in substantially the following form:

(Name of zone, location of principal place of business.)

Notice is hereby given that at a meeting of the Board of the Lake County Flood Control and Water Conservation District held on the (date) an installment of (amount) was ordered paid within 60 days from (date assessment levy will be filed in the office of county treasurer) to _____, at _____. Any installment which shall remain unpaid on the (day fixed) will be delinquent, together with accrued interest (if any be due) and 10 percent will be added thereto and collected for the use of the zone.

(28) The notice shall be personally served upon each owner of land in the zone, or in lieu of personal service, shall be mailed to the owner at his place of residence, if known or entered upon the assessment roll of the county, and if not known, at the place where the principal office of the zone is situated, or be published once a week for two weeks successively in some newspaper having circulation within the zone and, if no such newspaper has circulation within the zone, then published in a newspaper of general circulation which is published in the county seat of the county.

(29) The county treasurer shall, immediately following the expiration of the period of 60 days from the date of the order, report all payments of assessments on each parcel and shall also report all parcels which are delinquent, and the amount of delinquencies thereon.

(30) All money collected on such assessment, including interest and penalties derived by sale or otherwise, from original and additional assessments shall be placed by the county treasurer to the credit of the zone in a special fund designated "maintenance fund" of the zone.

(31) When the operation and maintenance assessment levy is to be paid in more than one installment the secretary shall give notice for 60 days immediately preceding the due date of each installment in substantially the form prescribed in subdivision (27) of this section.

(32) The maintenance fund shall be disbursed only upon warrants of the board drawn in payment of the cost or expense of maintenance and operation of the works or improvements of the zone and of levying, calling and collecting assessments.

(33) In other matters appertaining to the levy, call and enforcement of such assessments and the dispositions of funds

collected thereby and of any real property acquired thereunder the following sections of the Water Code, namely Sections 51600 to 51618, inclusive, Sections 51660 to 51757, inclusive, and Sections 51890 to 51894, inclusive, are, insofar as they are consistent with this act, hereby incorporated herein and made a part of this act and shall be applicable and be adjusted and applied under this act to the full, possible extent thereof as though expressly enacted, originally, as part of this act.

(34) In any assessment under this section the board, to provide a reserve fund for use in emergencies, may include not more than an additional 10 percent of the amount which the board shall establish under subparagraph (14) of this section.

(35) The total amount of all assessments levied in any year for operation and maintenance charges and a reserve fund on the basis of benefits received shall not exceed an amount equal to the sum which can be produced by a rate of one dollar and fifty cents ($1.50) per one hundred dollars ($100) on the total of the assessed valuation of the lands in the zone as such valuations appear on the last equalized county assessment roll of the County of Lake.

(36) Operation and maintenance assessments under this section of the act shall be known and designated as special benefit assessments to distinguish them from ad valorem taxes or assessments.

SEC. 2. Section 14 of the Monterey County Flood Control and Water Conservation District Act (Chapter 699, Statutes of 1947) is amended to read:

Sec. 14. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone or zones, the board may, by resolution, determine and declare the respective amounts of bonds necessary to be issued in each zone or zones, in order to raise the amount of money necessary for each work or improvement and the maximum rate of interest of said bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the office of the Recorder of Monterey County within five (5) days after its issuance. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the board may call a special bond election in said zone or participating zones at which shall be submitted to the qualified electors of said zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied as provided in this act.

(3) Said board shall call such special bond election by ordinance and not otherwise and submit to the qualified elec-

tors of said zone or participating zones, the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of such resolution adopted by said board, and on file for particulars; and said ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on such indebtedness and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed five percent (5%) per annum. For the purposes of said election, said board shall, in said ordinance, establish special bond election precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in said district to a number not exceeding six general precincts for each such special bond election precinct and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such special bond election precincts

In all particulars not recited in said ordinance, such special bond election shall be held as nearly as practicable in conformity with the general election laws of the State.

Said board shall cause a map or maps to be prepared covering a general description of the work to be done, which said map shall show the location of the proposed works and improvements and shall cause the said map to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election.

Said ordinance calling for such special bond election shall, prior to the date set for such election, be published pursuant to Section 6062 of the Government Code in a newspaper of general circulation, circulated in each zone and participating zone affected. The last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. If at such election a majority of the votes cast are in favor of incurring such bonded indebtedness, then bonds for such zone or participating zones for the amount stated in such proceedings shall be issued and sold as in this act provided.

CHAPTER 2073

An act to add Sections 29007.5, 29008, and 29018.5 to, and to amend Section 29009 of, the Education Code, relating to education, and making an appropriation therefor.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 29007.5 is added to the Education Code, to read:

29007.5. No course of education or training leading to an educational, professional or vocational objective shall be offered by any person, firm, association, partnership, or corporation to or for adults which has not been approved by the Superintendent of Public Instruction. Application for such approval shall be made in writing on application forms provided by the Bureau of Readjustment Education of the Department of Education. Pending final approval of new or added courses of instruction, the Superintendent of Public Instruction shall issue a temporary approval upon submission of the complete application. Courses offered for adults by any parochial or denominational school, or persons, firms, associations, partnerships, or corporations that have met the requirements of other sections of this division, or are offered solely for avocational or recreational purposes, will not be required to be approved under this section.

The Superintendent of Public Instruction may approve the application for recognition of such courses on a year-to-year basis when an institution is found by the Bureau of Readjustment Education to meet the following criteria:

(1) The courses, curriculum, and instruction are consistent in quality, content, and length with similar courses in public schools or other private schools, or both, in the State, with recognized accepted standards, for reaching the professed or claimed objective for that particular course.

(2) There is in the institution adequate space, equipment, instructional material, and instructor personnel to provide training of the quality needed to attain the objective of that particular course.

(3) Educational and experience qualifications of directors, administrators, and instructors are adequate.

(4) The institution maintains written records of the student's previous education and training with recognition where applicable.

(5) A copy of the course outline, schedule of tuition, fees and other charges, regulations pertaining to tardiness, absence, grading policy and rules of operation and conduct is available to students upon enrollment.

(6) Upon completion of training the institution may award an appropriate written document to the student indicating the training and attendance completed.

(7) Adequate records shall be maintained by the institution to show attendance, progress, and grades.

(8) The institution complies with all local city, county, municipal, state and federal regulations such as fire, building, and sanitation codes. The Bureau of Readjustment Education may require evidence of compliance.

(9) The institution is financially capable of fulfilling its commitments for its approved courses.

(10) The institution does not utilize advertising of any type which is erroneous or misleading, either by actual statement, omission, or intimation. With respect to a school having courses approved by the Superintendent of Public Instruction, the school can advertise to the effect that the particular course has been approved by the Superintendent of Public Instruction.

(11) The institution does not exceed enrollment facilities and equipment.

(12) The institution's administrator, director, owner, and instructors are of good reputation and character.

(13) The institution has and maintains a policy in reference to refund of the unused portion of tuition fees and other charges in the event the student fails to enter the course, or withdraws therefrom at any time prior to completion of the course.

Original applications for approval shall be accompanied by an application fee of twenty-five dollars ($25), renewal applications and applications for approval of additional courses will be accompanied by a fee of fifteen dollars ($15), which fee shall be deposited in the General Fund in the State Treasury and shall be nonrefundable irrespective of whether or not approval is granted.

The provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code shall be applicable to any determination of the Superintendent of Public Instruction made pursuant to this section.

The provisions of this section shall become effective July 1, 1964.

SEC. 2. Section 29008 is added to said code, to read:

29008. No person, firm, association, partnership, or corporation owning or representing any private school offering training to adults shall:

(a) Make or cause to be made, any statement, or representation, oral, written, or visual, in connection with the offering or publicizing of a course, if such person, firm, association, partnership, or corporation knows, or reasonably should have known, the statement or representation to be false, deceptive, inaccurate or misleading

(b) Promise or guarantee employment utilizing information, training or skill purported to be provided or otherwise enhanced by a course.

(c) Advertise concerning job availability, degree of skill and length of time required to learn a trade or skill unless the information is accurate and in no way misleading.

(d) Advertise, or indicate in any promotional material, that correspondence instruction, or correspondence courses of study are offered without including in all advertising or promotional material the fact that the instruction or courses of study are offered by correspondence or home study.

(e) Advertise, or indicate in any promotional material, that resident instruction, or courses of study are offered without including in all advertising or promotional material the location where the training is given or the location of the resident instruction

(f) Solicit students for enrollment by causing any advertisement to be published in "help wanted" columns in a magazine, newspaper, or publication unless there is included the name and address of the school, name and length of the course, and a statement that a tuition fee is charged, or use "blind" advertising which fails to identify the school.

(g) Advertise in such a way as to lead the reader to the mistaken belief that an offer for employment is being made.

(h) Advertise, or use the word "accredited" or "approved" with respect to itself or the course or courses which it offers unless the word is immediately followed by the complete name of the organization by which it is accredited or approved.

Any person, firm, association, partnership, or corporation willfully violating any provisions of this section shall be unable to enforce any contract or agreement arising from the transaction in which the violation occurred. In addition, in the event of such violation, said person, firm, association, partnership, or corporation shall refund to the student any tuition or fees that have been collected from the student. The student shall be awarded, in addition to the foregoing, any damages that he has sustained.

The judgment rendered in any action maintained for the recovery of fees or damages sustained in accordance with the terms of this section or the judgment rendered in any action defended by a student, shall, if the student is the prevailing party, include court costs, including a reasonable attorney's fee fixed by the court.

The provisions of this section shall supplement and not displace the authority granted the Division of Labor Law Enforcement under Section 1650 of the Labor Code to the extent that placement activities of trade schools are subject to regulation by the division under Section 1649 of the Labor Code.

SEC. 3. Section 29009 of said code is amended to read:

29009. Every person, firm, association, partnership or corporation, meeting the requirements of Sections 29007, 29007.2

and 29007.5 except those so accredited and qualifying under Section 29007(a)(1), issuing or conferring degrees or honorary degrees or diplomas shall between the first and thirty-first days of January of each year, commencing on January 1, 1964, file with the Superintendent of Public Instruction an affidavit by the owner, president or other head, setting forth the following information covering the preceding calendar year:

(a) All names, whether real or fictitious, of the person, firm, association, partnership or corporation under which it has done and is doing business.

(b) The address, including city and street, of every place of doing business of the person, firm, association, partnership or corporation, within the State of California.

(c) The address, including city and street, of the location of the records of the person, firm, association, partnership or corporation, and the name and address, including city and street, of the custodian of such records.

(d) The names and addresses, including city and street, of the directors, if any, and principal officers of the person, firm, association, partnership or corporation.

(e) That the records required by Section 29010 of this article are maintained at the address stated, and are true and accurate.

(f) Any change in items included in subdivisions (a) to (d), inclusive, shall be reported to the Superintendent of Public Instruction within 20 days of such change.

SEC. 4. Section 29018 5 is added to said code, to read:

29018.5. The Superintendent of Public Instruction shall appoint a statewide advisory committee consisting of seven members, of whom the majority shall be owners or operators of schools to which the provisions of Sections 29007(a)(2), 29007(f), 29007.2, and 29007.5 apply, and the remaining members shall be other persons with specialized knowledge of the courses or types of education and training which said schools may provide. The Chief, Bureau of Readjustment Education, shall be an ex officio member of, and serve as secretary and chief executive officer for, the committee. The chiefs of the Division of Labor Law Enforcement and Apprenticeship Standards, or their designate, shall also serve as ex officio members of the committee. Ex officio members shall have no vote.

This committee shall: act in an advisory capacity to the Superintendent of Public Instruction in promulgation of rules provided for by Section 29018; the Chief of the Bureau of Readjustment Education, Department of Education, shall advise the committee prior to instituting any action to deny, suspend, or withdraw recognition of courses or schools under the provisions of Sections 29007(a)(2), 29007(f), 29007.2, and 29007.5. The Superintendent of Public Instruction shall take into consideration the committee's recommendations before denying, suspending, or withdrawing recognition of courses or schools under said sections.

The Superintendent of Public Instruction may impanel special committees of technically qualified persons to assist the Bureau of Readjustment Education in the development of standards for courses and the evaluation of any course or school applying for recognition under the provisions of Sections 29007(a)(2), 29007(f), 29007 2, and 29007.5. These special committees shall be empowered to make such inspections and studies as may be necessary to enable them to advise the Bureau of Readjustment Education or the statewide committee in regard to action to be taken in any particular situation. Members of these special committees shall not be connected in any way with a school which may be the subject of inspection or investigation.

The statewide advisory committee members and the special committee members will serve at no expense to the State.

CHAPTER 2074

An act to amend Sections 1203.01, 3022, and 3042 of the Penal Code, relating to prisoners.

[Approved by Governor July 23, 1963 Filed with Secretary of State July 25, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 1203.01 of the Penal Code is amended to read:

1203.01. Immediately after judgment has been pronounced, the judge and the district attorney, respectively, shall cause to be filed with the clerk of the court a brief statement of their views respecting the person convicted or sentenced and the crime committed, together with such reports as the probation officer may have made relative to the prisoner. The attorney for the defendant and the sheriff may likewise file with the clerk of the court statements of their views respecting the defendant and the crime of which he was convicted. Forthwith after the filing of such statements and reports, the clerk of the court shall mail a copy thereof, certified by such clerk, with postage thereon prepaid, addressed to the Department of Corrections at the prison or other institution to which the person convicted is delivered.

SEC. 2. Section 3022 of said code is amended to read:

3022. At least 30 days before the Adult Authority shall meet to fix and determine the length of time any prisoner shall be confined, the authority shall send written notice thereof to each of the following persons who has made request therefor: the judge of the superior court before whom the prisoner was tried and convicted, the attorney for the defendant and the district attorney and the sheriff of the county from which the prisoner was sentenced.

SEC. 3. Section 3042 of said code is amended to read:

3042. At least 30 days before the Adult Authority shall meet to consider the granting of a parole to any prisoner the authority shall send written notice thereof to each of the following persons who has made request therefor: the judge of the superior court before whom the prisoner was tried and convicted, the attorney for the defendant and the district attorney and the sheriff of the county from which the prisoner was sentenced.

CHAPTER 2075

An act to add Section 68508 to the Government Code, relating to judicial conferences concerning criminal matters.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 68508 is added to the Government Code, to read:

68508. From time to time as required the Judicial Council shall direct the convening of judges of courts having original jurisdiction in criminal prosecutions, either separately according to the level of the court or together, and either on a statewide or regional basis, for the purpose of discussing problems relating to sentencing, with the particular aim of achieving a greater degree of uniformity in sentencing practices throughout the State. Actual and necessary expenses incurred by a judge in attendance at any such conference shall be a charge against the county to the extent that funds are available therefor.

CHAPTER 2076

An act to amend Sections 2, 3.4, 4.2, 4.6, 4.7, 6.3, 9.1, and 17 of, and to add Sections 1.1, 4.4, 5.9, and 10.5 to, the Sacramento County Water Agency Act (Chapter 10, Statutes of 1952, First Extraordinary Session), relating to the Sacramento County Water Agency.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1.1 is added to the Sacramento County Water Agency Act (Chapter 10 of the Statutes of 1952, First Extraordinary Session), to read:

Sec. 1.1. The board of directors of the agency created by this act, by resolution thereof adopted from time to time,

may establish zones within said agency without reference to the boundaries of other zones, setting forth in such resolutions, descriptions thereof by metes and bounds and entitling each of such zones by a zone number, and institute zone projects for the specific benefit of such zones. The board may, by resolution, amend the boundaries by annexing property to or by withdrawing property from said zones or may divide existing zones into two or more zones or may superimpose a new or amended zone or zones already in existence, setting forth in such resolutions descriptions of the amended, divided or superimposed zones by metes and bounds and entitling each of such zones by a zone number.

Proceedings for the establishment of such zones may be conducted concurrently with and as a part of proceedings for the instituting of projects relating to such zones, which proceedings shall be instituted in a manner prescribed in Section 21 of this act.

SEC. 2. Section 2 of said act is amended to read:

Sec. 2. As used in this act, the following words shall have the following respective meanings unless by the context otherwise indicated:

(a) "The agency" shall mean the Sacramento County Water Agency;

(b) "The county" shall mean the County of Sacramento of the State of California;

(c) "United States" shall include the United States of America and all bureaus, commissions, divisions, departments, boards, agencies and officers of the United States of America;

(d) "State of California" shall include the State of California and all bureaus, commissions, divisions, departments, boards, agencies and officers of the State of California;

(e) "Work" or "works" shall include, but shall not be limited to, any of the following:

(1) Dams and damsites, all reservoirs and reservoir sites, and all conduits and other facilities useful in the control, conservation, diversion and transmission of surface waters, wells, pumps, storage tanks, reservoirs, and all transmission and distribution facilities useful in the production, storage and distribution of ground waters;

(2) Storm drain and flood control improvements, water courses, drainage channels, conduits, ditches, canals, pumping plants, levees and other structures or facilities utilized for controlling drainage waters within the agency, or for the control of flood or storm waters of streams in or running into the agency and which said facilities and improvements are required either for the protection of life and property therein or for the purpose of conserving any waters for beneficial use within the agency;

(3) All land, property, franchises, easements, rights-of-way and privileges necessary or useful to operate or maintain any of the foregoing facilities and improvements;

(f) "District" means any of the following lying within or partially within the agency: irrigation districts, county water districts, water conservation districts, municipalities, flood control districts, reclamation districts, storm drain maintenance districts, and any other districts or political subdivisions of the State empowered by law to appropriate water and to deliver water to users, or to control drainage, storm, flood or other waters within the county and drainage, flood and storm waters which have sources outside the county but which flow into the county;

(g) "Member unit" shall mean any district which enters into a contract with the agency for (i) the repayment in whole or part to the agency or any other person, corporation, public district, State of California, or the United States, of any or all of the construction costs of any works constructed by or on behalf of the agency or such district, or for (ii) the underwriting in whole or part of any or all of such construction costs, or for (iii) the repayment in whole or in part to the agency or any other person, corporation, public district, State of California or the United States of any or all of the cost of furnishing water or a water supply to the agency or such district or the underwriting in whole or in part of such cost, or for (iv) the payment in whole or in part for water to be furnished or sold to such district by the agency or the United States;

(h) "Elector" or "qualified elector" or "voter" or "qualified voter" shall mean any elector of the county qualified under the laws of the State to vote in the county at general elections;

(i) "May" is permissive and "shall" is mandatory.

(j) "Bonds" as used herein include both agency bonds and zone bonds. "Agency indebtedness" means any indebtedness of the agency secured by all taxable property in the agency as a whole and does not include any indebtedness secured only by the taxable property in a designated zone or zones. "Agency bonds" are those bonds issued to finance projects of, or for purposes of, the whole agency secured by all taxable property in the agency. "Zone bonds" are those bonds issued by the agency to finance projects of, or for purposes of, the designated zone or zones and secured by the taxable property in the zone or zones.

(k) "Zone" means any area designed within the county created in order to finance, construct, acquire, reconstruct, maintain, operate, extend, repair, or otherwise improve any work or improvement of common benefit to such zone or participating zones.

SEC. 3. Section 3.4 of said act is amended to read:

Sec. 3.4. The agency shall have the power of eminent domain to acquire within or outside the agency by condemnation in the manner and to the extent prescribed in Article I, Section 14 of the Constitution and Title 7, Part 3 of the Code

of Civil Procedure, as now existing or hereafter amended, all property or interests therein necessary or convenient for carrying out the powers and purposes of the agency except that the agency shall not have power to acquire by condemnation publicly owned property held or used for development, storage or distribution of water for public use, or publicly owned property held or used by any flood or reclamation district; and it is hereby declared that the use of the property which may be condemned, taken or appropriated under the provisions of this act, is a public use, subject to regulation and control of the State in the manner prescribed by law. The agency in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location; and provided further, that, notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated.

The power of eminent domain vested in the agency shall include the power to condemn in the name of the agency either the fee simple or any lesser estate or interest in any property which the board of directors by resolution shall determine is necessary for carrying out the purposes of the agency. Such resolution shall be prima facie evidence that the taking of such private property, to the extent stated in said resolution, is necessary for carrying out the purposes of the agency.

The agency shall not condemn property outside the boundaries of the agency unless the board of supervisors of each county in which such property is located has consented to such acquisition by resolution.

SEC. 4. Section 4.2 of said act is amended to read:

Sec. 4.2. The agency shall have the power: to control drainage waters within the agency; to control flood and storm waters within the agency and the flood and storm waters of streams outside of the agency, which flow into the agency; to conserve such waters by storage in surface reservoirs, and to divert and transport such waters for beneficial uses within the agency; to release such waters from surface reservoirs in order to replenish and augment the supply of waters in natural underground reservoirs, to save or conserve in any manner all or any of such waters; to reduce the waste of water; and to protect the watercourses, watersheds, public highways, and life and property within the agency from damage from any such drainage or flood and storm waters.

SEC. 5. Section 4.4 is added to said act, to read:

Sec. 4.4. The agency shall have the power to adopt and carry out any definite plan or system for accomplishing, facilitating or financing all work which may lawfully be accom-

plished by the agency and to enforce said plan or system by resolution or ordinance.

The agency shall have the power (1) to prescribe, revise and collect fees and charges for facilities furnished or to be furnished to any new building, improvement or structure by the use of any flood control, storm, or drainage system constructed or to be constructed in a zone of the agency, and (2) whenever a drainage or flood control problem is referred to the agency by the County of Sacramento, or any incorporated city therein, to require the installation of drainage or flood control improvements necessary or convenient for the needs of any zone, including but not limited to residential, subdivision, commercial and industrial drainage and flood control needs. The county and cities therein are hereby authorized to refer all drainage and flood control problems, arising under the Subdivision Map Act or otherwise, to the agency for solution. Revenues derived under this section shall be used (1) to acquire, construct, reconstruct, maintain and operate any of the flood control, storm water, or drainage facilities within the zone collecting the revenue, (2) to comply with any reimbursement agreement made for the acquisition, construction or reconstruction of any such facilities, (3) to reduce the principal or interest of any bonded indebtedness thereof, or (4) to replace funds expended on behalf of said zone derived from the funds created under the authority of Subdivision 1 of Section 10.5 hereof

The provisions of this section shall not apply to the financing, construction, acquisition, reconstruction, maintenance, operation, extending, repair or other improvement to any work or improvement designed or intended primarily for the production, conservation, transmittal, distribution and sale of ground and surface waters for the present or future beneficial use or uses of the lands or inhabitants within the agency or any zone thereof created for such purpose.

SEC. 6. Section 4.6 of said act is amended to read:

Sec. 4.6. The agency shall have the power to make surveys and investigations for works and projects relating to control of drainage, storm and flood waters within or flowing into the agency or of the water supply and resources of the agency. It may carry on and perform technical and other investigations of all kinds, make measurements, collect data and make analyses, studies and inspections pertaining to water supply, water, water rights, use of water both within and without the agency, or to the control of drainage, storm and flood waters both within and which now flow into the agency. For these purposes the agency shall have the right of access through its authorized representatives to all properties within the agency.

SEC. 7. Section 4.7 of said act is amended to read:

Sec. 4.7. The agency shall have the power to construct its pipes, pipelines, canals, flumes, tunnels, conduits, or drainage

or flood control facilities and improvements, along, under or across any public road, street, alley, avenue, highway or sidewalk, levee, stream of water, watercourse, railway, canal, ditch or flume which the route or location of said pipes, pipelines, canals, flumes, tunnels, conduits, or drainage and flood control facilities and improvements may lie parallel, intersect or cross; provided, such works are constructed in such manner as to afford security for life and property; and the agency shall restore at its own expense any such crossings and intersections to their former state as near as may be, or in a manner not to have impaired unnecessarily their usefulness. Every company, municipality or district whose right-of-way is affected hereby shall unite with the agency in permitting the construction of said water distribution, drainage, or flood control facilities as herein provided and in granting the necessary rights-of-way therefor, subject to such reasonable conditions as such company, municipality, or district may impose.

SEC. 8. Section 5.9 is added to said act, to read:

SEC. 5.9. The provisions of Sections 5 to 5.8, inclusive, 9.1, 10.1, 10.2, 10.3, 11.4 and 23 of this act shall not apply to the financing, construction, acquisition, reconstruction, maintenance, operation, extending, repair or other improvement to any work or improvement designed or intended primarily to control drainage, flood and storm waters for the purpose of protecting the watercourses, watersheds, public highways, and life and property within the agency from damage.

SEC. 9. Section 6.3 of said act is amended to read:

SEC. 6.3. The agency shall have the power to co-operate, act in conjunction and contract with the United States, State of California, municipalities, and public districts of any kind, mutual water companies, or any water companies subject to the jurisdiction of the Public Utilities Commission, with respect to any of the following: (1) the purchase and sale of water, (2) the acquisition of water or a water supply, (3) the construction of any works for the controlling of drainage, flood or storm waters in the agency, (4) for the protection of property, watersheds, watercourses, highways and life, (5) for the purposes of conserving and transporting said waters for beneficial use, and (6) for the use, operation, management and ownership of such works. The agency also may make and perform any agreement with the United States, the State, any county, municipality, district of any kind, public corporation, any person or any number of them for the joint acquisition, disposition, or operation of any property or works or water or water supply of a kind which might be acquired, disposed of, or operated by the agency.

Any irrigation district, county water district, water conservation district, municipality, reclamation district, storm drain maintainance district, flood control district, and any other district or political subdivision of the State empowered by law to appropriate water and deliver water to users or con-

trol drainage, storm, flood or other waters shall have the power: (a) to co-operate, act in conjunction and enter into contracts with the agency for all the purposes for which the agency is empowered to co-operate, act in conjunction and contract with such districts, municipalities, and political subdivisions; (b) and to carry out the terms of such contracts.

SEC. 10. Section 9.1 of said act is amended to read:

Sec. 9.1. The aggregate of agency indebtedness incurred pursuant to the provisions of this act authorizing the issuance of bonds, the levying of special assessments and the execution of contracts, shall not exceed a sum equal to: (1) That amount which can be repaid and liquidated as to both principal and interest in not to exceed 40 years by an annual tax at the rate of fifteen cents ($0.15) on each one hundred dollars ($100) of the assessed valuation of all property in the agency taxable for agency purposes, measured by the assessment roll last equalized prior to the incurring of such indebtedness; plus (2) the amount of all capital obligations underwritten by member units of the agency; plus (3) the amounts agreed to be paid by member units to the agency or to the United States for water or a water supply.

The aggregate of agency indebtedness provided herein shall not include any indebtedness for the financing, construction, acquisition, reconstruction, maintenance, operation, extending, repair or other improvement to any work or improvement designed or intended primarily to control drainage, flood and storm waters for the purpose of protecting the watercourses, watershed, public highways, life and property within the agency, or any zone thereof created for such purpose, from damage.

SEC. 11. Section 10 5 is added to said act, to read:

Sec. 10.5. The board shall have the power, in any year:

(1) To levy ad valorem taxes or assessments:

(a) To pay the general administrative costs and expenses, including maintenance and operation of established works, of the agency,

(b) To carry out any of the objects or purposes of this act of common benefit to the agency, and

(c) To provide a fund which may be used by the agency to pay the costs and expenses of constructing or extending any or all works established within or on behalf of any zone or participating zones within said agency; provided, that funds so used are replaced from funds derived from either of the following sources:

(i) Taxes or assessments levied pursuant to subdivisions 3 or 4 of this section within the zone or participating zones benefited by such construction in the year or years immediately following the use of said funds; or

(ii) Fees or charges collected under authority of Section 4.4.

(2) Taxes or assessments may be levied for purposes of subdivision (1) by either of the following methods:

(a) By a levy or assessment upon all property within the agency, including land, improvements thereon, and personal property; or

(b) By a levy or assessment upon all real property within the agency, including both land and improvements thereon.

(3) To levy taxes or assessments in any zone to pay the cost of carrying out any of the objects or purposes of this act performed or to be performed on behalf of the zone, including the constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements established or to be established within or on behalf of the zone, according to the benefits derived or to be derived by the zone, by either of the following methods:

(a) By a levy or assessment upon all property within a zone or participating zone, including land, improvements thereon, and personal property; or

(b) By a levy or assessment upon all real property within a zone or participating zone, including both land and improvements thereon.

It is declared that for the purposes of any tax or assessment levied pursuant to this subdivision, the property so taxed or assessed within a given zone is equally benefited.

(4) To levy assessments upon any property in any zone, according to the provisions and procedures of the Improvement Act of 1911 (Division 7, commencing with Section 5000, Streets and Highways Code), the Improvement Bond Act of 1915 (Division 10, commencing with Section 8500, Streets and Highways Code), the Municipal Improvement Act of 1913 (Division 12, commencing with Section 10000, Streets and Highways Code), or the Refunding Assessment Bond Act of 1935 (Chapter 732 of the Statutes of 1935).

(5) To levy and collect a special tax or assessment upon the property in any zone within the agency for the purpose of raising funds to make payments pursuant to any contract entered into with another governmental agency pursuant to Section 6.3 of this act when the contract requires the governmental agency to perform work in any specified zone or participating zones for its or their particular benefit and also requires the agency to pay such governmental agency a sum of money in consideration or subvention for the performance of said work. The tax or assessment levied pursuant to this subdivision shall be in addition to any other tax or assessment herein otherwise provided.

Taxes or assessments levied pursuant to this section shall be levied and collected together with, and not separately from, taxes for county purposes. The revenues derived from the agency taxes or assessments shall be paid into the county treasury to the credit of the agency or the respective zones thereof, as the case may be, and the board shall have the power to control and order the expenditure thereof for the purposes for which the tax or assessment was levied; provided,

however, that no revenues, or portions thereof, derived in any of the several zones from taxes or assessments levied under the provisions of subdivision 3 of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any zone other than the zone in which the work or improvement was or is to be done, except in the case of joint projects, or for projects authorized or established outside such zone, or zones, but for the benefit thereof. In cases of joint projects between two or more zones, such zones are, and shall be referred to as, participating zones.

The provisions of this section shall not apply to the financing, construction, acquisition, reconstruction, maintenance, operation, extending, repair or other improvement to any work or improvement designed or intended primarily for the production, conservation, transmittal, distribution and sale of ground and surface waters for the present or future beneficial use or uses of the lands or inhabitants within the agency or any zone thereof created for such purpose.

SEC. 12. Section 17 of said act is amended to read:

SEC. 17. The Legislature hereby finds that the water and drainage problems in the county require countywide water conservation, development of water resources, control of drainage, storm, flood and other waters; that these problems are not general or statewide; that the county for many years has had made investigations and engineering surveys of the county's water resources and drainage problems by private, public and United States engineers; that county water districts, municipalities, and irrigation districts now exist within portions of the county, have acquired property and works, developed a limited water supply, and have incurred indebtedness, but have been and are unable alone to economically develop an adequate water supply; that the rapid growth of population and urban development over widespread portions of the county have created drainage problems which cannot be economically resolved through existing storm drain maintenance districts; that to adequately and feasibly conserve the water supply and control the drainage, storm, flood and other waters of said county, it is necessary to have a political entity coextensive with the geographical limits of the entire county; that the geography of the county is such that there are numerous drainage areas and noncontiguous watersheds therein, and that the county cannot be supplied with water from a common source or by a common system of works; investigation having shown conditions in said county to be peculiar to it, it is hereby declared that a general law cannot be made applicable to said county and that the enactment of this special law is necessary for the conservation, development, control and use of said water for the public good and for the protection of life and property therein.

CHAPTER 2077

An act to amend Sections 1651, 5096 and 5097 of, and to add Chapter 1.5 (commencing with Section 1750) to Part 3 of Division 1 of the Revenue and Taxation Code, relating to the equalization of ad valorem property tax assessments in counties having a population in excess of 4,000,000.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 1.5 (commencing with Section 1750) is added to Part 3 of Division 1 of the Revenue and Taxation Code, to read:

CHAPTER 1.5. EQUALIZATION OF ASSESSMENTS IN COUNTIES HAVING A POPULATION OF 4,000,000 OR MORE

1750. The provisions of this chapter shall be operative only in counties having a population of 4,000,000 or more.

Sections 617, 1601, 1603, 1612, 1614, 1623, 1628, 1646, 1647, and 2601 of this code shall not be operative in any county to which this chapter applies.

1753. As soon as the assessor completes the local roll, he shall deliver it to the auditor.

1754. As soon as the auditor receives the local roll from the assessor, he shall add up the valuations on it and enter on the roll the total valuation of each kind of property and the total valuation of all property; provided, however, that if the assessment roll is a machine-prepared roll the prescribed computations and entries may be made and entered upon a newly prepared roll.

1755. Annually, on or before the third Monday in August, the auditor shall prepare duplicate valuation statements, verified by his attached affidavit, from the local roll.

1756. After the board of supervisors has acted under Section 2151, the auditor shall perform the duties specified in Section 2152; provided that if the assessment roll is a machine-prepared roll, the prescribed computations and entries may be made and entered upon a newly prepared roll without incorporating any of the adjustments authorized by the local board of equalization.

1757. (a) On or before the fourth Monday in September, the auditor shall deliver the secured roll to the tax collector, with an affixed affidavit, subscribed by him, as follows:

"I, _____, Auditor of _____ County, swear that I received the assessment roll from the assessor with his affixed affidavit; that I have corrected it as required by the State Board of Equalization; and that I have reckoned the respective sums due as taxes and have added the columns of valuations and taxes, as required by law."

If the roll is a machine-prepared roll, the auditor shall deliver the assessment roll to the assessor and shall deliver the roll on which he has extended taxes to the tax collector, with an affixed affidavit, subscribed by him, as follows:

"I, _____, Auditor of _____ County, swear that the attached roll is a reproduction of the roll prepared by the assessor and corrected by the State Board of Equalization; and that I have reckoned the respective sums due as taxes and have added the columns of valuations and taxes as required by law."

(b) If the roll is a machine-prepared roll, and the tax bills are, with the consent of the tax collector and the approval of the board of supervisors, also machine-prepared by the auditor, the auditor shall, on or before the fourth Monday in September, deliver the assessment roll to the clerk of the local board of equalization and shall, on or before October 16, deliver the roll on which he has extended taxes to the tax collector, with an affixed affidavit, subscribed by him, as follows:

"I, _____ Auditor of _____ County, swear that the attached roll is a reproduction of the roll prepared by the assessor and corrected by the State Board of Equalization; and that I have reckoned the respective sums due as taxes and have added the columns of valuations and taxes as required by law."

1759. The clerk shall give notice of the time the county board will meet to equalize assessments by publication in a newspaper, if any is printed in the county, or, if none, as directed by the board of supervisors.

1760. Annually, on the fourth Monday in September, the board of supervisors shall meet as the county board of equalization to equalize the assessment of property on the local roll. Commencing on the fourth Monday in September, and continuing until the fourth Monday in November, any taxpayer may petition said board for a reduction in an assessment and a proportionate reduction or refund of the taxes extended thereon by filing an application pursuant to Sections 1607 and 5097. The board shall continue in session for that purpose, from time to time, until the business of equalization is disposed of, but not later than the last day of March of the succeeding calendar year.

1761. The clerk of the county board shall record, in a book kept for that purpose, all changes and orders made by the county board and, no later than the second Monday of each month, shall prepare a separate statement listing all such changes made during the preceding calendar month.

1762. On the second Monday of each month the clerk shall deliver the statement of all changes made by the county board during the preceding calendar month to the auditor with an affixed affidavit, subscribed by him, as follows:

"I, _____, swear that, as clerk of the Board of Equalization of _____ County, I have kept correct minutes of all the acts of the board during the month of _____, _____,

touching alterations in the assessment roll, that all alterations agreed to or directed to be made have been included in the attached statement and that no other alterations are included therein."

1763. The term of office of members selected to serve on tax appeals boards shall be three years beginning on the first Monday in September except that upon the original selection of members to serve on a tax appeals board, the member first selected shall serve for a term of three years beginning on the first Monday in September following the date of the creation of the board, the second member selected shall serve for a term of two years beginning on such date, and the third member selected shall serve for a term of one year beginning on such date.

In the event of a vacancy on a board, the person selected to fill the vacancy shall serve for the remainder of the unexpired term.

Not less than 60 days prior to the expiration of the term of office of any member of a tax appeals board and upon the occurrence of a vacancy on any such board, each member of the board of supervisors shall nominate one person for each office or vacancy to be filled. The presiding judge of the superior court shall select by lot one person from among those nominated to serve for the succeeding term on such board or to fill the vacancy as the case may be.

1764. The clerk of the board of supervisors shall be clerk of the tax appeals boards and keep a record of their proceedings. He shall perform the same duties in connection with their proceedings as he is required by law to perform in connection with the proceedings of the county board of equalization.

1765. If any city or lighting, water or irrigation district makes written request, on or before the first Monday in March, for a certified copy of the portion of the secured roll pertaining to property within its limits, the assessor shall comply with the request on or before the third Monday in August.

SEC. 2. Section 1651 of the Revenue and Taxation Code is amended to read:

1651. Immediately upon completion of his duties under Section 1646, or under Section 1754, whichever is applicable, the auditor shall transmit the unsecured roll to the assessor, unless the duty of making unsecured property tax collections has been transferred to the tax collector, in which event, the unsecured roll shall be transmitted to him.

SEC. 3. Section 5096 of the Revenue and Taxation Code is amended to read:

5096. On order of the board of supervisors, any taxes paid before or after delinquency shall be refunded if they were:

(a) Paid more than once.

(b) Erroneously or illegally collected.

(c) Paid on an assessment in excess of the cash value of the property by reason of the assessor's clerical error.

(d) Paid on an assessment of improvements when the improvements did not exist on the lien date.

(e) Paid on an assessment in excess of the equalized cash value of the property as determined pursuant to Section 1760 by the county board of equalization or a tax appeals board.

SEC. 4. Section 5097 of the Revenue and Taxation Code is amended to read:

5097. No order for a refund under this article shall be made except on a claim:

(a) Verified by the person who paid the tax, his guardian, executor, or administrator.

(b) Filed within three years after making of the payment sought to be refunded.

An application for a reduction in an assessment filed pursuant to Section 1760 shall also constitute a sufficient claim for refund under this section.

CHAPTER 2078

An act to amend Section 1001 of the Public Utilities Code, relating to water systems, including those of county water districts.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1001 of the Public Utilities Code is amended to read:

1001. No railroad corporation whose railroad is operated primarily by electric energy, street railroad corporation, gas corporation, electrical corporation, telegraph corporation, telephone corporation, or water corporation shall begin the construction of a street railroad, or of a line, plant, or system, or of any extension thereof, without having first obtained from the commission a certificate that the present or future public convenience and necessity require or will require such construction.

This article shall not be construed to require any such corporation to secure such certificate for an extension within any city or city and county within which it has theretofore lawfully commenced operations, or for an extension into territory either within or without a city or city and county contiguous to its street railroad, or line, plant, or system, and not theretofore served by a public utility of like character, or for an extension within or to territory already served by it, necessary in the ordinary course of its business. If any public utility, in constructing or extending its line, plant, or system, interferes or is about to interfere with the operation of the line,

plant, or system of any other public utility or of the water system of a public agency, already constructed, the commission, on complaint of the public utility or public agency claiming to be injuriously affected, may, after hearing, make such order and prescribe such terms and conditions for the location of the lines, plants, or systems affected as to it may seem just and reasonable.

CHAPTER 2079

An act to amend Section 1203.2a of the Penal Code, relating to probation.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1203.2a of the Penal Code is amended to read:

1203.2a. If any defendant who has been released on probation is committed to a prison in this State for another offense, the court which released him on probation shall have jurisdiction to impose sentence, if no sentence has previously been imposed for the offense for which he was granted probation, in the absence of the defendant, on the request of the defendant made through his counsel, or by himself in writing, if such writing is signed in the presence of the warden or superintendent of the prison in which he is confined or the duly authorized representative of the warden or superintendent, and such warden or superintendent or his representative attests both that the defendant has made and signed such request and that he states that he wishes the court to impose sentence in the case in which he was released on probation, in his absence and without his being represented by counsel

The probation officer may, upon learning of such defendant's imprisonment, and must within 30 days after being notified in writing by the defendant or his counsel, or the warden or superintendent or duly authorized representative of the prison in which the defendant is confined, report such commitment to the court which released him on probation.

Upon being informed by the probation officer of the defendant's confinement, or upon receipt from the warden, superintendent or duly authorized representative of any prison in this State of a certificate showing that the defendant is confined in prison, the court shall issue its commitment if sentence has previously been imposed. If sentence has not been previously imposed and if the defendant has requested the court through counsel or in writing in the manner herein provided to impose sentence in the case in which he was released on probation in his absence and without the presence of counsel to represent him, the court shall impose sentence and issue

its commitment, or shall make other final order terminating its jurisdiction over the defendant in the case in which the order of probation was made. If the case is one in which sentence has previously been imposed, the court shall be deprived of jurisdiction over defendant if it does not issue its commitment or make other final order terminating its jurisdiction over defendant in the case within 30 days after being notified of the confinement. If the case is one in which sentence has not previously been imposed, the court is deprived of jurisdiction over defendant if it does not impose sentence and issue its commitment or make other final order terminating its jurisdiction over defendant in the case within 30 days after defendant has, in the manner prescribed by this section, requested imposition of sentence.

Upon imposition of sentence hereunder the commitment shall be dated as of the date upon which probation was granted and if the defendant is then in a state prison for an offense committed subsequent to the one upon which he has been on probation, the term of imprisonment of such defendant under a commitment issued hereunder shall commence upon the date upon which defendant was delivered to prison under commitment for his subsequent offense, unless the court shall order that the sentence for the prior offense shall commence upon termination of the sentence for said subsequent offense. In the event the probation officer fails to report such commitment to the court or the court fails to impose sentence as herein provided, the court shall be deprived thereafter of all jurisdiction it may have retained in the granting of probation in said case.

CHAPTER 2080

An act to amend Section 2015.5 of the Code of Civil Procedure, relating to declarations under penalty of perjury.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 2015.5 of the Code of Civil Procedure is amended to read:

2015.5. Whenever, under any law of this State or under any rule, regulation, order or requirement made pursuant to law, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn statement, declaration, verification, certificate, oath, or affidavit, in writing of the person making the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official other than a notary public), such matter may with like force and effect be supported, evidenced, established or proved by the unsworn statement, declaration, verification, or certifi-

cate, in writing of such person stating the date and place of execution within this State and which is subscribed by him and certified or declared by him to be true "under penalty of perjury," which certification or declaration may be in substantially the following form:

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

CHAPTER 2081

An act to add Section 1442.3 to Division 4 of the Education Code (as added by Chapter 629 of the Statutes of 1963), relating to school elections.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1442.3 is added to Division 4 of the Education Code (as added by Chapter 629 of the Statutes of 1963), to read:

1442.3. If any voter by affidavit filed with the county superintendent of schools shows facts sufficient reasonably to justify the belief that the vote of any precinct has not been correctly counted to the extent that a recount would change the result of the election, he may appear on the day and at the place fixed for the county superintendent of schools to canvass the returns and demand a recount of the vote of the precinct that is claimed to have been incorrectly counted.

This section shall apply to school district elections of any type or class.

CHAPTER 2082

An act to amend Section 4115.5 of the Penal Code, relating to confinement of prisoners in jails.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 4115.5 of the Penal Code is amended to read:

4115.5. The board of supervisors of a county where adequate facilities are not available for prisoners who would otherwise be confined in its county adult detention facilities may enter into an agreement with the board or boards of super-

visors of one or more nearby counties whose county adult detention facilities are adequate and are readily accessible from the first county, permitting commitment of misdemeanants, and any persons required to serve a term of imprisonment in county adult detention facilities as a condition of probation, to a jail in a county having adequate facilities that is a party to the agreement. Such agreement must make provision for support of a person so committed or transferred by the county from which he is committed. When such an agreement is in effect commitments may be made by the court and support of any such person shall be a charge upon the county from which he is committed.

CHAPTER 2083

An act to add Section 532d to the Penal Code, relating to charitable solicitations.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 532d is added to the Penal Code, to read:

532d. Any person who solicits or attempts to solicit or receives money or property of any kind for a charitable, religious or eleemosynary purpose and who, directly or indirectly, makes, utters or delivers, orally or in writing, an unqualified statement of fact concerning the purpose or organization for which the money or property is solicited or received, or concerning the cost and expense of solicitation or the manner in which the money or property or any part thereof is to be used, which statement is in fact false and was made, uttered or delivered by such person either willfully and with knowledge of its falsity or negligently without due consideration of those facts which by the use of ordinary care he should have known, is guilty of a misdemeanor. No person shall be convicted for violation of this section unless the statement is in writing or, if oral, unless the making or uttering of it is proven by the testimony of two witnesses. Nothing contained in this section shall be construed to limit the right of any city, county, or city and county to adopt regulations for charitable solicitations which are not in conflict with this section.

CHAPTER 2084

An act to amend Section 675 of the Code of Civil Procedure, relating to judgments.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 675 of the Code of Civil Procedure is amended to read:

675. Satisfaction of a judgment may be entered upon an execution returned satisfied, or upon an acknowledgment of satisfaction filed with the clerk or with the judge, if there be no clerk, which may recite payment of the judgment in full or the acceptance by the judgment creditor of any lesser sum in full satisfaction thereof, made in the manner of an acknowledgement of a conveyance of real property, by the judgment creditor or assignee of record, or by endorsement by judgment creditor or assignees of record on the face, or on the margin of the record of the judgment, or by the attorney, unless a revocation of his authority is filed. Whenever a judgment is satisfied in fact, otherwise than upon an execution, the party or attorney must give such acknowledgment, or make such endorsement, and, upon motion, the court may compel it, or may order the entry of satisfaction to be made without it.

In the superior court and in municipal courts such entry shall be made in the register of actions; in justice courts, in the docket in the justice court.

Whenever an abstract of the judgment has been recorded with the recorder of any county, satisfaction thereof made in the manner of an acknowledgment of a conveyance of real property may be recorded.

Any judgment creditor or assignee of record who, for a period of 15 days after actual receipt of a demand in writing for acknowledgment of satisfaction of judgment, which demand is made after the judgment has in fact been paid in full, refuses without just cause to execute, acknowledge and deliver such acknowledgment of satisfaction to the judgment debtor, or to the owner of the real property upon which the judgment has become a lien by reason of the recording of an abstract of a judgment in accordance with Section 674, is liable to the judgment debtor or to the owner of the real property, as the case may be, or his grantees or heirs, for all damages which he or they may sustain by reason of such refusal, and shall also forfeit to him or them the sum of one hundred dollars ($100).

CHAPTER 2085

An act to amend Sections 70044.5, 73526, 73606 and 74306 of, and to add Section 70055.2 to, the Government Code, relating to salaries of court reporters and filing fees.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 70044.5 of the Government Code is amended to read:

70044.5. In a county with a population of 230,000 or more and under 250,000, as determined by the 1950 federal census, the annual salary of each regular official reported for the performance of duties required of such reporter by law and for stenographic or clerical assistance rendered to the judge or judges of the court shall be ten thousand six hundred and eighty dollars ($10,680) and the compensation of official reporters pro tempore shall be at the rate of thirty-five dollars ($35) a day, or any fractional part thereof.

Vacation allowances and sick leave allowances for official reporters shall be the same as provided for classified employees of the county under the authority of the county charter.

During the hours which the court is open for the transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

SEC. 2. Section 70055.2 is added to said code, to read:

70055.2. In a county with a population of 230,000 or more and under 250,000, as determined by the 1950 federal census, the fee required by Section 70053 shall be nine dollars and fifty cents ($9.50).

SEC. 3. Section 73526 of said code is amended to read:

73526. The judges of the court may appoint as many reporters as the business of the court requires, who shall be known as official reporters pro tempore. They shall serve without salary but shall receive for their services in reporting testimony and proceedings in such court the same compensation as is paid reporters pro tempore of the Superior Court of the County of San Mateo which, in criminal cases, shall upon order of the court be a charge against the general fund of the county.

SEC. 4. Section 73606 of said code is amended to read:

73606. The judges of the court may appoint as many reporters as the business of the court requires, who shall be known as official reporters pro tempore. They shall serve without salary but shall receive for their services in reporting testimony and proceedings in such court the same compensation as is paid reporters pro tempore of the Superior Court of the

County of San Mateo which, in criminal cases, shall upon order of the court be a charge against the general fund of the county.

SEC. 5. Section 74306 of said code is amended to read:

74306. The judges of the court may appoint as many reporters as the business of the court requires, who shall be known as official reporters pro tempore. They shall serve without salary but shall receive for their services in reporting testimony and proceedings in such court the same compensation as is paid reporters pro tempore of the Superior Court of the County of San Mateo which, in criminal cases, shall upon order of the court be a charge against the general fund of the county.

CHAPTER 2086

An act to add Section 9053 to the Fish and Game Code, relating to crustaceans.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 9053 is added to the Fish and Game Code, to read:

9053. Powered equipment of such design as may be prescribed by the commission may be used to take crustaceans under a revocable permit issued by the department and under such regulations as the commission shall prescribe. Taking under this section is subject to Sections 8250 to 8283, inclusive.

CHAPTER 2087

An act to add Section 53066 to the Government Code, relating to community antenna television systems.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 53066 is added to the Government Code, to read:

53066. Any city or county or city and county in the State of California may, pursuant to such provisions as may be prescribed by its governing body, authorize by franchise or license the construction of a community antenna television system. In connection therewith, the governing body may prescribe such rules and regulations as it deems advisable to protect the individual subscribers to the services of such community antenna television system. The award of the franchise or license

may be made on the basis of quality of service, rates to the subscriber, income to the city, county or city and county, experience and financial responsibility of the applicant plus any other consideration that will safeguard the local public interest, rather than a cash auction bid. Any cable television franchise or license awarded by a city or county or city and county pursuant to this section may authorize the grantee thereof to place wires, conduits and appurtenances for the community antenna television system along or across such public streets, highways, alleys, public properties, or public easements of said city or county or city and county. Public easements, as used in this section, shall include but shall not be limited to any easement created by dedication to the city or county or city and county for public utility purposes or any other purpose whatsoever.

CHAPTER 2088

An act to amend Section 5161 of the Public Resources Code, relating to parks and monuments.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 5161 of the Public Resources Code is amended to read:

5161. Whenever any county, city and county, city or the State owns land within the limits of any area designated as a state historical monument, it may, with the consent of the State Division of Beaches and Parks, sell such land to, or exchange such land with, any other public, private, or former owner of land within the same area upon a determination by the state or other governmental agency that the sale or exchange of the land will facilitate the development of the historical monument.

CHAPTER 2089

An act making an appropriation to the Department of Parks and Recreation for the acquisition of Lanes Redwood Flats in Mendocino County for the state park system, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. The sum of one hundred forty thousand dollars ($140,000) is hereby appropriated from the amount which is

made available by subdivision (a) of the schedule contained in Item 361 of the Budget Act of 1963 for expenditure by the department without regard to fiscal years to acquire Lanes Redwood Flats in Mendocino County for the state park system.

The appropriation made by this act shall not be available for expenditure unless and until a gift is made to the State, before June 30, 1964, of the additional one hundred thousand dollars ($100,000) required to acquire Lanes Redwood Flats.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The purchase of the Lanes Redwood Flats can only be accomplished if the State is able to buy the property immediately since, unless immediate action is taken, an offer from a private donor will lapse making the acquisition impossible. It is, therefore, imperative that this act take effect immediately.

CHAPTER 2090

An act to add Article 17 (commencing with Section 31880) to Chapter 3, Part 3, Division 4, Title 3 of the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Article 17 (commencing with Section 31880) is added to Chapter 3, Part 3, Division 4, Title 3 of the Government Code, to read:

Article 17. Integration with Federal Old Age, Survivors, and Disability Insurance

31880. Each county having a population in excess of five million, which has not already integrated its retirement system with the federal system, shall effect such integration pursuant to this article to be operative as of a date specified by the board of supervisors to be no later than July 1, 1964.

31881. Except as otherwise expressly provided in this article, all of the provisions of Article 13 of this chapter (commencing with Section 31800) apply to, and are incorporated by reference in this article.

31882. "Board," as used in this article, means the Board of Administration of the State Employees Retirement System

31883. "Federal-state agreement" means the agreement or any modification thereof now, heretofore, or hereafter exe-

cuted by the board pursuant to Section 218 of Title II of the Social Security Act.

31884. "Pension board," as used in this article, means the board of retirement.

31885. "Retirement system" means the retirement plan provided by the county for its employees under this chapter.

31886. "Policeman" as used in this article includes sheriffs, undersheriffs, deputy sheriffs and any other employee of a county in a position designated as a policeman's position by the board; provided, any such position named herein or as may be designated by the board, is not contrary to any definition, ruling or regulation issued by the federal agency relating to the term "policeman" for the purposes of Section 218(d)(5)(A) of the Social Security Act.

31887. "Fireman," as used in this article, means any employee in a position designated as a fireman's position by the board; provided, such designation is not contrary to any definition, ruling or regulation relating to the term "fireman" issued by the federal agency for the purposes of Section 218(d)(5)(A) of the Social Security Act.

31888. The pension board shall effect a division into two parts exclusive of the division required by Section 31891, for the purposes of this article, of the retirement system. One part shall consist of those who are active members of the retirement system on division date, and who do not desire coverage under the federal system; and the second part shall consist of those who are active members of the system on division date, and who desire coverage under the federal system and of those who become members of the system after division date. The division date shall be set by the pension board so as to permit modification of the federal-state agreement to include services of employees who are members of the second part of said system.

31889. The division shall be conducted in accordance with Section 218(d)(7) of the Social Security Act and applicable federal and board rules and regulations, by the pension board.

31890. Upon receiving evidence satisfactory to him with respect to any division of a retirement system that the conditions specified in Section 218(d)(7) of the Social Security Act have been met, the Governor or any other state official now or hereafter authorized by federal law, shall so certify to the federal agency.

31891. For the purposes of this article, policemen, as defined in Section 31886, and firemen, as defined in Section 31887, shall each be deemed to belong to separate retirement systems.

31892. When federal benefits are to be extended to any firemen's or policemen's position pursuant to this part it shall be done only by a vote of such firemen or policemen as provided in Section 31801.

31893. The pension board shall apply to the board in accordance with the provisions of this article, and the board shall

execute on behalf of the State an agreement with the federal agency for the coverage of employees of the county under the federal system in conformity with the provisions of Section 218 of the Social Security Act and applicable federal regulations.

31894. Notwithstanding the provisions of Section 31893, however, before the board shall execute on behalf of the State an agreement with the federal agency as herein provided, the pension board and the board shall enter into a written agreement, which agreement shall include such provisions not inconsistent with this article which the board deems necessary in the administration of the said federal system as it affects the State and the county and its employees.

SEC. 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

CHAPTER 2091

An act to amend Section 27550 1 of the Government Code, relating to county surveyor qualifications.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 27550.1 of the Government Code is amended to read:

27550.1. The qualifications for eligibility to a county or district office, required by Section 24001 of this Code, shall not apply to candidates or applicants for, or a person elected or appointed to, the office of surveyor in a county containing a population of under 20,000 as determined by the 1960 federal decennial census.

CHAPTER 2092

An act to add Section 2189.6 to the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 23, 1963 Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 2189.6 is added to the Revenue and Taxation Code, to read as follows:

2189.6. Improvements which constitute component parts of a water distribution system located in whole or in part on

property assessed to a person other than the assessee of the land on which they are located shall be assessed as improvements on the secured roll; provided, however, that such assessments shall not be a lien on the land on which such improvements are located and such fact shall be noted on the secured roll.

Suit may be brought against an assessee of such improvements in the event of delinquency in the payment of taxes thereon.

CHAPTER 2093

An act to add Sections 3041 and 3042 to the Fish and Game Code, relating to transportation of doves.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 3041 is added to the Fish and Game Code, to read:

3041. A licensed hunter may possess and transport one additional daily bag limit of doves taken in District 22 and that portion of Coachella Valley west of Highway U.S. 99 in District 4, if he has previously taken the doves and the doves are accompanied by a valid transportation permit; provided that not more than one daily bag limit of such doves is taken in any one day and possession and transportation of such birds is not in violation of federal regulations prescribed for doves.

The form of the transportation permit and type of container in which such doves shall be packaged under the permit shall be as prescribed by regulations of the commission.

SEC. 2. Section 3042 is added to said code, to read:

3042. Transportation permits may be issued in District 22 and that portion of Coachella Valley west of Highway U.S. 99 in District 4 in the same manner as hunting licenses except that license agents may be limited to issuance and sale of such permits only.

The commission shall determine the fee for such a permit, which shall not exceed two dollars ($2) each, to cover the administrative costs of issuing such permits. The commission may authorize license agents to retain a percentage of the fee but not to exceed the amount of fifty cents ($0.50) for each permit.

The first issuance of such permits shall be on September 1, 1964.

CHAPTER 2094

An act to provide for a study of the Sacramento-San Joaquin Delta, and making an appropriation therefor.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. The Administrator of the Resources Agency, in collaboration with the State Office of Planning, shall undertake a study for purposes of developing a comprehensive master recreation plan for the Sacramento-San Joaquin Delta and along the Sacramento River. Attention shall be given to solving the levee vegetation problem as it affects flood control, aesthetic beauty and wildlife populations. Consideration shall be given to delineating areas within the Sacramento-San Joaquin Delta and along the Sacramento River which offer substantial opportunity for co-ordinated recreational planning between federal, state, and local planning, flood control, water development, and conservation groups. In addition, consideration shall be given to methods of implementing the master recreation plan, with special consideration being given to recreational use zoning, land acquisition, construction of recreational facilities, including roads and bridges, and protection or planning of vegetation on levees and waterside berms. Said study shall include an estimate of the cost involved in the implementation of said master recreation plan together with a determination of alternative methods of financing and a basis for allocating federal, state, and local responsibility. Particular attention shall be given to determining an equitable sharing formula for construction as well as operation and maintenance costs of the Sacramento River Bank Protection Project among state and local agencies based on the benefits and detriments allocable to both on behalf of flood control and recreation beneficiaries or based upon any other equitable apportionment. The Administrator of the Resources Agency shall submit the results of such study to the Legislature by the first Monday of February, 1966.

SEC. 2. The sum of forty thousand dollars ($40,000) is hereby appropriated from the General Fund to the Administrator of the Resources Agency for expenditure in carrying out the study which is provided for in Section 1 of this act.

CHAPTER 2095

An act to amend Section 2 of Chapter 1697 of the Statutes of 1955, relating to ferries and other toll highway crossings across the Bay of San Diego from the City of San Diego to the City of Coronado.

[Approved by Governor July 23, 1963 Filed with Secretary of State July 25, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 2 of Chapter 1697 of the Statutes of 1955 is amended to read:

Sec. 2. If a toll tube or other toll highway crossing described in Section 1 of this act is constructed, and will accommodate a substantial part of the traffic served by a privately owned toll bridge, ferry, tube, or other toll highway crossing, the authority shall authorize and direct the department to acquire such ferry either through mutual agreement with the ferry owners or by the exercise of eminent domain. The authority shall provide in the mutual agreement or in the exercise of eminent domain that the owners of the ferry shall through a process of collective bargaining pay operating, maintenance and toll collection personnel the actuarial value of accrued pension rights and in addition thereto, if such toll bridge, ferry, tube or other toll highway crossing is not to be operated by the authority, shall also provide for the payment of severance pay not exceeding one month's severance pay for each year of service up to and including 25 years to any of such personnel as are not offered employment by any state agency. The authority shall reimburse the owners for the amounts so paid respecting accrued pension rights but not exceeding the amounts which the owners could have been required to pay under any collective bargaining agreement in effect at the time the authority authorizes construction of the toll tube or other toll highway crossing, by applying to all operating, maintenance and toll collection personnel the formula of any collective bargaining agreement in effect on April 1, 1963. The authority shall also reimburse the owners for the amounts so paid respecting severance pay but not exceeding one month's pay for each year of service with the ferry, tube or other toll highway crossing up to and including 25 years. In making such reimbursements respecting both accrued pension rights and severance pay, the obligation of the authority shall, notwithstanding any other provision of this section, be limited to making reimbursement for payments made by the owner to personnel who, on the date the authority authorizes construction of the project, are not eligible, under the terms of any retirement plan then in effect, for immediate retirement.

The authority may authorize the department to operate a toll bridge, ferry, tube, or other toll highway which has been acquired, with the personnel theretofore employed thereon,

until such time as the authority and the department in their discretion deems it necessary or desirable to discontinue operations, in which event the authority shall authorize and direct the department to discontinue the toll bridge, ferry, tube, or other toll highway. At the time the authority directs the department to discontinue the operation of the toll bridge, ferry, tube, or other toll highway crossing, it shall also direct the department to pay the personnel engaged in the operating, maintenance and toll collection functions thereof one month's severance pay for each year of service up to and including 25 years. Severance pay shall not, however, be payable to any such personnel who are offered permanent employment and who become permanent employees of any state agency under the following conditions:

1. The rate of pay shall be substantially the same as that received at the time operations are discontinued.

2. The place of employment shall be within a radius of 50 miles of the City of San Diego unless the employee, at his option, accepts employment at a place outside said 50-mile radius.

Any employee who accepts employment with a state agency and whose employment is terminated by said agency prior to the expiration of his probationary period for any reason which is the fault of said employee shall not be entitled to severance pay.

An employee eligible for retirement under any collective bargaining agreement with the owners of a privately owned toll bridge, ferry, tube, or other highway crossing and accepts such retirement shall not be entitled to severance pay.

In the employment of personnel the department shall, insofar as possible, employ persons displaced from their usual positions with a privately owned toll bridge, ferry, tube, or other highway crossing, because of the operations of the authority and department, and pay said personnel at least the rates of pay which such persons received in private employment.

CHAPTER 2096

An act to amend the title of Chapter 1 (commencing with Section 1500) of Part 2 of Division 2 of, to amend Sections 145, 145.1, 145.4, 220, and 4501 of, and to add Section 1500.3 to, the Welfare and Institutions Code, relating to aid to needy families.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 145 of the Welfare and Institutions Code is amended to read:

145. The purpose of this chapter is to provide for the continued operation of the state plans for aid to the aged, the

blind, aid to the disabled, and families with dependent children in the event that federal assistance therefor is temporarily delayed or not available, without the changes and modifications in such plans provided for in this code as a consequence of the withdrawal of federal assistance for such aid from this State.

SEC. 2. Section 145.1 of said code is amended to read:

145.1. As used in this chapter "joint public assistance" means the aid to families with dependent children, aid to the aged, aid to the blind, and aid to the disabled provided pursuant to Chapter 1 of Part 2 of Division 2, Chapter 1 of Division 3, Chapter 1 of Part 1 of Division 5, and Chapter 1 of Part 2 of Division 5 of this code, and "eligible recipient" means any person eligible for such joint public assistance under said chapters.

SEC. 3. Section 145.4 of said code is amended to read:

145.4. The sums appropriated by Section 145.3 shall be considered for all the purposes of Chapter 1 of Division 1, Chapter 1 of Part 2 of Division 2, Chapter 1 of Division 3, Chapter 1 of Part 1 of Division 5, and Chapter 1 of Part 2 of Division 5 of this code, to be "federal assistance" and "grants-in-aid" from the United States government for aid to families with dependent children, aid to the aged, aid to the blind, and aid to the disabled, respectively, and shall not be considered to be state moneys or appropriations from the State Treasury for the purposes of those chapters. All such sums shall be subject to all of the provisions of said chapters applicable to funds received by this State from the United States government, and all of the provisions of said chapters shall be construed and applied in every respect as if such funds had been in fact received by this State from the United States government. However, none of such sums shall be considered for any purpose to be federal assistance or grants for the cost of administering joint public assistance.

SEC. 4. Section 220 of said code is amended to read:

220. The board of supervisors in each county may, in its discretion, authorize the destruction or disposition of the case history, or any part thereof, of any recipient of public assistance who has not received such assistance from the county for a period of five years prior thereto.

As used in this section, "public assistance" means aid to families with dependent children under Chapter 1 (commencing with Section 1500) of Part 2 of Division 2, aid to the aged under Chapter 1 (commencing with Section 2000) of Division 3, aid to the indigent under Chapter 2 (commencing with Section 2500) of Division 4, aid to the blind under Chapter 1 (commencing with Section 3000) of Part 1 of Division 5, aid to the potentially self-supporting blind under Chapter 3 (commencing with Section 3400) of Part 1 of Division 5, aid to the disabled under Chapter 1 (commencing with Section 4000) of Part 2 of Division 5, and medical care under Chapter 1 (commencing with Section 4500) of Part 3 of Division 5.

SEC. 5. The title of Chapter 1 (commencing with Section 1500) of Part 2 of Division 2 of the Welfare and Institutions Code is amended to read:

CHAPTER 1. AID TO FAMILIES WITH DEPENDENT CHILDREN

SEC. 6. Section 1500.3 is added to said code, to read:

1500.3. This chapter shall be known and may be cited as the Burton-Miller Act.

SEC. 7. Section 4501 of said code is amended to read:

4501. As used in this chapter:

(a) "Public assistance" means aid to families with dependent children, aid to the aged, aid to the blind and aid to the disabled as provided for in Chapter 1 of Part 2 of Division 2, Chapter 1 of Division 3, Chapters 1 and 3 of Part 1 of Division 5, and Chapter 1 of Part 2 of Division 5 respectively of this code.

(b) "Recipient" means any person for whom money is made available to provide medical care by Section 4552 of this code.

CHAPTER 2097

An act to amend Section 69593 of the Government Code, relating to superior court judges.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 69593 of the Government Code is amended to read:

69593. In the County of Sacramento there shall be 12 judges of the superior court.

CHAPTER 2098

An act to repeal Sections 20207, 20336, 20583, 20986.5, 20987, 20989, 20990, 21102.5, 21250.5 and 21364.6 of, to add Sections 20169, 20801.5, 21200.1 and 21251.35 to, and to amend Sections 20017.7, 20017.75, 20019.1, 20022, 20037, 20205, 20206, 20303, 20462, 20497, 20582, 21156, 21204, 21251.15, 21251.3, 21261, 21293.5 and 21364.7 of, the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 20207 of the Government Code is repealed.

SEC. 2. Section 20336 of said code is repealed.

SEC. 3. Section 20583 of said code is repealed.

SEC. 4. Section 20986.5 of said code is repealed.

SEC. 5. Section 20987 of said code is repealed.

SEC. 6. Section 20989 of said code is repealed.

SEC. 7. Section 20990 of said code is repealed.

SEC. 8. Section 21102.5 of said code is repealed.

SEC. 9. Section 21250.5 of said code is repealed.

SEC. 11. Section 21364.6 of said code is repealed.

SEC. 12. Section 20169 is added to said code, to read:

20169. All computations, payments, and other acts heretofore made or done by the board or its officers and employees and a contracting agency which would be valid if Section 21251.35, as that section exists on the effective date of this section, had been in effect at the time such computations, payments, or other acts were made or done are hereby ratified, confirmed and validated.

SEC. 13. Section 20801 5 is added to said code, to read:

20801 5. Notwithstanding any provision in this chapter to the contrary, the computation of interest required to be paid under any election made after October 1, 1963, under this chapter to contribute and receive service credit shall be at the interest rate in effect on the date the election is received in the office of the board.

SEC. 14. Section 21200.1 is added to said code, to read:

21200.1. Retirement shall be effective and the retirement allowance shall begin to accrue as of the date designated in the member's application as the effective date of retirement, or upon the day following the last day for which salary is payable if that day postdates the day designated by the person as the effective date or if the member has not designated an effective date. In no event shall the retirement become effective or the retirement allowance begin to accrue earlier than the first day of the month in which the member's application is received at the office of the board, in Sacramento, California, or, if the member has been incompetent to act on his own behalf continuously from the last day for which salary was payable, one year prior to the month in which an application by the guardian of his estate is so received.

SEC. 15. Section 21251.35 is added to said code, to read:

21251.35. Every current service pension, prior service pension, and disability retirement pension payable for time commencing on the effective date of an amendment to the contract of a contracting agency, other than a county superintendent of schools, providing for application of this section to any person who retired prior to the effective date of such amendment and whose allowance is based in whole or in part on service to such agency, is hereby increased to the amount it would be if the provisions of the contract, excepting an election to be subject to Section 20024.01, as they exist on said effective date had been in effect on the date of the actual retire-

ment of the person; but this section does not authorize any decrease in such pension, nor does it give any such retired person or his successors in interest, any claim against the system or the contracting agency for any increase in any pension paid or payable for the time prior to said effective date. Calculation of pensions under this section shall be made on the basis of interest rate and mortality tables in effect under the system on the effective date of the amendment to the contract.

This section shall not apply to any contracting agency with respect to its employees who have retired under this system prior to the effective date of such amendment unless and until the agency elects to be subject to the provisions of this section, with respect to such employees, by amendment to its contract made in the manner prescribed for approval of contracts; except that an election among the employees is not required.

SEC. 16. Section 20017 7 of said code is amended to read:

20017.7. "Narcotic enforcement member" includes persons employed in the Bureau of Narcotic Enforcement in the Department of Justice, whose principal duties consist of active law enforcement, including persons employed to perform the duties now performed under the titles of chief of bureau, assistant chief of bureau, supervising narcotic agent, narcotic agent, narcotic pharmacist agent, narcotic specialist agent, or narcotic chemist agent, but excluding those whose principal duties are clerical or otherwise and which do not clearly fall within the scope of active law enforcement service, even though such a person is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active law enforcement.

Except as otherwise provided, the provisions of this part applicable to state miscellaneous members are also applicable to narcotic enforcement members.

SEC 17 Section 20017 75 of said code is amended to read:

20017.75. "Law enforcement member" means deputy director, Department of Justice and those persons employed in the Bureau of Criminal Identification and Investigation to perform the duties now performed under the titles of chief of bureau, assistant chief of bureau, chief special agent, supervising special agents, and special agents, but excluding clerical personnel or those whose principal duties are clerical or otherwise and which do not clearly fall within the scope of active law enforcement service, even though such a person is subject to occasional call, or is occasionally called upon to perform duties within the scope of active law enforcement.

Except as otherwise provided, the provisions of this part applicable to state miscellaneous members are also applicable to law enforcement members.

SEC. 17 5. Section 20017.75 of said code is amended to read:

20017.75. "Law enforcement member" means only those persons employed in the Bureau of Criminal Identification and Investigation, whose principal duties consist of active law

enforcement and who are peace officers as defined in Section 817 of the Penal Code, but excluding clerical personnel or those whose principal duties are clerical or otherwise and which do not clearly fall within the scope of active law enforcement service, even though such a person is subject to occasional call, or is occasionally called upon to perform duties within the scope of active law enforcement.

SEC. 18. Section 20019.1 of said code is amended to read:

20019.1. "School member" includes all employees of school districts and employees of the county superintendent of schools who are or become members pursuant to Chapter 4.5 (commencing with Section 20580) of this part.

Except as otherwise expressly provided, all provisions of this part (commencing with Section 20000) which on January 1, 1963, were applicable to members under Chapter 4.5 and all provisions of this part made applicable to state miscellaneous members after January 1, 1963, shall apply to school members.

SEC. 19. Section 20022 of said code is amended to read:

20022. "Compensation" means the remuneration paid in cash out of funds controlled by the State, the university or contracting agency, plus the monetary value, as determined by the board of living quarters, board, lodging, fuel, laundry and other advantages of any nature furnished a member by his employer in payment for his services or for time during which the member is excused from work because of holidays, sick leave, vacation, compensating time off, or leave of absence; provided, however, that "compensation" shall not include the provision by an employer of any medical or hospital service or care plan or insurance plan for its employees, any contribution by an employer to meet the premium or charge for such plan, or any payment into a private fund to provide health and welfare benefits for its employees.

SEC. 20. Section 20037 of said code is amended to read:

20037. "Beneficiary" means any person, including a corporation, designated by a member to receive, or who qualifies for receipt of, a benefit payable under this part.

SEC. 21. Section 20205 of said code is amended to read:

20205. Except as investment is otherwise authorized by law, investments of the retirement fund are subject to the terms, conditions, limitations, and restrictions imposed by the laws of the State upon savings banks in the making of investments.

SEC. 22. Section 20206 of said code is amended to read:

20206. The board may itself make any investment authorized by law or sell any security, obligation, or real property in which moneys in the fund are invested, by affirmative vote of at least four members of the board and with approval of the Director of Finance, or by such an affirmative vote and with approval of the Director of Finance may from time to time adopt a list of acceptable securities for purchase, and

specify either (a) the sum to be invested or (b) the cash reserve to be retained in the fund and not invested, and specify the conditions under which securities or other investments may be sold. While such a list is in effect, securities may be purchased from such list up to the amount so specified for investment by an officer or employee of the board designated by it for such purpose, and sales of securities may be consummated by such officer or employee under the conditions prescribed. Purchases of securities from the list, and sales shall be reported to the board at its next regular meeting.

SEC. 23. Section 20303 of said code is amended to read:

20303. Every other employee becomes a member upon his entry into employment.

SEC. 24. Section 20462 of said code is amended to read:

20462. If a governing body of a public agency other than a city or county is permitted by law to act by resolution, any action required by this part to be taken by ordinance may also be taken by adoption of a resolution.

SEC. 25. Section 20497 of said code is amended to read:

20497. Any contract entered into under this part between the board and a public agency may be amended to, and any new contract may, provide a modification of benefits and adjustment of employee contribution rates under this part as may be agreed to by the board; provided, that the federal-state agreement is or has been, modified to include in the federal system employees of the agency in positions covered by this system.

Amendments to a contract under this section shall be made in the manner prescribed in this part for approval of contracts except that an election among employees shall not be required.

This section shall not apply to contracts under Chapter 4.5.

SEC. 26. Section 20582 of said code is amended to read:

20582. Sections 20457, 20458, 20492, 20496, 20497, 20560, 20561 and 20562 do not apply to contracts made pursuant to this chapter. The county superintendent of schools shall have no authority to exercise any election under any provision of this part (commencing at Section 20000) which applies to a contracting agency only on its election to be subject to it.

SEC. 27. Section 21156 of said code is amended to read:

21156. Notwithstanding Section 21150, any person retired under this part may, without reinstatement from retirement or any loss or interruption of benefits under this part, serve as an appointive member of the governing body of a contracting agency; provided, the compensation for such office does not exceed one hundred dollars ($100) per month.

SEC. 28. Section 21204 of said code is amended to read:

21204. A member may at any time designate a beneficiary to receive such benefits as may be payable to his beneficiary or estate under this part, by a writing filed with the board.

The designation, subject to such conditions as may be imposed by board rule, may be by class, in which case the mem-

bers of the class at the time of the member's death shall be entitled as beneficiaries. The designation shall also be subject to the board's conclusive determination, upon evidence satisfactory to it, of the existence, identity or other facts relating to entitlement of any person designated as beneficiary, and payment made by the system in reliance on any such determination made in good faith, notwithstanding that it may not have discovered a beneficiary otherwise entitled to share in the benefit, shall constitute a complete discharge and release of the system for further liability for the benefit.

SEC. 29. Section 21251.15 of said code is amended to read:

21251.15. For a state miscellaneous member or a local miscellaneous member other than one whose current service pension is computed according to Section 21252, or a local safety member subject to Section 21252.5, reinstated from service retirement, the current service pension, or current and prior service pensions under Section 21252.5, upon his service retirement subsequent to such reinstatement, shall be the sum of (1) a current service pension calculated on the basis of service rendered after reinstatement in accordance with the formula applicable to him in such service and membership, plus (2) his current service pension, or current and prior service pensions under Section 21252.5, as it was prior to his reinstatement, adjusted for any service on which such pension was based which was included in coverage of the federal system during reinstatement according to the formula applicable to such service in employment for which he was retired, and further adjusted according to any change after reinstatement in the provisions governing the calculation of his pension which would have applied to him had he continued in retirement but been subject to the formula applied in the first adjustment; provided, that such subsequent retirement occurs before he renders, after his reinstatement, at least one year of state service credited under this system; or if he has rendered one year or more of such state service after reinstatement, in lieu of (2), plus (3) a current service pension based on current service rendered prior to such reinstatement, calculated on the basis of the formula currently applicable to the employment in which the service was rendered but on the basis of an age taken to the preceding completed quarter year but not less than the minimum retirement age applicable to him at his last retirement and determined by deducting from his age at his subsequent retirement, the aggregate time during which he was under retirement. For such a member reinstated from nonindustrial disability retirement, the current service pension upon his service retirement after attaining an age one year less than the minimum age at which he could have retired without an actuarial discount because of age in the employment from which he was last retired, or upon his disability retirement after attaining such minimum age, and subsequent to such reinstatement, shall be calculated in the manners described in the preceding sentence, but

the age determined upon subsequent retirement after rendering at least one year of state service credited under the system shall not be taken at less than one year less than such minimum age if the subsequent retirement is for service, or such minimum age if the retirement is for disability.

The current service pension otherwise payable under this section to a member whose allowance prior to reinstatement was paid pursuant to his election under Section 21338 shall be reduced by the actuarial equivalent, on the date of retirement subsequent to reinstatement, of the amount (converted as below), if any, by which—

(a) The total amount, paid in the period during which a temporary annuity was included in the payments, said amount being reduced by the total amount that would have been payable during said period had said election not been made; exceeds

(b) The excess of the total amount that would have been payable, had said election not been made, during the time subsequent to said period and prior to reinstatement over the total amount actually paid during said time

The amount determined by the above formula shall be converted to an amount equaling the actuarial equivalent on the date of reinstatement and this latter amount shall be the basis of the actuarial equivalent, on the date of retirement subsequent to reinstatement.

Actuarial equivalents required by this section shall be based on the interest rate and mortality tables in use by this system on the date of retirement subsequent to reinstatement.

Notwithstanding this section, or any other provision of this part, the current service pension payable to any member subject to this section who rendered one year or more of state service credited under the system after reinstatement, or a member not subject to this section, on retirement for service subsequent to reinstatement from service retirement for any credited service for which a current service pension was paid prior to reinstatement shall not be less than the current service pension which would be payable on the date of such subsequent retirement had the member not been reinstated, adjusted, however, by any reduction under this section because of an election under Section 21338 and, for any service so credited which was included in coverage of the federal system during reinstatement, according to the formula applicable to such service in employment from which he was retired

SEC. 30. Section 21251.3 of said code is amended to read:

21251.3 Every current service pension, prior service pension, and disability retirement pension payable for time commencing on the effective date of this section to any member who was retired prior to said effective date is hereby increased to the amount it would be if the provisions of this part, as they

exist on said effective date, had been in effect on the date of the actual retirement of the member; but this section does not authorize any decrease in any such pension, nor does this section give any such retired member, or his successors in interest, any claim against the State for any increase in any pension paid or payable for time prior to its effective date. Calculation of pensions under this section shall be made on the basis of current interest rate and mortality tables.

This section shall apply only to a contracting agency which prior to October 1, 1963, had elected to be subject to it.

SEC. 31. Section 21261 of said code is amended to read:

21261. The prior service pension of a state miscellaneous or local miscellaneous member reinstated from service retirement, upon his subsequent service retirement, shall be in the same amount as his prior service pension prior to his reinstatement, adjusted for any service on which such pension was based which was included in coverage of the federal system during reinstatement according to the formula applicable to such service in employment from which he was retired, and further adjusted according to any change in the provisions governing the calculation of such pensions, using the formula applied in the first adjustment, made after such reinstatement and applicable to pensions being paid at the date of the change; provided, that such subsequent retirement occurs before he renders after his reinstatement at least one year of state service credited under this system; otherwise the prior service pension calculated on the basis of an age, taken to the preceding completed quarter year but not less than the minimum retirement age applicable to him at his last retirement, and determined by deducting from his age at his subsequent retirement, the aggregate time during which he was under retirement. For such a member reinstated from nonindustrial disability retirement, the prior service pension upon his service retirement after attaining an age one year less than the minimum age at which he could have retired without an actuarial discount because of age in the employment from which he was last retired, or upon his disability retirement after attaining such minimum age, and subsequent to such reinstatement, shall be calculated in the manners described in the preceding sentence, but the age determined upon subsequent retirement after rendering at least one year of state service, shall not be taken at less than one year less than such minimum age if the subsequent retirement is for service, or such minimum age if such retirement is for disability.

The prior service pension otherwise payable under this section to a member whose allowance prior to reinstatement was paid pursuant to his election under Section 21338 shall be reduced by the actuarial equivalent, on the date of retirement subsequent to reinstatement, of the amount, if any (converted as below), by which—

(a) The total amount paid in the period during which a temporary annuity was included in the payments, said amount being reduced by the total amount that would have been payable during said period had said election not been made; exceeds

(b) The excess of the total amount that would have been payable, had said election not been made, during the time subsequent to said period and prior to reinstatement over the total amount actually paid during said time.

The amount determined by the above formula shall be converted to an amount equaling the actuarial equivalent on the date of reinstatement. The latter amount shall be the basis of the actuarial equivalent, on the date of retirement subsequent to reinstatement.

Actuarial equivalents required by this section shall be based on the interest rate and mortality tables in use by this system on the date of retirement subsequent to reinstatement.

Notwithstanding this section, or any other provision of this part, the prior service pension payable to any member subject to this section who rendered one year or more of state service credited under the system after reinstatement, or a member not subject to this section, on retirement for service subsequent to reinstatement from service retirement for any credited service for which a prior service pension was paid prior to reinstatement shall not be less than the prior service pension which would be payable on the date of such subsequent retirement had the member not been reinstated, adjusted, however, by any reduction under this section because of an election under Section 21338 and, for any service so credited which was included in coverage of the federal system during reinstatement, according to the formula applicable to such service in employment from which he was retired.

SEC. 32. Section 21293.5 of said code is amended to read:

21293.5. The disability retirement allowance of a member who retires for industrial disability and who is credited with service as a member of the system, compensation for which was also subject to contribution under the federal system, shall be reduced by the amount of any retirement or disability benefit he is entitled to receive under the federal system. The reduction shall apply only during such time as he is entitled to receive the benefit under the federal system and shall not exceed the amount of the allowance derived from contributions of the State.

Notwithstanding the amendment to this section at the 1963 Regular Session of the Legislature, the disability retirement allowance of a member retired for industrial disability from employment held on October 1, 1963, and continuously thereafter to the date of retirement and in which his compensation was on that date subject to contribution under the federal system shall not be less than it would have been had this section not been so amended.

SEC. 33. Section 21364.7 of said code is amended to read:

21364.7. The special death benefit or the continued allowance under Section 21263 or 21264 payable if the deceased was a member who was credited with service, compensation for which was subject to contribution under the federal system, shall be reduced during such time as his survivor or survivors are entitled to receive a survivor benefit under the federal system. The reduction shall be in the amount of the benefit to which there is entitlement under the federal system; provided, however, that it shall not exceed the amount of the benefit derived from contributions of the State.

Notwithstanding the amendment to this section and the repeal of Section 21364.6 at the 1963 Regular Session of the Legislature, the special death benefit or continued allowance payable on death of a member in employment, or retired from employment, whichever the case may be, which the member held on October 1, 1963, and continuously thereafter to the date of death or retirement, and in which his compensation was on that date subject to contribution under the federal system, shall not be less than it would have been had this section not been so amended or Section 21364.6 repealed.

SEC. 34. Section 21364 7 of said code is amended to read:

21364.7. The special death benefit or the continued allowance under Section 21263, 21263 1, or 21264 payable if the deceased was a member who was credited with service, compensation for which was subject to contribution under the federal system, shall be reduced during such time as his survivor or survivors are entitled to receive a survivor benefit under the federal system. The reduction shall be in the amount of the benefit to which there is entitlement under the federal system; provided, however, that it shall not exceed the amount of the benefit derived from contributions of the State.

Notwithstanding the amendment to this section and the repeal of Section 21364 6 at the 1963 Regular Session of the Legislature, the special death benefit or continued allowance payable on death of a member in employment, or retired from employment, whichever the case may be, which the member held on October 1, 1963, and continuously thereafter to the date of death or retirement, and in which his compensation was on that date subject to contribution under the federal system, shall not be less than it would have been had this section not been so amended or Section 21364.6 repealed.

SEC 35 Section 17.5 and 34 of this act shall become operative only if Senate Bill 508 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as Senate Bill No. 508 takes effect; at which time Sections 17 and 33 of this act shall become inoperative

SEC 36. This act shall become operative on October 1, 1963

CHAPTER 2099

An act to add Sections 21251.6, 20750.13, 20750.23, 20750.33, and 20750.43 to the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 21251.6 is added to the Government Code, to read:

21251.6 (a) Every retirement allowance exclusive of that portion purchased by the member's accumulated additional contributions payable for time commencing on the effective date of this section to or on account of any member who has retired on or prior to December 31, 1961, is hereby increased by a monthly amount which, when added to any other increases in such retirement allowance made by the Legislature at its 1963 Regular Session, except any increase resulting from an amendment of the provisions of this part relating to allowances upon ordinary disability retirement, equals the percentage of the retirement allowance set forth in the following table opposite the period during which the member's retirement became effective.

Period during which retirement became effective	Percentage
On or before July 1, 1957	10%
Twelve months ended July 1, 1958	8%
Twelve months ended July 1, 1959	6%
Twelve months ended July 1, 1960	4%
Eighteen months ended December 31, 1961	2%

No increase under this section shall exceed in the aggregate the sum of fifty dollars ($50) per month.

Where a member to or on account of whom an increased retirement allowance is payable under this section has elected pursuant to Article 4 of Chapter 9 of this part to have his retirement allowance modified in accordance with an optional settlement provided in Section 21333, Section 21334, or Section 21335, if both the retired member and his beneficiary are living on the effective date of this section, the increase provided by this section shall be an amount equal to the percentage of the allowance being paid to the retired person, and upon death of the retired person, or upon death of his beneficiary if a different allowance is payable to the retired person because of such death, an equal percentage of the amount then payable to the survivor; and if either such retired person or his beneficiary is not living on said effective date, then the increase provided under this section shall be an amount

equal to the percentage of the allowance being paid to the survivor. If such member has chosen to have the actuarial equivalent of his allowance paid as provided in Section 21338, the percentage increase provided herein shall be applied to the amount of the unmodified allowance and the life annuity portion of his allowance shall be increased in that amount.

The increase in each retirement allowance provided by this section shall be apportioned between the current service pension and the prior service pension of the retired member in the same proportions that the current service benefit and the prior service benefit bear to the total benefit, and shall be derived from contributions of the employer.

(b) Every special death benefit, survivor allowance under Section 21365.5 of this part, or allowance under Section 21263 or 21264 of this part payable for time commencing on the effective date of this section on account of the death of any member who dies on or prior to December 31, 1961, is hereby increased by a monthly amount which, when added to any other increases in such death benefit or allowance made by the Legislature at its 1963 Regular Session, equals the percentages of increase set forth in the table in subdivision (a) above, opposite the period during which the member's death occurred or, in the case of an allowance under Section 21263 or 21264 opposite the period during which the member's retirement became effective.

(c) This section does not authorize any decrease in any allowance or special death benefit, nor does this section give any retired member, or his successors in interest, or his beneficiary, or any payee of any special death benefit or allowance in respect to a deceased member any claim against the State for any increase in any allowance or special death benefit paid or payable for time prior to its effective date.

(d) This section shall not apply to any contracting agency, other than a county superintendent of schools, nor to allowances or special death benefits payable to or in respect to the retired or deceased employees of any contracting agency, unless and until the contracting agency elects to be subject to its provisions by amendment to its contract with the board, made as provided in Section 20461.5, except that an election among the employees is not required, or by express provision in its contract with the board.

Any increase in allowances provided by this section shall not take effect prior to the date the contract is amended to subject the contracting agency to the provisions of this section.

(e) The board shall compute the amount by which benefits paid pursuant to this section exceed the benefits which would otherwise be payable and shall charge any such excess against the contributions of the employer so that there shall be no increase in contributions of members by reason of benefits paid pursuant to this section.

SEC. 2. Section 20750.13 is added to said code, to read:

20750.13. The State's contribution to the Retirement Fund in respect to state miscellaneous members provided by any and all other provisions of this chapter is increased by a sum equal to fifteen-hundredths (0.15) of 1 percent of the compensation paid state miscellaneous members.

SEC. 3. Section 20750.23 is added to said code, to read:

20750.23. The State's contribution to the Retirement Fund in respect to state patrol members provided by any and all other provisions of this chapter is increased by a sum equal to sixty-five hundredths (0.65) of 1 percent of the compensation paid state patrol members.

SEC. 4. Section 20750.33 is added to said code, to read:

20750.33. The State's contribution to the Retirement Fund in respect to forestry members provided by any and all other provisions of this chapter is increased by a sum equal to fifteen-hundredths (0.15) of 1 percent of the compensation paid forestry members.

SEC. 5. Section 20750.43 is added to said code, to read:

20750.43. The State's contribution to the Retirement Fund in respect to warden members provided by any and all other provisions of this chapter is increased by a sum equal to sixty-six hundredths (0.66) of 1 percent of the compensation paid warden members.

SEC. 6. This act shall become operative on October 1, 1963.

CHAPTER 2100

An act to add Section 1650 to, the Labor Code, relating to private trade schools.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1650 is added to the Labor Code, to read:

1650. The Labor Commissioner shall prescribe rules and regulations for trade schools subject to the provisions of this chapter which shall specify:

(a) Standards governing advertisement or publicity by any person who conducts any trade school either for pupil enrollment or for placement of enrolled, graduating or graduated pupils. Such standards shall, when dealing with advertisement or publicity concerning job availability, degree of skill and length of time required to learn a trade or skill, require that accurate information be included in any such advertising or publicity material and that such material not be misleading.

(b) Standards governing placement and offers of placement made by any person who conducts any trade school to prospective pupils in general or as an inducement to enroll in such trade school or made by such person to pupils, graduating pupils and graduated pupils. Such standards shall, in addition to other requirements, provide that any promise of placement offered as an inducement to enroll in such trade school shall be fulfilled or such trade school shall be liable to refund any fee or fees involved and any other amounts as may be prescribed by the regulations for employment which might otherwise have been obtained by the person involved.

CHAPTER 2101

An act to amend Section 5882 of the Public Resources Code, relating to small craft harbors.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 5882 of the Public Resources Code is amended to read:

5882. All moneys in the Small Craft Harbor Revolving Fund shall be available, when appropriated by the Legislature, for expenditures by the Department of Parks and Recreation, the Division of Small Craft Harbors, and the Small Craft Harbors Commission for the purposes of this division, and Section 684 of the Harbors and Navigation Code, including refunds.

CHAPTER 2102

An act to amend Section 8352 of the Revenue and Taxation Code, relating to the Motor Vehicle Fuel Fund.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 8352 of the Revenue and Taxation Code is amended to read:

8352. The money in the Motor Vehicle Fuel Fund is hereby appropriated, subject to the provisions of any budget bill heretofore or hereafter enacted and Section 11006 of the Government Code, as follows:

(a) To pay the refunds authorized in this part, including refunds due on account of judgments for the return of license taxes illegally collected.

(b) To the Controller, to carry out any duties imposed upon him by this part.

(c) To the board, to carry out any duties imposed upon it by this part.

(d) To the Highway Users Tax Fund, as provided in this chapter.

(e) To pay the pro rata share of the overhead and general administrative expense of the Controller and the board attributable to duties imposed by this part. The pro rata share is payable upon presentation of a claim against any appropriation from the Motor Vehicle Fuel Fund for the support of the Controller or the board, as the case may be.

(f) For transfer to the Airport Assistance Fund, created by Section 21680 of the Public Utilities Code, the sum of three hundred fifty thousand dollars ($350,000) per annum, this sum representing the amount of money in the Motor Vehicle Fuel Fund attributable to taxes imposed by this part on distributions of motor vehicle fuel used or usable in propelling aircraft of a type heavier than air, and less the pro rata cost of the Controller and the board under subdivisions (b), (c), and (e) attributable to determining such amount of money. Payments pursuant to this subdivision shall be made prior to payments pursuant to subdivision (d).

(g) To the Small Craft Harbor Revolving Fund for expenditure in accordance with the provisions of Division 5.7 (commencing at Section 5801) of the Public Resources Code, the sum of two million dollars ($2,000,000) per annum, commencing with the 1963-1964 fiscal year, this sum representing the amount of money in the Motor Vehicle Fuel Fund attributable to taxes imposed on distributions of motor vehicle fuel used or usable in propelling vessels. Payments pursuant to this subdivision shall be made prior to payments pursuant to subdivision (d).

CHAPTER 2103

An act to add Section 9360.8 to, and to amend Section 9359.1 of, the Government Code, relating to the Legislators' Retirement System.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 9360.8 is added to the Government Code, to read:

9360.8 Notwithstanding any other provisions of this chapter the provisions of this section shall be applicable to all allowances granted by this chapter commencing with each installment paid or payable on or after January 1, 1964.

On or before January 1, 1964, the board shall adjust the amount of the allowances payable during the 1964 calendar year to reflect any increase in cost of living occurring between the 1963 calendar year and the 1955 calendar year, inclusive, and any increase resulting from such adjustment shall be payable commencing with each installment of allowances paid or payable on or after January 1, 1964. On or before January 15, 1965, and, on or before January 15 of each year thereafter, the amount of the allowances provided by this chapter shall be adjusted by the board to reflect any increase in cost of living occurring after January 1 of the immediately preceding calendar year. The average of the separate indices of the cost of living for Los Angeles and San Francisco, as published by the United States Bureau of Labor Statistics shall be used as the basis for determining the changes in the cost of living. The cost of living increase shall equal or exceed 1 percent before any adjustment is made in the allowance. The calendar year 1954 shall be used as the base year in computing any annual adjustment. The annual adjustment made on or before January 15, 1965 and made on or before January 15 of each calendar year thereafter shall correspond to the average annual change in the calendar year immediately preceding the year during which the adjustment shall be effective. The adjustment made on or before January 1, 1964, shall correspond to the total of the average annual changes in each calendar year from the 1955 calendar year to the 1963 calendar year, inclusive.

The adjustment provided by this section shall be made only if it operates to effect an increase over the allowance payable for the calendar year immediately preceding.

SEC. 2. Section 9359.1 of said code is amended to read:

9359.1. (a) The retirement allowance for a member all of whose credited service was rendered as a Member of the Senate or Assembly is an annual amount equal to five percent (5%) of the compensation payable, at the time payments of the allowance fall due, to incumbent Members of the Senate or Assembly, multiplied by the number of years of service with which the member is entitled to be credited at the time of his retirement, not to exceed fifteen (15) years. In no event shall any retirement allowance payable under this chapter to any such member exceed the compensation payable to Members of the Legislature at the time the payment of the allowance is made, except that the retirement allowance of any such member who serves more than 15 years shall be increased by an amount equal to 3 percent of the compensation payable, at the time payment of the allowance falls due, to incumbent Members of the Senate or Assembly for each year or fraction of a year of service in excess of 15 years.

(b) The retirement allowance for a member all of whose credited service was rendered as an elective officer of the State whose office is provided for by the Constitution other than a judge (and other than a Member of the Senate or Assembly)

is an annual amount equal to five percent (5%) of the compensation payable at the time payments of the allowance fall due, to the officer holding the office which the retired member last held prior to his retirement, or five percent (5%) of the highest compensation fixed for such office during the member's last term or any subsequent term prior to his retirement, whichever is greater, multiplied by the number of years of service with which the member is entitled to be credited at the time of his retirement, not to exceed eight (8) years.

(c) The retirement allowance for a member part of whose credited service was rendered as a Member of the Senate or Assembly and part of whose credited service was rendered as an elective officer of the State whose office is provided for by the Constitution other than a judge (and other than a Member of the Senate or Assembly) is an annual amount equal to five percent (5%) of all the compensation, at the time payment of the allowance falls due, to the officer holding the highest salaried office which the member held at any time during his service prior to retirement, multiplied by the number of years of service with which the member is entitled to be credited at the time of his retirement, not to exceed eight (8) years. If, however, the member would be entitled to receive a greater allowance under subdivision (a) or subdivision (b) of this section if all of his credited service had been rendered as a Member of the Senate or Assembly or as an elective officer of the State whose office is provided for by the Constitution other than a judge (and other than a Member of the Senate or Assembly), then all of his credited service shall be deemed to have been rendered as a Member of the Senate or Assembly or as such other elective officer, and he shall receive a retirement allowance computed under subdivision (a) or subdivision (b) of this section, whichever is greater.

CHAPTER 2104

An act to add Sections 23058 and 23758.3 to the Education Code, relating to public higher education.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 23758.3 is added to the Education Code, to read:

23758.3. Any person holding a valid credential authorizing service in the public schools of this State who is employed by a school district in a full-time position requiring certification qualifications for the school year in which the person enrolls in a state college shall be deemed to be a resident student of

the state college for the paying purposes of admission fees and rates of tuition if any of the following apply to the person:

(a) He holds a provisional credential and enrolls at the state college in courses necessary to obtain another type of credential authorizing service in the public schools.

(b) He holds a credential issued pursuant to Section 13197.3 and enrolls at the state college in courses necessary to fulfill postponed credential requirements.

(c) He enrolls at the state college in courses necessary to fulfill the requirements for a fifth year of college or university education prescribed by Section 13189.

SEC. 2. Section 23058 is added to said code, to read:

23058. Any person holding a valid credential authorizing service in the public schools of this State who is employed by a school district in a full-time position requiring certification qualifications for the school year in which the person enrolls in the University of California shall be deemed to be a resident student of the University of California for the purposes of admission fees and rates of tuition if any of the following apply to the person.

(a) He holds a provisional credential and enrolls at the University of California in courses necessary to obtain another type of credential authorizing service in the public schools

(b) He holds a credential issued pursuant to Section 13197.3 and enrolls at the University of California in courses necessary to fulfill postponed credential requirements

(c) He enrolls at the University of California in courses necessary to fulfill the requirements for a fifth year of college or university education prescribed by Section 13189.

CHAPTER 2105

An act to amend Sections 6903, 6904, 6913.1, 8951, and 8955.1, of, and to add Section 17305.8 to, the Education Code, relating to education of mentally retarded minors.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6903 of the Education Code is amended to read:

6903. The education of mentally retarded minors who do not come within the provisions of Section 6902, who are eight or more, and less than 18 years of age, and who may be expected to benefit from special educational facilities designed to educate and train them to further their individual acceptance, social adjustment, and economic usefulness in their homes and within a sheltered environment, shall be provided for in the manner set forth in Sections 6901 to 6913,

inclusive, and in Sections 8951 to 8956, inclusive. The education of such mentally retarded minors who are five or more and less than eight years of age may be provided for in the manner set forth in Sections 6901 to 6913, inclusive, and in Sections 8951 to 8956, inclusive.

Any such minor who becomes 18 years of age while in attendance upon a special training school or class shall be permitted to continue to attend thereon for the remainder of the time such school or class is maintained during the then current school year.

SEC. 2. Section 6904 of said code is amended to read:

6904. The governing board of any elementary or unified school district which has an average daily attendance of 900 or more in the elementary schools of the district, or any high school district which has an average daily attendance of 900 or more shall provide for the education in special training schools or classes of mentally retarded minors residing in the district who come within the provisions of Section 6902 and who are not in attendance upon other special training schools or classes maintained under the provisions of Sections 6901 to 6913, inclusive

The governing board of any elementary or unified school district which has an average daily attendance of 8,000 or more in the elementary schools of the district, and any unified or high school district which has an average daily attendance of 8,000 or more in the high schools of the district shall provide for the education in special training schools or classes of mentally retarded minors residing in the district who come within the provisions of Section 6903 and who are not in attendance upon other special training schools or classes maintained under the provisions of Sections 6901 to 6913, inclusive.

With the approval of the county superintendent of schools, the governing board of any elementary or unified school district which has an average daily attendance of less than 8,000 in the elementary schools of the district, and any unified or high school district which has an average daily attendance of less than 8,000 in the high schools of the district may provide for the education in special training schools or classes of mentally retarded minors residing in the district who come within the provisions of Section 6903 as may be admitted to such schools or classes.

The governing board of any elementary, unified or high school district, required to provide for the education in special training schools or classes of mentally retarded minors residing in the district who come within the provisions of Section 6903, may with the approval of the Superintendent of Public Instruction, enter into an agreement with a county superintendent of schools for the latter to provide for the education of such mentally retarded minors.

The governing boards of elementary, unified, and high school districts may enter into agreements for the education in special training schools or classes of mentally retarded minors

residing in the districts parties to such agreements providing such agreements are reported through the county superintendent of schools to the Superintendent of Public Instruction.

SEC. 3. Section 6913.1 of said code is amended to read:

6913.1. The maximum rate of school district tax for any school year is hereby increased by such amount as the governing board of any school district which maintains or has entered into an agreement with another school district for educational services or facilities, including the rental of property and purchase of equipment, for mentally retarded minors who come within the provisions of Sections 6902 and 6903 may include in its budget and the board of supervisors shall levy a school district tax necessary to raise such amount. No amounts shall be included in its budget for the purchase or improvement of school sites or the construction of school buildings.

If at the end of any school year there remains an unencumbered balance derived from the revenue of the increase in the tax rate hereby provided, such balance shall be used exclusively in the following fiscal year for the expenditures of the school district during that fiscal year required or authorized for the education of mentally retarded minors who come within the provisions of Sections 6902 and 6903.

SEC. 4. Section 8951 of said code is amended to read:

8951. (a) The county superintendent of schools shall establish and maintain special training schools or classes for mentally retarded minors who reside in the county and in elementary or unified school districts which have an average daily attendance of less than 901 in the elementary schools of the district and who come within the provisions of Section 6902. Such schools and classes shall be established at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them. The district shall pay to the county school service fund of the county in which the district is located all costs of the education of such minors which are in excess of the amounts apportioned from the State School Fund for the average daily attendance of such minors.

Any elementary or unified school district which has an average daily attendance of less than 901 in elementary schools of the district, with the approval of the county superintendent of schools, may establish and maintain special training schools or classes for mentally retarded minors who come within the provisions of Section 6902.

(b) The county superintendent of schools may, with the approval of the county board of education, establish and maintain special training schools or classes for mentally retarded minors who reside in the county and who come within the provisions of Section 6902 and contract with an elementary or unified school district with an average daily attendance of 901 or more in the elementary schools of the district, or with a high school district with an average daily attendance of less

that 900, subject to such terms and conditions as may be agreed upon. The contract shall be approved by the county board of education and shall require the district to pay to the county school service fund of the county in which the district is located all costs of the education of such minors which are in excess of the amounts apportioned from the State School Fund for the average daily attendance of such minors.

Whenever a special training school or class is established under the provisions of this subdivision, the computations prescribed by Sections 17658 and 17663, or Sections 17658.1 and 17663.1, whichever are in effect, shall not apply.

(c) The county superintendent of schools shall establish and maintain special training schools or classes for mentally retarded minors who reside in the county and in elementary or unified school districts which have an average daily attendance of less than 8,000 in the elementary schools of the district and in unified or high school districts which have an average daily attendance of less than 8,000 in the high schools of the district and who come within the provisions of Section 6903. Such schools and classes shall be established at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them. In an instance where it would be impracticable because of the transportation distances existing to bring a sufficient number of mentally retarded minors, within the meaning of Section 6903, together in one place to form a special training class, the county superintendent of schools upon the annual approval of the Superintendent of Public Instruction may defer compliance with the provisions of this section for the year in question.

Any elementary or unified school district which has an average daily attendance of less than 8,000 in elementary schools of the district and any unified or high school district which has an average daily attendance of less than 8,000 in high schools of the district, with the approval of the county superintendent of schools, may establish and maintain special training schools or classes for mentally retarded minors who come within the provisions of Section 6903.

A county superintendent of schools, required to provide for the education in special training schools or classes of mentally retarded minors residing in the district who come within the provisions of Section 6903, may with the approval of the Superintendent of Public Instruction enter into agreement with an elementary, unified or high school district for the latter to provide for the education of such mentally retarded minors.

SEC. 5. Section 8955.1 of said code is amended to read:

8955.1. The county superintendent of schools shall, with the approval of the county board of education, certify to the county auditor and the county board of supervisors, on or before July 15th of each year, the amount of money required to be raised by a county tax for the education of mentally retarded minors who come within the provisions of Section 6903 and for rental of property and the purchase of equipment by

the county superintendent of schools for special training schools or classes for such minors. The amount shall be determined by subtracting from the total cost of the education of such minors, including transportation, to the county superintendent of schools the total amount to be apportioned by the Superintendent of Public Instruction to the county school service fund for the education of such mentally retarded minors and by adding to the result the amount required for rental of property and the purchase of equipment. The board of supervisors may include in such amount a sum for capital outlay.

The board of supervisors shall, at the time of levying other county taxes, levy a tax in each school district for whom the county superintendent of schools maintains special training schools or classes pursuant to Section 6904 or 8951 for the education of mentally retarded minors who come within the provisions of Section 6903 upon the taxable property in such district sufficient to produce an amount equal to all costs of the education of such minors which are in excess of the amounts apportioned from the State School Fund for the average daily attendance of such minors. The amount received from this tax shall be deposited in the county school service fund.

SEC. 6. Section 17305.8 is added to said code, to read:

17305.8. In addition, the Controller shall transfer, as needed during each fiscal year, such additional amounts as are certified from time to time by the Superintendent of Public Instruction to be necessary to meet actual computed apportionments from the State School Fund for the purposes of Section 18060 and Articles 11, 12, and 13 (commencing with Sections 18102, 17152, and 18202, respectively) of Chapter 3 of this division in excess of the amount provided under subdivision (c) of Section 17303.5, but the additional amount provided by this section shall not exceed fourteen cents ($0.14) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, and junior college schools in the State and to county school tuition funds during the preceding school year, for the purposes of Section 18060, and Articles 11, 12, and 13 (commencing with Sections 18102, 18152, and 18202, respectively) of Chapter 3 of this division. Such amounts as are necessary to carry out the purposes of this section are appropriated from the General Fund and shall, in accordance with this section, be transferred therefrom to the State School Fund by the State Controller each fiscal year.

SEC. 7. This act shall become operative on July 1, 1964.

CHAPTER 2106

An act to amend Sections 8732 and 9351 of, and to add Sections 9155 and 9156 to, the Revenue and Taxation Code, relating to the Use Fuel Tax Law.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 8732 of the Revenue and Taxation Code is amended to read:

8732. A vendor of fuel the use of which is taxable under this part, who sells and delivers such fuel into a fuel tank shall, at the time of sale, collect the tax from the user and give to the user a receipt therefor in the manner and form prescribed by the board.

Vendors of fuel required by this section to collect tax from users shall not be required to make such collections on sales and deliveries to users who are authorized by the board, as hereinafter provided, to purchase fuel without payment of tax to a vendor.

The board may issue written authorization to a holder of a valid use fuel permit to purchase fuel from a vendor designated by the user without payment of the tax to the vendor when the board finds (1) that the user consistently is using the fuel in vehicles which are operated partly without this State or off the highways of this State, and (2) that to require collection of the tax from the user by the vendor would cause consistently recurring overpayments of the tax, and (3) that the revenue of the State with respect to the tax liability of such user is adequately secured. Such authorization may be revoked when any such condition no longer obtains.

SEC. 2. Section 9351 of said code is amended to read:

9351. Any person who places or causes to be placed fuel into any receptacle on a motor vehicle from which receptacle fuel is supplied for the propulsion of the vehicle is guilty of a misdemeanor unless such person is a vendor and has complied with the provisions of Section 8732 or such person is a user who holds a valid use fuel tax permit and uses the fuel placed in the receptacle.

SEC. 3. Section 9155 is added to said code, to read:

9155. Interest shall be paid upon any overpayment of any amount of tax at the rate of one-half of 1 percent per month from the last day of the calendar month following the period for which the overpayment was made; but no refund or credit shall be made of any interest imposed upon the person making the overpayment with respect to the amount being refunded or credited.

The interest shall be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the

overpayment, if he has not already filed a claim, is notified by the board that a claim may be filed or the date upon which the claim is approved by the board, whichever date is the earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

SEC. 4. Section 9156 is added to said code, to read:

9156. If the board determines that any overpayment has been made intentionally or by reason of carelessness, it shall not allow any interest thereon.

CHAPTER 2107

An act to add Chapter 8.5 (commencing with Section 6875) to Division 6 of the Education Code, relating to grants to promote the specialized preparation of teachers of physically handicapped and mentally retarded minors, and making an appropriation therefor.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 8.5 (commencing with Section 6875), is added to Division 6 of the Education Code, to read:

CHAPTER 8.5. GRANTS TO TEACHERS OF PHYSICALLY HANDICAPPED MINORS

6875. The governing board of a school district or a county superintendent of schools, in order to assure having teachers qualified to teach physically handicapped and mentally retarded pupils enrolled in programs of special education maintained by such district or the county superintendent of schools, and any employee of the district or the county superintendent of schools holding a position requiring certification qualifications may enter into an agreement whereby the district or the county superintendent of schools may make a grant of financial assistance, in such amount not in excess of that specified in Section 6877, as they may in writing agree upon, for the said employee to undertake during the summers between academic school years specialized preparation to teach physically handicapped or mentally retarded minors as required by law and State Board of Education regulations.

6876. Not later than October 31 of each year the Superintendent of Public Instruction shall allow, out of funds appropriated to the Department of Education for the purpose, to each school district or county superintendent of schools making grants to employees pursuant to the provisions of this chapter an amount sufficient to reimburse each such district or county

superintendent of schools for the total of such grants made during the summer immediately preceding pursuant to the provisions of Section 6877.

6877. The amount of reimbursement allowed a school district or county superintendent of schools pursuant to Section 6876 for each such grant for specialized preparation undertaken during any given summer by any given employee shall not exceed the product of the number of semester hours taken in any given summer and fifty dollars ($50). The total amount of reimbursement allowed for all such grants to any given employee undertaking such specialized preparation shall not exceed the product of the number of semester hours of specialized preparation required by law and State Board of Education regulations for the credential to teach the category of physically handicapped or mentally retarded pupils being sought and fifty dollars ($50). No more than five years shall elapse between the first and final allowance in reimbursement of such grants for any given employee except by approval of the Superintendent of Public Instruction upon the recommendation of the governing board of the school district or the county superintendent of schools of such employee.

6878. The Superintendent of Public Instruction shall, upon approval of the State Board of Education, establish rules and regulations for the administration of the provisions of this chapter.

SEC. 2. The sum of sixty thousand dollars ($60,000), or so much thereof as the Superintendent of Public Instruction certifies as being required, is appropriated from the General Fund to the Department of Education for expenditure pursuant to Chapter 8.5 (commencing at Section 6875) of Division 6 of the Education Code, of which not to exceed sixty thousand dollars ($60,000) shall be available for expenditure during the 1964-1965 fiscal year.

SEC. 3. The Superintendent of Public Instruction shall submit a report to the Legislature at its 1965 Regular Session describing in detail the results of the program established by this act in respect to the preparation of teachers to teach physically handicapped and mentally retarded minors including in his report his recommendation concerning the desirability of continuing the program.

CHAPTER 2108

An act to amend Section 660 of, and to add Section 661 to, the Vehicle Code, relating to the definition of unladen weight.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 660 of the Vehicle Code is amended to read:

660. The "unladen weight" of a vehicle is the weight equipped and ready for operation on the road including the body, fenders, oil in motor, radiator full of water, with five gallons of gasoline or equivalent weight of other motor fuel; also equipment required by law, and unless exempted under Section 661, any special cabinets, boxes or body parts permanently attached to the vehicle, and any machinery, equipment or attachment which is attendant to the efficient operation of the body or vehicle. Unladen weight shall not include any load or any machinery or mechanical apparatus, such as, but not limited to, wood saws, well-drilling machines, spray apparatus, tow car cranes, and grinding equipment. The unladen weight of a vehicle shall have no application in determining any fee under this code or the Revenue and Taxation Code other than Section 9400 of this code.

SEC. 2. Section 661 is added to the Vehicle Code, to read:

661. Unladen weight shall not include the following machinery, equipment or attachment which is attendant to the efficient operation of the body or vehicle:

(a) Equipment used for loading, compacting, or unloading of refuse.

(b) Transitmix cement equipment.

(c) Temporary equipment used to contain or support the load which does not change the body classification.

(d) Any camper unit that is temporarily attached to a vehicle.

(e) Refrigeration equipment.

CHAPTER 2109

An act to amend Section 619 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 619 of the Revenue and Taxation Code is amended to read:

619. The assessor shall, upon or prior to completion of the local roll, either;

(a) Inform the assessees of real property on the local secured roll of the amounts at which their respective properties have been or will be assessed thereon; or

(b) Inform each assessee of real property on such roll of the amount of any increase in the assessed value of such real property if the increase exceeds 25 percent of its assessed value on the roll for the year immediately preceding, or if the increase exceeds some lesser amount when so specified by the board of supervisors.

The information given by the assessor to the assessee pursuant to subdivisions (a) or (b) shall include a notification of hearings by the county board of equalization, which shall include the period during which assessment protests will be accepted and the place where they may be filed.

This information shall be furnished by the assessor to the assessee by regular United States mail directed to him at his latest address known to the assessor. The board of supervisors of any county may, in addition, authorize the publication of this information in any newspaper of general circulation within the county.

The failure of the assessee to receive this information shall not in any way affect the validity of any assessment or the validity of any taxes levied pursuant thereto.

CHAPTER 2110

An act to amend Sections 1155, 1156, 1157, 1158, and 1160 of the Civil Code, relating to gifts to minors.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1155 of the Civil Code is amended to read:

1155. In this article, unless the context otherwise requires:

(a) An "adult" is a person who has attained the age of 21 years.

(b) A "bank" is any bank authorized to do business in this State.

(c) A "broker" is a person lawfully engaged in the business of effecting transactions in securities for the account of others. The term includes a bank which effects such transactions. The term also includes a person lawfully engaged in buying and selling securities for his own account, through a broker or otherwise, as a part of a regular business.

(d) "Court" means the superior court.

(e) "The custodial property" includes:

(1) All securities, money, life or endowment insurance policies, and annuity contracts under the supervision of the same custodian for the same minor as a consequence of a gift or gifts made to the minor in a manner prescribed in this article.

(2) The income from the custodial property; and

(3) The proceeds, immediate and remote, from the sale, exchange, conversion, investment, reinvestment or other disposition of such securities, money, life or endowment insurance policies, and annuity contracts and income.

(f) A "custodian" is a person so designated in a manner prescribed in this article.

(g) A "guardian" of a minor includes the general guardian, guardian, tutor or curator of his property, estate or person.

(h) An "issuer" is a person who places or authorizes the placing of his name on a security (other than as a transfer agent) to evidence that it represents a share, participation or other interest in his property or in an enterprise or to evidence his duty or undertaking to perform an obligation evidenced by the security, or who becomes responsible for or in place of any such person.

(i) A "legal representative" of a person is his executor or the administrator, general guardian, guardian, committee, conservator, tutor or curator of his property or estate.

(j) A "member" of a "minor's family" means any of the minor's parents, grandparents, brothers, sisters, uncles and aunts, whether of the whole blood or the half blood, or by or through legal adoption.

(k) A "minor" is a person who has not attained the age of 21 years.

(*l*) A "savings and loan association" includes a federal savings and loan association, or a state-chartered savings and loan association or building and loan association doing business in this State; an "insured savings and loan association" is a savings and loan association which is an "insured institution" as defined in Title IV of the National Housing Act; and an "account in an insured savings and loan association" has the meaning as in Section 1431 of the Probate Code.

(m) A "security" includes any note, stock, treasury stock, bond, debenture, evidence of indebtedness, account in an insured savings and loan association, certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease, collateral trust certificate, transferable share, voting trust certificate or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation in, any temporary or interim certificate, receipt or certificate of deposit for, or any warrant or right to subscribe to or purchase, any of the foregoing. The term does not include a security of which the donor is the issuer. A security is in "registered form" when it specifies a person entitled to it or to the rights it evidences and its transfer may be registered upon books maintained for that purpose by or on behalf of the issuer.

(n) A "transfer agent" is a person who acts as authenticating trustee, transfer agent, registrar or other agent for an issuer in the registration of transfers of its securities or in the issue of new securities or in the cancellation of surrendered securities.

(o) A "trust company" means a trust company as defined by Sections 107 and 109 of the Financial Code.

(p) "Life or endowment insurance policies and annuity contracts," means only life or endowment insurance policies

and annuity contracts on the life of a minor or a member of the minor's family as defined in subdivision (j) of this section.

SEC. 2. Section 1156 of said code is amended to read:

1156. (a) An adult person may, during his lifetime, make a gift of a security, money, a life or endowment insurance policy, or an annuity contract to a person who is a minor on the date of the gift:

(1) If the subject of the gift is a security in registered form, by registering it in the name of the donor, another adult person, or a trust company, followed in substance, by the words: "as custodian for _____ under the
(Name of minor)
California Uniform Gifts to Minors Act.";

(2) If the subject of the gift is a security not in registered form, by delivering it to an adult person, other than the donor, or to a trust company, accompanied by a statement of gift in the following form, in substance, signed by the donor and the person designated as custodian:

"GIFT UNDER THE CALIFORNIA UNIFORM
GIFTS TO MINORS ACT

I, _____, hereby deliver to _____
(Name of donor) (Name of custodian)
as custodian for _____ under the California
(Name of minor)
Uniform Gifts to Minors Act, the following security(ies): (insert an appropriate description of the security or securities delivered sufficient to identify it or them)

_____
(Signature of donor)

_____ hereby acknowledges receipt of the
(Name of custodian)
above-described security(ies) as custodian for the above minor under the California Uniform Gifts to Minors Act.

Dated: _____ _____
(Signature of custodian)

(3) If the subject of the gift is money, by paying or delivering it to a broker or a bank for credit to an account (or to a savings and loan association for investment in an account in an insured savings and loan association) in the name of the donor, another adult person or a bank with trust powers, followed, in substance, by the words: "as custodian for _____
(Name
_____ under the California Uniform Gifts to Minors
of minor)
Act."

(4) If the subject of the gift is a life or endowment insurance policy or an annuity contract, such policy or contract shall be assigned to the donor, another adult person, or a bank

with trust powers, followed in substance by the words: "as custodian for _____ under the California Uni-
(Name of minor)
form Gifts to Minors Act."

(b) Any gift made in a manner prescribed in subdivision (a) may be made to only one minor and only one person may be the custodian.

(c) A donor who makes a gift to a minor in a manner prescribed in subdivision (a) shall promptly do all things within his power to put the subject of the gift in the possession and control of the custodian, but neither the donor's failure to comply with this subdivision, nor his designation of an ineligible person as custodian, nor renunciation by the person designated as custodian affects the consummation of the gift.

SEC. 3. Section 1157 of said code is amended to read:

1157. (a) A gift made in a manner prescribed in this article is irrevocable and conveys to the minor indefeasibly vested legal title to the custodial property given, but no guardian of the minor has any right, power, duty or authority with respect to the custodial property except as provided in this article.

(b) By making a gift in a manner prescribed in this article, the donor incorporates in his gift all the provisions of this article and grants to the custodian, and to any issuer, transfer agent, bank, savings and loan association, broker or third person dealing with a person designated as custodian, the respective powers, rights and immunities provided in this article.

SEC. 4. Section 1158 of said code is amended to read:

1158. (a) The custodian shall collect, hold, manage, invest and reinvest the custodial property.

(b) The custodian shall pay over to the minor for expenditure by him, or expend for the minor's benefit, so much of or all the custodial property as the custodian deems advisable for the support, maintenance, education and benefit of the minor in the manner, at the time or times, and to the extent that the custodian in his discretion deems suitable and proper, with or without court order, with or without regard to the duty of himself or of any other person to support the minor or his ability to do so, and with or without regard to any other income or property of the minor which may be applicable or available for any such purpose.

(c) The court, on the petition of a parent or guardian of the minor or of the minor, if he has attained the age of 14 years, may order the custodian to pay over to the minor for expenditure by him or to expend so much of or all the custodial property as is necessary for the minor's support, maintenance or education.

(d) To the extent that the custodial property is not so expended, the custodian shall deliver or pay it over, with an accounting, to the minor on his attaining the age of 21 years or, if the minor dies before attaining the age of 21 years he shall

thereupon deliver or pay it over, with an accounting, to the estate of the minor.

(e) The custodian, notwithstanding statutes restricting investments by fiduciaries, shall invest and reinvest the custodial property as would a prudent man of discretion and intelligence who is seeking a reasonable income and the preservation of his capital, except that he may, in his discretion and without liability to the minor or his estate, retain a security given to the minor in a manner prescribed in this article.

(f) The custodian may sell, exchange, convert or otherwise dispose of custodial property in the manner, at the time or times, for the price or prices and upon the terms he deems advisable. He may vote in person or by general or limited proxy a security which is custodial property. He may consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution or liquidation of an issuer, a security of which is custodial property, and to the sale, lease, pledge or mortgage of any property by or to such an issuer, and to any other action by such an issuer. He may execute and deliver any and all instruments in writing which he deems advisable to carry out any of his powers as custodian.

(g) The custodian shall register each security which is custodial property and in registered form in the name of the custodian, followed, in substance, by the words: "as custodian for _____ under the California Uniform Gifts to
(Name of minor)
Minors Act." The custodian shall hold all money which is custodial property in an account with a broker or in a bank or in an account in an insured savings and loan association in the name of the custodian, followed, in substance, by the words: "as custodian for _____ under the California Uni-
(Name of minor)
form Gifts to Minors Act." The custodian shall keep all other custodial property separate and distinct from his own property in a manner to identify it clearly as custodial property.

(h) The custodian shall keep records of all transactions with respect to the custodial property and make them available for inspection at reasonable intervals by a parent or legal representative of the minor or by the minor, if he has attained the age of 14 years.

(i) A custodian has and holds as powers in trust, with respect to the custodial property, in addition to the rights and powers provided in this article, all the rights and powers which a guardian has with respect to property not held as custodial property.

(j) If the subject of the gift is a life or endowment insurance policy or annuity contract, the custodian shall have all the incidents of ownership in such policy and contract which he may hold as custodian to the same extent as if he were the owner thereof, except that the designated beneficiary of any policy or contract held by a custodian shall always be the minor, or in the event of his death, the minor's estate.

SEC. 5. Section 1160 of said code is amended to read:

1160. No issuer, transfer agent, bank, savings and loan association, life insurance company, broker or other person acting on the instructions of or otherwise dealing with any person purporting to act as a donor or in the capacity of a custodian is responsible for determining whether the person designated by the purported donor or purporting to act as a custodian has been duly designated or whether any purchase, sale or transfer to or by or any other act of any person purporting to act in the capacity of custodian is in accordance with or authorized by this article, or is obliged to inquire into the validity or propriety under this article of any instrument or instructions executed or given by a person purporting to act as a donor or in the capacity of a custodian, or is bound to see to the application by any person purporting to act in the capacity of a custodian of any money or other property paid or delivered to him.

CHAPTER 2111

An act to add Chapter 6 (commencing with Section 51030) to Part 1, Division 1, Title 5 of the Government Code, relating to imposing a hotel room tax by cities and counties.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 6 (commencing with Section 51030) is added to Part 1 of Division 1 of Title 5 of the Government Code, to read:

CHAPTER 6. TAXATION

51030. The legislative body of any city or county may levy a tax on the privilege of occupying a room or rooms in a hotel, inn, tourist home or house, motel or other lodging unless such occupancy is for any period of more than 30 days. Such tax when levied by the legislative body of a county shall apply only to the unincorporated areas of the county.

CHAPTER 2112

An act to amend Section 652 of the Insurance Code, relating to notices of cancellation of automobile liability insurance policies.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 652 of the Insurance Code is amended to read:

652. (a) Every notice of cancellation mailed pursuant to the provisions of Section 651 shall contain a statement on a form to be prescribed by the Insurance Commissioner setting forth a brief description of the California assigned risk plan (Article 4 (commencing with Section 11620), Chapter 1, Part 3, Division 2) and advising the assured of his possible right to obtain liability insurance coverage under the plan and a brief description of the manner in which he may avail himself of such plan.

(b) The requirements of subdivision (a) shall not apply to a notice of cancellation:

(1) For nonpayment of premium, or

(2) Of a policy issued on assignment from such assigned risk plan.

CHAPTER 2113

An act making an appropriation to the Department of the California Highway Patrol for the payment, in compromise, of a portion of the judgment rendered against the State, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. The sum of three hundred fifty thousand dollars ($350,000) or so much thereof as may be necessary is appropriated from the Motor Vehicle Fund to the Department of the California Highway Patrol to provide funds for the payment, upon receipt of a release, of such amount of the unpaid portion of the judgment in the case of Shoemaker v. State of California (No. 238,691, Superior Court in and for the County of San Diego) as may be agreed upon in a compromise between the parties to the action, which will discharge the State from all liability in said proceedings. None of the money appropriated by this act shall be available to pay said judgment unless a release and compromise is agreed upon by said parties.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

A judgment has been rendered against the State in the case of Shoemaker v. State of California (No. 238,691, Superior Court in and for the County of San Diego). The amount of this judgment is in excess of the amount payable under insurance carried by the State, and interest is running on the unpaid balance of the judgment. The purpose of this bill is to provide funds for expenditure by the State in the payment of such amount of the unpaid portion of the judgment in this

case as may be agreed upon in a compromise between the parties to the action. In order that such a compromise as to the payment of the unpaid portion of the judgment may be reached at the earliest possible time, so that interest costs to the State may be reduced, it is necessary that this act go into immediate effect.

CHAPTER 2114

An act to amend Section 22825 of the Government Code, relating to the Meyers-Geddes State Employees' Hospital and Medical Care Act.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 22825 of the Government Code is amended to read:

22825. The State of California and each employee or annuitant shall contribute a portion of the cost of providing for each employee and annuitant the benefit coverage afforded under any health benefit plan which the board has approved or for which it has executed a contract pursuant to this part, and in which the employee or annuitant may be enrolled.

The State's contribution shall be the amount necessary to pay the cost of a basic health benefits plan, or six dollars ($6) per month for each employee or annuitant, whichever is the lesser. The State's contribution to the basic health benefits plan to each employee shall commence on the first day of the calendar month next following the completion of six months of employment by the State or the University of California; provided the employment has not been interrupted by a break of more than one month, except that absence for military service shall not be considered a break.

The contribution of each employee and annuitant shall be the total cost per month of the benefit coverage afforded him under the plan less the portion thereof to be contributed by the State.

CHAPTER 2115

An act to add Chapter 8.5 (commencing with Section 1389) to Title 10, Part 2 of the Penal Code, relating to the interstate agreement on detainers.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 8.5 (commencing with Section 1389) is added to Title 10, Part 2 of the Penal Code, to read:

CHAPTER 8.5. AGREEMENT ON DETAINERS

1389. The agreement on detainers is hereby enacted into law and entered into by this State with all other jurisdictions legally joining therein in the form substantially as follows:

The Agreement on Detainers

The contracting states solemnly agree that:

Article I

The party states find that charges outstanding against a prisoner, detainers based on untried indictments, informations or complaints, and difficulties in securing speedy trial of persons already incarcerated in other jurisdictions, produce uncertainties which obstruct programs of prisoner treatment and rehabilitation. Accordingly, it is the policy of the party states and the purpose of this agreement to encourage the expeditious and orderly disposition of such charges and determination of the proper status of any and all detainers based on untried indictments, informations or complaints. The party states also find that proceedings with reference to such charges and detainers, when emanating from another jurisdiction, cannot properly be had in the absence of cooperative procedures. It is the further purpose of this agreement to provide such cooperative procedures.

Article II

As used in this agreement:

(a) "State" shall mean a state of the United States; the United States of America; a territory or possession of the United States; the District of Columbia; the Commonwealth of Puerto Rico.

(b) "Sending state" shall mean a state in which a prisoner is incarcerated at the time that he initiates a request for final disposition pursuant to Article III hereof or at the time that a request for custody or availability is initiated pursuant to Article IV hereof.

(c) "Receiving state" shall mean the state in which trial is to be had on an indictment, information or complaint pursuant to Article III or Article IV hereof.

Article III

(a) Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party state, and whenever during the continuance of the term of imprisonment there is pending in any other party state any untried indictment, information or complaint on the basis of which a detainer has been lodged against the prisoner, he shall be brought to trial within one hundred eighty days after he shall

have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of his imprisonment and his request for a final disposition to be made of the indictment, information or complaint: provided that for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner.

(b) The written notice and request for final disposition referred to in paragraph (a) hereof shall be given or sent by the prisoner to the warden, commissioner of corrections or other official having custody of him, who shall promptly forward it together with the certificate to the appropriate prosecuting official and court by registered or certified mail, return receipt requested.

(c) The warden, commissioner of corrections or other official having custody of the prisoner shall promptly inform him of the source and contents of any detainer lodged against him and shall also inform him of his right to make a request for final disposition of the indictment, information or complaint on which the detainer is based.

(d) Any request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall operate as a request for final disposition of all untried indictments, informations or complaints on the basis of which detainers have been lodged against the prisoner from the state to whose prosecuting official the request for final disposition is specifically directed. The warden, commissioner of corrections or other official having custody of the prisoner shall forthwith notify all appropriate prosecuting officers and courts in the several jurisdictions within the state to which the prisoner's request for final disposition is being sent of the proceeding being initiated by the prisoner. Any notification sent pursuant to this paragraph shall be accompanied by copies of the prisoner's written notice, request, and the certificate. If trial is not had on any indictment, information or complaint contemplated hereby prior to the return of the prisoner to the original place of imprisonment, such indictment, information or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

(e) Any request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall also be deemed to be a waiver of extradition with respect to any charge or proceeding contemplated thereby or included therein by reason of paragraph (d) hereof, and a waiver of extradition to the

receiving state to serve any sentence there imposed upon him, after completion of his term of imprisonment in the sending state. The request for final disposition shall also constitute a consent by the prisoner to the production of his body in any court where his presence may be required in order to effectuate the purposes of this agreement and a further consent voluntarily to be returned to the original place of imprisonment in accordance with the provisions of this agreement. Nothing in this paragraph shall prevent the imposition of a concurrent sentence if otherwise permitted by law.

(f) Escape from custody by the prisoner subsequent to his execution of the request for final disposition referred to in paragraph (a) hereof shall void the request.

Article IV

(a) The appropriate officer of the jurisdiction in which an untried indictment, information or complaint is pending shall be entitled to have a prisoner against whom he has lodged a detainer and who is serving a term of imprisonment in any party state made available in accordance with Article V (a) hereof upon presentation of a written request for temporary custody or availability to the appropriate authorities of the state in which the prisoner is incarcerated: provided that the court having jurisdiction of such indictment, information or complaint shall have duly approved, recorded and transmitted the request: and provided further that there shall be a period of thirty days after receipt by the appropriate authorities before the request be honored, within which period the governor of the sending state may disapprove the request for temporary custody or availability, either upon his own motion or upon motion of the prisoner.

(b) Upon receipt of the officer's written request as provided in paragraph (a) hereof, the appropriate authorities having the prisoner in custody shall furnish the officer with a certificate stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner. Said authorities simultaneously shall furnish all other officers and appropriate courts in the receiving state who have lodged detainers against the prisoner with similar certificates and with notices informing them of the request for custody or availability and of the reasons therefor.

(c) In respect of any proceeding made possible by this Article, trial shall be commenced within one hundred twenty days of the arrival of the prisoner in the receiving state, but for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

(d) Nothing contained in this Article shall be construed to deprive any prisoner of any right which he may have to contest the legality of his delivery as provided in paragraph (a) hereof, but such delivery may not be opposed or denied on the ground that the executive authority of the sending state has not affirmatively consented to or ordered such delivery.

(e) If trial is not had on any indictment, information or complaint contemplated hereby prior to the prisoner's being returned to the original place of imprisonment pursuant to Article V(e) hereof, such indictment, information or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

Article V

(a) In response to a request made under Article III or Article IV hereof, the appropriate authority in a sending state shall offer to deliver temporary custody of such prisoner to the appropriate authority in the state where such indictment, information or complaint is pending against such person in order that speedy and efficient prosecution may be had. If the request for final disposition is made by the prisoner, the offer of temporary custody shall accompany the written notice provided for in Article III of this agreement. In the case of a federal prisoner, the appropriate authority in the receiving state shall be entitled to temporary custody as provided by this agreement or to the prisoner's presence in federal custody at the place for trial, whichever custodial arrangement may be approved by the custodian.

(b) The officer or other representative of a state accepting an offer of temporary custody shall present the following upon demand:

(1) Proper identification and evidence of his authority to act for the state into whose temporary custody the prisoner is to be given.

(2) A duly certified copy of the indictment, information or complaint on the basis of which the detainer has been lodged and on the basis of which the request for temporary custody of the prisoner has been made.

(c) If the appropriate authority shall refuse or fail to accept temporary custody of said person, or in the event that an action on the indictment, information or complaint on the basis of which the detainer has been lodged is not brought to trial within the period provided in Article III or Article IV hereof, the appropriate court of the jurisdiction where the indictment, information or complaint has been pending shall enter an order dismissing the same with prejudice, and any detainer based thereon shall cease to be of any force or effect.

(d) The temporary custody referred to in this agreement shall be only for the purpose of permitting prosecution on the charge or charges contained in one or more untried indictments, informations or complaints which form the basis of

the detainer or detainers or for prosecution on any other charge or charges arising out of the same transaction. Except for his attendance at court and while being transported to or from any place at which his presence may be required, the prisoner shall be held in a suitable jail or other facility regularly used for persons awaiting prosecution.

(e) At the earliest practicable time consonant with the purposes of this agreement, the prisoner shall be returned to the sending state.

(f) During the continuance of temporary custody or while the prisoner is otherwise being made available for trial as required by this agreement, time being served on the sentence shall continue to run but good time shall be earned by the prisoner only if, and to the extent that, the law and practice of the jurisdiction which imposed the sentence may allow.

(g) For all purposes other than that for which temporary custody as provided in this agreement is exercised, the prisoner shall be deemed to remain in the custody of and subject to the jurisdiction of the sending state and any escape from temporary custody may be dealt with in the same manner as an escape from the original place of imprisonment or in any other manner permitted by law.

(h) From the time that a party state receives custody of a prisoner pursuant to this agreement until such prisoner is returned to the territory and custody of the sending state, the state in which the one or more untried indictments, informations or complaints are pending or in which trial is being had shall be responsible for the prisoner and shall also pay all costs of transporting, caring for, keeping and returning the prisoner. The provisions of this paragraph shall govern unless the states concerned shall have entered into a supplementary agreement providing for a different allocation of costs and responsibilities as between or among themselves. Nothing herein contained shall be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

Article VI

(a) In determining the duration and expiration dates of the time periods provided in Articles III and IV of this agreement, the running of said time periods shall be tolled whenever and for as long as the prisoner is unable to stand trial, as determined by the court having jurisdiction of the matter.

(b) No provision of this agreement, and no remedy made available by this agreement, shall apply to any person who is adjudged to be mentally ill.

Article VII

Each state party to this agreement shall designate an officer who, acting jointly with like officers of other party states,

shall promulgate rules and regulations to carry out more effectively the terms and provisions of this agreement, and who shall provide, within and without the state, information necessary to the effective operation of this agreement.

Article VIII

This agreement shall enter into full force and effect as to a party state when such state has enacted the same into law. A state party to this agreement may withdraw herefrom by enacting a statute repealing the same. However, the withdrawal of any state shall not affect the status of any proceedings already initiated by inmates or by state officers at the time such withdrawal takes effect, nor shall it affect their rights in respect thereof.

Article IX

This agreement shall be liberally construed so as to effectuate its purposes. The provisions of this agreement shall be severable and if any phrase, clause, sentence or provision of this agreement is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of any state party hereto, the agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

1389.1. The phrase "appropriate court" as used in the agreement on detainers shall, with reference to the courts of this State, means the court in which the indictment, information, or complaint is filed.

1389.2. All courts, departments, agencies, officers, and employees of this State and its political subdivisions are hereby directed to enforce the agreement on detainer and to co-operate with one another and with other states in enforcing the agreement and effectuating its purpose.

1389.3. Nothing in this chapter or in the agreement on detainers shall be construed to require the application of Section 644 to any person on account of any conviction had in a proceeding brought to final disposition by reason of the use of said agreement.

1389.4. Every person who has been imprisoned in a prison or institution in this State and who escapes while in the custody of an officer of this or another state in another state pursuant to the agreement on detainers is deemed to have violated Section 4530 and is punishable as provided therein.

1389.5. It shall be lawful and mandatory upon the warden or other official in charge of a penal or correctional institution in this State to give over the person of any inmate thereof

whenever so required by the operation of the agreement on detainer. Such official shall inform such inmate of his rights provided in paragraph (a) of Article IV of the Agreement on Detainers in Section 1389 of this code.

1389.6. The Administrator, Interstate Probation and Parole Compacts, shall administer this agreement.

1389.7. When, pursuant to the Agreement on Detainers, a person in actual confinement under sentence of another jurisdiction is brought before a California court and sentenced by the judge to serve a California sentence concurrently with the sentence of the other jurisdiction, the Adult Authority and Board of Trustees of the California Institution for Women, and the panels and members thereof, may meet in such other jurisdiction, or enter into co-operative arrangements with corresponding agencies in the other jurisdiction, as necessary to carry out the term-fixing and parole functions.

SEC 2. Copies of this act shall, upon enactment and filing with the Secretary of State, be transmitted by him to the governor of each state, the Attorney General and Secretary of State of the United States, and the Council of State Governments.

CHAPTER 2116

An act to amend Section 14694.5 of, and to add Section 14694.8 to, the Education Code, relating to school district retirement systems.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 14694.5 of the Education Code is amended to read:

14694.5. Any school districts (unified and junior college) governed by the same governing board in which the average daily attendance of both districts combined is in excess of 400,000, shall develop a plan or plans for the discontinuance of both the unified and junior college district retirement systems established under this chapter (commencing at Section 14501) and the transfer of the district retirement systems' members to another retirement system. Any such plan or plans for discontinuance must be assented to by a majority of the active members of both of the retirement systems who vote on the proposition or propositions for discontinuance by expressing their desires with respect to the discontinuance of the systems in the manner, and evidenced in the form, prescribed by the governing board of the districts. The governing board of the districts shall, following such assent to the plan or plans for discontinuance, request the Legislature to enact the implementing legislation to effectuate such plan or plans thus

assented to, and to authorize the expenditure of the balance of the assets of both of the district retirement systems pursuant to the provisions of Section 14695 of this code.

In the event the Legislature enacts implementing legislation to effectuate a plan or plans for discontinuance, which plan or plans differ from the plan or plans for discontinuance developed by the governing board and assented to by a majority of the active members in the manner above provided in this section, such statutory plan or plans for discontinuance shall not become operative until assented to by a majority of the active members of both of the district retirement systems who vote on the proposition or propositions for discontinuance in the manner above provided in this section.

SEC. 2. Section 14694.8 is added to said code, to read:

14694.8. Any school districts (unified and junior college) governed by the same governing board, in which the average daily attendance of both districts combined is in excess of 400,000, shall submit to the active members of both systems a plan for the modification to improve benefits of both the unified and junior college district retirement systems established under this chapter (commencing with Section 14501). Such plan shall provide that the member of the retirement system shall, at the time of retirement, select one of the three following alternative courses of action:

(a) To withdraw his contributions from the unified or junior college district retirement system and transfer to the State Teachers' Retirement System pursuant to the procedures provided for by law.

(b) To remain under the unified or junior college district retirement system and receive from such district retirement system the annuity provided by his accumulated contributions as a member of such unified or junior college district retirement system, and receive a retirement allowance equal to that provided by the State Teachers' Retirement System formulae based only on such district service, minus the portions of the allowance which would have been provided by the annuity as defined in Section 13818 of this code if there had been no district retirement system. In addition he shall receive from the State Teachers' Retirement System benefits allowable from the Permanent Fund.

(c) To remain under the unified or junior college district retirement system and receive from such district retirement system the amount of benefits provided by employer contributions, as presently provided for under the rules of the unified or junior college district, plus the annuity provided by his contributions as a member of such unified or junior college district retirement system. In addition he shall receive from the State Teachers' Retirement System benefits allowable under the Permanent Fund.

This plan for modification to improve benefits must be assented to by a majority of the active members of both of

the retirement systems who vote on the proposition for modification to improve benefits.

The plan for modification to improve benefits shall be submitted to the active members of both of the retirement systems who will vote to express their desires as to approval or disapproval of the plan for modification to improve benefits. The governing board shall submit the plan for modification to improve benefits as an alternative plan, at the same time as it submits a plan or plans for the discontinuance of both the unified and junior college district retirement systems as provided in Section 14694.5, to the active members of both systems at the same time and shall prescribe the manner and form by which the active members may express their desires with respect to the plan or plans for discontinuance and the plan for modification to improve benefits.

The governing board shall submit the plan for modification to improve benefits, and the plan or plans for discontinuance, to the active members of both systems no later than November 30, 1963, for approval by such members at an election to be called and conducted by the governing board. The governing board shall report the results of such election to the Legislature no later than January 15, 1964 and shall request the Legislature to enact the implementing legislation to effectuate any such plan which may have been assented to.

In the event the Legislature enacts implementing legislation to effectuate a plan for modification to improve benefits, which plan differs from the plan developed by the governing board and assented to by a majority of the active members in the manner above provided in this section, such statutory plan for modification to improve benefits shall not become operative until assented to by the governing board and by a majority of the active members of both of the district retirement systems who vote on the proposition for modification to improve benefits in the manner above provided in this section.

CHAPTER 2117

An act to add Section 69752 of the Government Code, relating to sessions of superior courts

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 69752 is added to the Government Code, to read:

69752. Notwithstanding any other provision of this code, no superior court shall hold sessions in any city other than the county seat except with the approval of the board of supervisors.

The approval of the board of supervisors, under this section, shall not be required for the holding of sessions of the superior court in any city in which sessions of the superior court were being held on or before July 1, 1963.

CHAPTER 2118

An act to add Article 5 (commencing with Section 53510) to Chapter 3, Part 1, Division 2, Title 5 of the Government Code, relating to validating proceedings, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Article 5 (commencing with Section 53510) is added to Chapter 3, Part 1, Division 2, Title 5 of the Government Code, to read:

Article 5. Validating Proceedings

53510. As used in this article "local agency" means county, city, city and county, public district or any public or municipal corporation, public agency or public authority.

53511. A local agency may bring an action to determine the validity of its bonds, warrants, contracts, obligations or evidences of indebtedness pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Recent experience has shown that it is desirable to determine the validity of the formation, bonds, warrants, contracts, obligations, evidences of indebtedness and other matters of local agencies or special taxing districts. Many of said matters arise in connection with local agencies and special taxing districts involving water, sewer, and other public health and safety facilities. This act will aid the determination of the validity of said matters and so will aid in the solution of public health and safety problems in this State.

CHAPTER 2119

An act to add Section 13651.2 to the Education Code, relating to leaves of absence for classified school employees due to industrial accidents and illnesses.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 13651.2 is added to the Education Code, to read:

13651.2. Governing boards of school districts shall provide by rules or regulations for industrial accident or illness leaves of absence for employees who are a part of the classified service. Such rules or regulations shall include the following provisions:

(a) Allowable leave shall not be for less than 60 working days in any one fiscal year for the same accident.

(b) Allowable leave shall not be accumulative from year to year.

(c) Industrial accident or illness leave will commence on the first day of absence.

(d) Payment for wages lost on any day shall not, when added to an award granted the employee under the workmen's compensation laws of this State, exceed the normal wage for the day.

(e) Industrial accident leave will be reduced by one day for each day of authorized absence regardless of a compensation award made under workmen's compensation.

(f) When an industrial accident or illness occurs at a time when the full 60 days will overlap into the next fiscal year, the employee shall be entitled to only that amount remaining at the end of the fiscal year in which the injury or illness occurred, for the same illness or injury.

The industrial accident or illness leave of absence is to be used in lieu of entitlement acquired under Section 13651.1 of this code. When entitlement to industrial accident or illness leave has been exhausted, entitlement to other sick leave will then be used; but if an employee is receiving workmen's compensation he shall be entitled to use only so much of his accumulated or available sick leave, accumulated compensating time, vacation or other available leave which, when added to the workmen's compensation award, provide for a full day's wage or salary.

The governing board may, by rule or regulation, provide for such additional leave of absence, paid or unpaid, as it deems appropriate and during such leave the employee may return to his position without suffering any loss of status or benefits.

Periods of leave of absence, paid or unpaid, shall not be considered to be a break in service of the employee.

During all paid leaves of absence, whether industrial accident leave as provided in this section, sick leave, vacation, compensated time off or other available leave provided by law or the action of a governing board, the employee shall endorse to the district wage loss benefit checks received under the workmen's compensation laws of this State. The district, in turn, shall issue the employee appropriate warrants for payment of wages or salary and shall deduct normal retirement and other authorized contributions. Reduction of entitlement to leave shall be made only in accordance with this section.

When all available leaves of absence, paid or unpaid, have been exhausted and if the employee is not medically able to assume the duties of his position, he shall, if not placed in another position, be placed on a re-employment list for a period of 39 months. When available, during the 39-month period, he shall be employed in a vacant position in the class of his previous assignment over all other available candidates except for a re-employment list established because of lack of work or lack of funds, in which case he shall be listed in accordance with appropriate seniority regulations.

The governing board may require that an employee serve a specified period of employment not to exceed three years before he becomes eligible for the benefits provided in this section.

Any employee receiving benefits as a result of this section shall, during periods of injury or illness, remain within the State of California unless the governing board authorizes travel outside the State

An employee who has been placed on a re-employment list, as provided herein, who has been medically released for return to duty and who fails to accept an appropriate assignment shall be dismissed.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

CHAPTER 2120

An act to amend Section 18356 of the Education Code, relating to mentally retarded minors.

[Approved by Governor July 23, 1963 Filed with Secretary of State July 25, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 18356 of the Education Code is amended to read:

18356. The Superintendent of Public Instruction shall allow, in addition to all other allowances, to the county school service fund:

(a) For all special schools or classes for mentally retarded minors maintained in each elementary school district of the county by the county superintendent of schools, the same amount as he would compute as the foundation program of an elementary school district under Sections 17651 to 17667, inclusive, except that the provisions of Section 17657 shall not apply and whenever Sections 17656, 17660, or 17661 require him to multiply average daily attendance by two hundred twenty-four dollars ($224) he shall, for the purposes of this section multiply by two hundred thirty-four dollars ($234).

(b) Three hundred twenty-four dollars ($324) for each unit of average daily attendance of mentally retarded pupils of secondary grade educated by the county superintendent of schools during the preceding fiscal year.

CHAPTER 2121

An act to amend Sections 487 and 488 of the Public Utilities Code, relating to posting of tariffs by common carriers.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 487 of the Public Utilities Code is amended to read:

487. The schedules shall plainly state the places between which property and persons will be carried, and the classification of passengers or property in force, and shall state separately all terminal charges, storage charges, icing charges, and all other charges which the commission may require to be stated, all privileges or facilities granted or allowed, and all rules which may in any wise change, affect, or determine any part, or the aggregate of, such rates, fares, charges, and classifications, or the value of the service rendered to the passenger, shipper, or consignee. Schedules shall be plainly printed, and copies thereof shall be kept by every such carrier at such stations or offices of the carrier and subject to such conditions as the commission may determine and prescribe by order or rule.

SEC. 2. Section 488 of said code is amended to read:

488. Subject to such rules as the commission may prescribe, the schedules of carriers shall be produced and made available for inspection upon the demand of any person. The form of every such schedule shall be prescribed by the commission and shall conform, in the case of common carrier subject to the Interstate Commerce Act and the acts amendatory thereof and supplementary thereto, as nearly as possible to the form of schedules prescribed by the Interstate Commerce Commission.

CHAPTER 2122

An act to add Sections 25681.1 and 38901 to the Government Code and Section 51030 to the Water Code, relating to the reclamation of lands.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 25681.1 is added to the Government Code, to read:

25681.1. A county may reclaim public and private lands therein by levees, bulkheads, breakwaters, fills, embankments, basins, drains, canals, excavations, sluices, pipes, watergates, pumping plants and all works and structures useful therefor. Such work is a local improvement and a county affair. The costs of reclamation shall be borne solely by the lands reclaimed.

This section shall not be construed as affecting any public district or public entity now or hereafter established and having similar powers.

SEC. 2. Section 38901 is added to said code, to read:

38901. A city may reclaim public and private lands therein by levees, bulkheads, breakwaters, fills, embankments, basins, drains, canals, excavations, sluices, pipes, watergates, pumping plants, and all works and structures useful therefor. Such work is a local improvement and a municipal affair. The costs of reclamation shall be borne solely by the lands reclaimed.

This section shall not be construed as affecting any public district or public entity now or hereafter established and having similar powers.

SEC. 3. Section 51030 is added to the Water Code, to read:

51030. No city or county shall proceed with the reclamation of any lands located within the Sacramento and San Joaquin Drainage District until the provisions of this article have been complied with.

CHAPTER 2123

An act to amend Section 5100 of the Labor Code, relating to workmen's compensation.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 5100 of the Labor Code is amended to read:

5100. At the time of making its award, or at any time thereafter, the commission, on its own motion either upon notice, or upon application of either party with due notice

to the other, may commute the compensation payable under this division to a lump sum and order it to be paid forthwith or at some future time if any of the following conditions appear:

(a) That such commutation is necessary for the protection of the person entitled thereto, or for the best interest of either party.

(b) That commutation will avoid inequity and will not cause undue expense or hardship to either party.

(c) That the employer has sold or otherwise disposed of the greater part of his assets or is about to do so.

(d) That the employer is not a resident of this State.

CHAPTER 2124

An act to amend Section 6955 of, and to add Section 6956.2 to, the Business and Professions Code, relating to collection agencies, to take effect immediately.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6955 of the Business and Professions Code is amended to read:

6955. All money received under this chapter by the chief shall be deposited in the State Treasury to the credit of the Collection Agency Fund, which fund is hereby continued in existence and from which fund all expenses of carrying out the provisions of this chapter shall be defrayed.

SEC. 2. Section 6956.2 is added to said code, to read:

6956.2. (a) Commencing June 1, 1963, and through May 31, 1964, the chief shall charge and collect the following fees:

(1) An original license fee of five hundred dollars ($500).

(2) A continuation fee in the following amounts:

(i) For licensees with less than four employees, three hundred fifty dollars ($350).

(ii) For licensees with more than three employees but less than eight employees, four hundred dollars ($400).

(iii) For licensees with more than seven employees, four hundred fifty dollars ($450).

In no event shall a continuation fee be an amount less than three hundred fifty dollars ($350).

For purposes of this section the number of employees shall be determined by the maximum number of persons employed by a licensee during the one-year period next preceding the date of the filing of the application for the continuation of a license. The term "employees" shall exclude an individual having an ownership interest in the licensed business, and his spouse, provided, however, that a licensee may not claim more than four such exclusions in any one licensed period.

(3) A duplicate license fee of twenty dollars ($20).

(4) A temporary license fee of fifty dollars ($50).

(5) A delinquency fee of twenty dollars ($20).

(6) An examination fee of seventy-five dollars ($75).

(7) A copy fee of twenty-five cents ($0.25) per 100 words copied.

(8) A reinstatement fee equal to the amount of the annual continuation fee plus a penalty of 50 percent thereof.

(9) A fee of ten dollars ($10) for each addressograph list of licensees in good standing.

(10) For issuance of a qualification certificate, twenty dollars ($20), except that the fee for issuance of the qualification certificate shall be waived if the certificate is issued less than 45 days before the date on which the continuation fee is due and payable.

(11) For continuation of a qualification certificate, twenty dollars ($20).

(12) For reinstatement of a qualification certificate under Section 6893, forty dollars ($40).

(b) The chief shall furnish one copy of any issue or edition of the licensing law and rules and regulations to any applicant or licensee without charge; and shall charge and collect a fee of one dollar ($1) plus sales tax for each additional copy which may be furnished on request to any applicant or licensee, and for each copy furnished on request to any other person.

SEC. 3. Fees paid for the 1963-1964 license year in accordance with the law as it existed prior to the effective date of this act (existing Section 6950 and prior Section 6956) continue on such rights and privileges as are provided for by Chapter 8 (commencing with Section 6850) of Division 3 of the Business and Professions Code, providing that failure to pay the difference between such fees and the fees fixed by this act on or before August 31, 1963, shall operate as an automatic revocation of any such rights and privileges.

SEC. 4. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 2125

An act to amend Section 4100 and to amend and renumber Sections 4101, 4102, 4103, 4104, 4105, 4106, 4106.5, 4107 and 4108 of, and to add Sections 4100.5, 4101, 4105, and 4108 to, the Government Code, relating to public works and purchases.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 4100 of the Government Code is amended to read:

4100. This chapter may be cited as the "Subletting and Subcontracting Fair Practices Act."

SEC. 2. Section 4100.5 is added to said code, to read:

4100.5 This chapter does not apply to contracts for the construction, improvement or repair of streets or highways, including bridges.

SEC. 3. Section 4101 is added to said code, to read:

4101. The Legislature finds that the practices of bid shopping and bid peddling in connection with the construction, alteration, and repair of public improvements often result in poor quality of material and workmanship to the detriment of the public, deprive the public of the full benefits of fair competition among prime contractors and subcontractors, and lead to insolvencies, loss of wages to employees, and other evils.

SEC. 4. Section 4101 of said code is amended and renumbered to read:

4103. Nothing in this chapter limits or diminishes any rights or remedies, either legal or equitable, which:

(a) An original or substituted subcontractor may have against the prime contractor, his successors or assigns.

(b) The State or any county, city, body politic, or public agency may have against the prime contractor, his successors or assigns, including the right to take over and complete the contract.

SEC. 5. Section 4102 of said code is amended and renumbered to read:

4104 Any officer, department, board or commission taking bids for the construction of any public work or improvement shall provide in the specifications prepared for the work or improvement or in the general conditions under which bids will be received for the doing of the work incident to the public work or improvement that any person making a bid or offer to perform the work, shall, in his bid or offer, set forth:

(a) The name and the location of the place of business of each subcontractor who will perform work or labor or render service to the prime contractor in or about the construction of the work or improvement in an amount in excess of one-half of 1 percent of the prime contractor's total bid.

(b) The portion of the work which will be done by each such subcontractor under this act. The prime contractor shall list only one subcontractor for each such portion as is defined by the prime contractor in his bid.

SEC 6 Section 4105 is added to said code, to read:

4105. Circumvention by a general contractor who bids as a prime contractor of the requirement under Section 4104 for him to list his subcontractors, by the device of listing another contractor who will in turn sublet portions constituting the majority of the work covered by the prime contract, shall be considered a violation of this chapter and shall subject such prime contractor to the penalties set forth in Sections 4110 and 4111.

SEC. 7. Section 4103 of said code is amended and renumbered to read:

4106. If a prime contractor fails to specify a subcontractor or if a prime contractor specifies more than one subcontractor for the same portion of work to be performed under the contract in excess of one-half of 1 percent of the prime contractor's total bid, he agrees that he is fully qualified to perform that portion himself, and that he shall perform that portion himself.

If after award of contract such prime contractor shall, except as provided for in Sections 4107 or 4109, subcontract any such portion of the work, such prime contractor shall be subject to the penalties named in Section 4111.

SEC. 8. Section 4104 of said code is amended and renumbered to read:

4107. No prime contractor whose bid is accepted shall:

(a) Substitute any person as subcontractor in place of the subcontractor listed in the original bid, except that the awarding authority may consent to the substitution of another person as a subcontractor, when the subcontractor listed in the bid after having had a reasonable opportunity to do so fails or refuses to execute a written contract, when such written contract, based upon the general terms, conditions, plans and specifications for the project involved or the terms of such subcontractor's written bid, is presented to him by the prime contractor, or becomes insolvent or fails or refuses to perform a written contract for the work or fails or refuses to meet the bond requirements of the prime contractor as set forth in Section 4108. Prior to approval of any such substitution the awarding authority shall give notice in writing of at least three working days to the listed subcontractor of the prime contractor's request to substitute another subcontractor unless such listed subcontractor has himself advised the awarding authority in writing that he has knowledge of the prime contractor's request. Such notice may be served by registered mail to the last known address of such subcontractor.

(b) Permit any such subcontract to be voluntarily assigned or transferred or allow it to be performed by anyone other than the original subcontractor listed in the original bid, without the consent of the awarding authority.

(c) Other than in the performance of "change orders" causing changes or deviations from the original contract, sublet or subcontract any portion of the work in excess of one-half of 1 percent of the prime contractor's total bid as to which his original bid did not designate a subcontractor.

SEC. 9. Section 4108 is added to said code, to read:

4108. (a) It shall be the responsibility of each subcontractor submitting bids to a prime contractor to be prepared to submit faithful performance and labor and materials bond or bonds if so requested by the prime contractor.

(b) In the event any subcontractor submitting a bid to a prime contractor does not, upon the request of the prime contractor and at the expense of the prime contractor at the established charge or premium therefor, furnish to such prime contractor a bond or bonds issued by an admitted surety wherein the prime contractor shall be named the obligee, guaranteeing prompt and faithful performance of such subcontract and the payment of all claims for labor and materials furnished or used in and about the work to be done and performed under such subcontract, the prime contractor may reject such bid and make a substitution of another subcontractor subject to the provisions of Section 4107. Such bond or bonds may be required at the expense of the subcontractor only if the prime contractor in his written or published request for subbids (1) specifies that the expense for such bond or bonds shall be borne by the subcontractor and (2) clearly specifies the amount and requirements of such bond or bonds.

SEC. 10. Section 4105 of said code is amended and renumbered to read:

4109. Subletting or subcontracting of any portion of the work in excess of one-half of 1 percent of the prime contractor's total bid as to which no subcontractor was designated in the original bid shall only be permitted in cases of public emergency or necessity, and then only after a finding reduced to writing as a public record of the awarding authority setting forth the facts constituting the emergency or necessity.

SEC. 11. Section 4106 of said code is amended and renumbered to read:

4110. A prime contractor violating any of the provisions of this chapter violates his contract and the awarding authority may excercise the option, in its own discretion, of (1) canceling his contract or (2) assessing the prime contractor a penalty in an amount not more than 10 percent of the amount of the subcontract involved, and this penalty shall be deposited in the fund out of which the prime contract is awarded, or (3) both canceling the contract and assessing the penalty.

SEC. 12. Section 4106.5 of said code is amended and renumbered to read:

4111. Violation of this chapter by a licensee under Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code constitutes grounds for disciplinary action by the Contractors State License Board, in addition to the penalties prescribed in Section 4110.

SEC. 13. Section 4107 of said code is amended and renumbered to read:

4112. The failure on the part of a contractor to comply with any provision of this chapter does not constitute a defense to the contractor in any action brought against him by a subcontractor.

SEC. 14. Section 4108 of said code is amended and renumbered to read:

4113. As used in this chapter, the word "subcontractor" shall have the meaning given to it by the provisions of Chapter 9 of Division 3 of the Business and Professions Code.

"Prime contractor" shall mean the contractor who contracts directly with the awarding authority.

CHAPTER 2126

An act to repeal Sections 124.5, 124.6, 436, 4552, 4553, 4579, 4604.5, and 4750 of, to amend Sections 4578, 4552.5, and 4753 of, and to add Sections 436, 4552, 4553, and 4750 to, the Welfare and Institutions Code, relating to medical care, and making an appropriation therefor.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 124.5 of the Welfare and Institutions Code is repealed.

SEC. 2. Section 124.6 of said code is repealed.

SEC. 2.1. Section 436 of said code is repealed.

SEC. 2.2 Section 436 is added to said code, to read:

436. Notwithstanding the provisions of any other section of this code, the method of computing and advancing funds to counties, both as to state funds and funds made available by the United States government, shall be as follows:

1. The State Department of Social Welfare shall prior to the beginning of each month estimate the amount to be paid for such month to each county under Sections 433, 435, 1510, 2021, 3025, 3420, 4026, 4552, and 4750 of this code.

2. The State Department of Social Welfare shall then certify to the State Controller the amounts so estimated by it for each county, adjusted by any sum by which it finds that its estimate for any prior period was greater or less than the amount which should have been paid.

3. The State Controller shall thereupon draw the necessary warrants, and prior to audit or settlement by the Department of Social Welfare and the State Controller, the State Treasurer shall pay to the treasurer of each county the amount so certified.

4. Moneys may be advanced by, or on behalf of, any county to a corporation or association in accordance with the provisions of a contract executed between such county and said corporation or association pursuant to Section 4554 or 4721 of this code.

SEC. 3. Section 4552 of said code is repealed.

SEC. 4. Section 4552 is added to said code, to read:

4552. The total expenditures authorized in any fiscal year by this chapter shall not exceed the following sums:

(a) Three dollars ($3) multiplied by the sum of the 12 monthly numbers of recipients of public assistance under Chapter 1 of Part 2 of Division 2 of this code plus six dollars ($6) multiplied by the sum of the 12 monthly numbers of needy parents or needy persons taking the place of a parent in the supervision or care of needy children receiving assistance under Chapter 1 of Part 2 of Division 2 of this code.

(b) Fifteen dollars ($15) multiplied by the sum of the 12 monthly numbers of recipients of public assistance under Chapter 1 of Division 3, Chapters 1 or 3 of Part 1 of Division 5 and Chapter 1 of Part 2 of Division 5 of this code.

The sums appropriated pursuant to this section shall not be construed as limiting the amount of service or the period over which such service may be granted with respect to any recipient found to be eligible for care under this chapter.

There is hereby appropriated, out of any money in the State Treasury not otherwise appropriated, the money necessary to pay each county for expenditures incurred by payment of bills for authorized medical care services to recipients of public assistance; the sum shall be determined as the balance after payment by each county of the amount required by Section 4552.5 and payment of any sums available for medical care from the federal government.

SEC. 4.5. Section 4552.5 of said code is amended to read:

4552.5. Each county shall each quarter bear the cost of services and care provided adult recipients under this chapter in an amount equal to the product of one dollar ($1) multiplied by the number of recipients authorized to receive aid as of the first calendar month of each quarter under Chapter 1 (commencing with Section 2000) of Division 3, Chapters 1 (commencing with Section 3000) and 3 (commencing with Section 3400) of Part 1 of Division 5, and Chapter 1 (commencing with Section 4000) of Part 2 of Division 5 of this code.

The count of recipients for whom the county must bear the cost pursuant to this section shall be those recipients authorized to receive aid as of the first day of the month and said count of recipients shall not be subject to change or adjustment for recipients added or discontinued during the month.

SEC. 5. Section 4553 of said code is repealed.

SEC. 6. Section 4553 is added to said code, to read:

4553. The State Department of Social Welfare shall estimate the amount required by each county to provide medical care under this chapter. The department shall reduce its estimate by the amount to be expended by each county; the department shall also indicate the amounts to be paid from the General Fund and from the Social Welfare Federal Fund.

The estimate of amounts to be paid from the Social Welfare Federal Fund shall include:

1. For each needy child for whom federal funds are received the sum of one dollar and fifty cents ($1.50) per month.

2. For each relative of a needy child for whom federal funds are received the sum of three dollars ($3) per month.

3. For each recipient of aid to the blind under Chapter 1 (commencing with Section 3000) of Part 1 of Division 5 of this code for whom federal funds are received the sum of three dollars ($3) per month.

4. For each recipient of aid to needy disabled under Chapter 1 (commencing with Section 4000) of Part 2 of Division 5 of this code for whom federal funds are received the sum of three dollars ($3) per month.

5. For each recipient of old age security under Chapter 1 (commencing with Section 2000) of Division 3 of this code for whom federal funds are received the sum of three dollars ($3) per month plus an amount equal to one-half of the medical expenditures made in behalf of each such recipient under this chapter.

SEC. 7. Section 4578 of said code is amended to read:

4578. The provisions of Section 103.3 of this code shall be applied in determining the liability of any person to repay the cost of medical services received by him during any period of time he was ineligible to receive public assistance.

SEC. 8. Section 4579 of said code is repealed.

SEC. 9. Section 4604.5 of said code is repealed.

SEC. 10. Section 4750 of said code is repealed.

SEC. 11. Section 4750 is added to said code, to read:

4750. The total expenditures authorized in any fiscal year by this chapter shall not exceed:

(a) Three hundred eighty dollars ($380) multiplied by the sum of the 12 monthly numbers of recipients of medical assistance for the aged who received full-time care in a hospital as defined by Section 1401 of the Health and Safety Code plus (b) twenty-seven dollars ($27) multiplied by the sum of the 12 monthly numbers of aged persons eligible to receive noninstitutional services under this chapter.

The sums appropriated pursuant to this section shall not be construed as limiting the amount of service or the period over which such service may be granted with respect to any recipient found to be eligible for care under this chapter.

There is hereby appropriated, out of any money in the State Treasury otherwise not appropriated, the money necessary to pay each county for expenditures incurred by payment for authorized medical care pursuant to this chapter; after payment of any sums available from the federal government for the purposes of this chapter the sum shall be determined as the balance after payment by each county of the amount required by Sections 4753 and 4753.1.

SEC. 12. Section 4753 of said code is amended to read:

4753. Each county shall bear one-fourth of the total expenditures under this chapter for the care of aged persons who are patients in a hospital or nursing home, except as is hereinafter provided.

The cost of medical assistance provided on an outpatient basis shall be borne by the State, after deducting therefrom such federal funds as are received pursuant to Title 1 of the Federal Social Security Act.

CHAPTER 2127

An act to add Section 3052 to the Welfare and Institutions Code, relating to aid to the blind, and making an appropriation therefor.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 3052 is added to the Welfare and Institutions Code, to read:

3052. There is in the State Treasury a permanent revolving fund, in the amount of thirty-five thousand dollars ($35,000), to be known as the Revolving Loan Fund, and to be administered by the State Department of Social Welfare. The fund shall be used to make loans to recipients of aid under this chapter or Chapter 3 (commencing with Section 3400) of this part, at a rate of interest not to exceed 3 percent per year, to enable those recipients to establish themselves in businesses, professions, or other gainful employment, including, but not limited to self-employment. No loan in excess of five thousand dollars ($5,000) shall be made to any individual under this section.

The department shall establish the terms and conditions of loans made pursuant to this section, and shall prescribe the procedure to be followed in making application for such loans. All funds received in repayment of loans made pursuant to this section shall be deposited in the Revolving Loan Fund, and shall be available for the making of additional loans as provided in this section.

In no event shall the amount expended in any fiscal year from the Revolving Loan Fund exceed the amount saved by the State as a result of discontinuance of aid due to the earnings of persons during the preceding fiscal year.

CHAPTER 2128

An act to amend Section 1016 of the Penal Code, relating to pleas in criminal cases.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1016 of the Penal Code is amended to read:

1016. There are six kinds of pleas to an indictment or an information, or to a complaint charging an offense triable in any inferior court:

1. Guilty.
2. Not guilty.
3. Nolo contendere, subject to the consent of the district attorney and with the approval of the court. The legal effect of such plea shall be the same as that of a plea of guilty, but the plea may not be used against the defendant as an admission in any civil suit based upon or growing out of the act upon which the criminal prosecution is based.
4. A former judgment of conviction or acquittal of the offense charged.
5. Once in jeopardy.
6. Not guilty by reason of insanity.

A defendant who does not plead guilty may enter one or more of the other pleas. A defendant who does not plead not guilty by reason of insanity shall be conclusively presumed to have been sane at the time of the commission of the offense charged; provided, that the court may for good cause shown allow a change of plea at any time before the commencement of the trial. A defendant who pleads not guilty by reason of insanity, without also pleading not guilty, thereby admits the commission of the offense charged.

CHAPTER 2129

An act to add Sections 1001.5, 2130.5, 2654.5, and 2917.5 to the Business and Professions Code, to amend Section 306 of the Public Utilities Code, and to add Section 11015 to the Government Code, relating to meetings of state boards and commissions.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1001.5 is added to the Business and Professions Code, to read:

1001.5. All meetings of the State Board of Chiropractic Examiners shall be open and public, except that the board may hold executive sessions to:

(a) Deliberate on the decision to be reached upon the evidence introduced in a proceeding conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code.

(b) Prepare, approve, grade or administer examinations.

SEC. 2. Section 2130.5 is added to said code, to read:

2130.5. All meetings of the examining committee shall be open and public, except that the committee may hold executive sessions to prepare, approve, grade, or administer examinations.

SEC. 3. Section 2654.5 is added to said code, to read:

2654.5. All meetings of the examining committee shall be open and public, except that the committee may hold executive sessions to prepare, approve, grade, or administer examinations.

SEC. 4. Section 2917.5 is added to said code, to read:

2917.5. All meetings of the committee shall be open and public, except that the committee may hold executive sessions to:

(a) Deliberate on the decision to be reached upon the evidence introduced in a proceeding conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code.

(b) Prepare, approve, grade or administer examinations.

SEC. 5. Section 11015 is added to the Government Code, to read:

11015. All meetings of the following state boards and commissions shall be open and public, and all persons shall be permitted to attend any meetings of the boards and commissions:

Reapportionment Commission
Fairs Allocation and Classification Committee
Statewide Committee of Milk Producer Control Boards
Television Advisory Committee
State Scholarship Commission
State Commission on Voting Machines and Vote Tabulating Devices
California Law Revision Commission
Commission on Uniform State Laws
Advisory Committee to assist Controller in developing complete and adequate records
California State Communications Advisory Board
State Purchases Standards Committee
State Public Works Board
San Francisco Harbor Bond Finance Board
Cannery Inspection Board
Advisory Committee on Alcoholic Rehabilitation
Advisory Council re Supervision of Health and Welfare Program by Insurance Commissioner

Citizens advisory committee to assist in specified fields of civilian protection, war services and disaster mitigation
California State Disaster Council
United Spanish War Veterans Commission
Board of Managers, State Bureau of Criminal Identification and Investigation
Correctional Industries Commission
California Highway Commission
California Toll Bridge Authority
Citizens' Advisory Committee on Aging
Coordinating Council on State Programs for the Blind
California Conference of Local Mental Health Directors
Advisory committee to recommend and give advice to the Department of Social Welfare re medical and rehabilitation aspects of aid to the needy disabled
State advisory council for problems relating to administration of unemployment and disability compensation
California-Nevada Interstate Compact Commission
State Water Pollution Control Board

SEC. 6. Section 306 of the Public Utilities Code is amended to read:

306. The office of the commission shall be in the City and County of San Francisco. The office shall always be open, legal holidays and nonjudicial days excepted. The commission shall hold its sessions at least once in each calendar month in the City and County of San Francisco. The commission may also meet at such other times and in such other places as may be expedient and necessary for the proper performance of its duties, and for that purpose may rent quarters or offices. Except for the commission's deliberative conferences, the sessions and meetings of the commission shall be open and public and all persons shall be permitted to attend.

The commission shall have a seal, bearing the inscription "Public Utilities Commission State of California." The seal shall be affixed to all writs and authentications of copies of records and to such other instruments as the commission shall direct. All courts shall take judicial notice of the seal.

The commission may procure all necessary books, maps, charts, stationery, instruments, office furniture, apparatus, and appliances.

CHAPTER 2130

An act to amend Sections 17203 and 17415, and to add Chapter 6 (commencing with Section 17621) to Division 6, of the Financial Code, relating to escrow agents.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 17203 of the Financial Code is amended to read:

17203. The bond of an escrow agent shall be conditioned that the obligor will faithfully conform to and abide by the provisions of this division and all the rules and regulations made by the commissioner under this division. The bond shall be conditioned that the licensee will honestly and faithfully apply all funds received, will faithfully and honestly perform all obligations and undertakings under this division, and will pay to the State and any person all amounts which become due or owing to the State or to such person under the provisions of this division, including the costs in any conservatorship, or liquidation, whether by the commissioner or by a receiver. In determining the liability of the principal and the sureties under the bond, escrow money held in trust and any money recovered to restore any deficiency in the trust shall not be considered as an asset of the liquidation subject to assessment for the cost of the liquidation. The surety under such bond may pay the full amount of its liability thereunder to the commissioner or a conservator appointed by him pursuant to Chapter 6 of this division in lieu of payment to the State or persons having a cause of action against the obligor of the bond, and upon such payment the surety is completely released from further liability under such bond. The aggregate liability of the surety, for all claims shall, in no event exceed the penal sum of the bond.

SEC. 2. Section 17415 of said code is amended to read:

17415. If the commissioner, as a result of any examination or from any report made to him shall find that any person subject to this division is in an insolvent condition, is conducting escrow business in such an unsafe or injurious manner as to render further operations hazardous to the public or to customers, has permitted its tangible net worth to be lower than the minimum required by law, has failed to comply with the bonding requirements of Chapter 2 of this division, the commissioner may forthwith, by an order addressed to and served by registered mail on such person and on any other person having in his possession or control any escrowed funds, trust funds or other property deposited in escrow with said person, direct discontinuance of the disbursement of trust funds by said parties or any of them, the receipt of trust funds, the delivery or recording of documents received in escrow, or other business operations. No person having in his possession any such funds or documents shall be liable for failure to comply with such order unless he has received written notice of such order. The order shall remain in effect until set aside by the commissioner in whole or in part, the person has been adjudged bankrupt, or pursuant to Chapter 6 of this division the commission has assumed possession of the escrow agent.

SEC. 3. Chapter 6 (commencing with Section 17621) is added to Division 6 of said code, to read:

CHAPTER 6. LIQUIDATION AND CONSERVATORSHIP

Article 1. Possession by Commissioner

17621. Whenever it appears to the commissioner that any licensee subject to this division:

(a) Is in an insolvent condition;

(b) Is conducting escrow business in an unsafe or unauthorized manner;

(c) Has violated its charter or any law of the State of California;

(d) Refuses to submit its books, papers and affairs to the inspection of any examiner;

(e) Neglects or refuses to observe any order of the commissioner made pursuant to the provisions of this division, within the time specified therein, unless the enforcement of such order is restrained in a proceeding brought by the licensee;

(f) Or any officer of such licensee refuses to be examined upon oath touching the business of such licensee;

(g) Or any officer of such licensee, or attorney in fact of such licensee has embezzled, sequestered, or willfully diverted the assets or trust funds of such licensee;

(h) Has permitted its tangible net worth to be lower than the minimum required by law:

(i) Has failed to comply with the bonding requirements of Chapter 2 of this division

the commissioner shall dispatch a written notice and summary of findings, as referred to in Section 17415, to the principal officer of the licensee involved or to it's manager of record; and such licensee shall be afforded a reasonable opportunity to comply or otherwise effect such remedies as the commissioner may deem acceptable. However, should the licensee so notified fail to comply within five days of receipt of the notice, or as soon as it appears to the commissioner that no compliance is possible, or in the event prompt delivery of the prescribed written notice is impossible, the commissioner may forthwith take possession of the property and business of such licensee and retain possession until such licensee resumes business or its affairs be finally liquidated as provided in this chapter. The licensee, with the consent of the commissioner, may resume business upon such conditions as the commissioner may prescribe.

17622. Whenever the commissioner has taken possession of any licensee, such licensee, within 10 days after such taking, if it deems it is aggrieved thereby, may apply to the superior court in the county in which the head office of the licensee is located to enjoin further proceedings. The court, after citing the commissioner to show cause why further proceedings should not be enjoined and after a hearing and a determination of the facts upon the merits may dismiss such application or enjoin the commissioner from further proceeding and direct

him to surrender the property and business to the licensee, or make such further order as may be just.

17623. An appeal from a judgment enjoining the commissioner from further proceedings and directing him to surrender the business, property, and assets to the licensee does not operate as a stay of the judgment, unless the trial court in its discretion so orders. If an appeal from the judgment is taken by the commissioner no bond need be given. If the judgment dismisses the action an appeal therefrom does not operate as a stay of the judgment but the court rendering such judgment may, in its discretion enjoin the commissioner pending the appeal, from further proceedings and direct him, pending the appeal, to surrender such business, property, and assets to the licensee, if a bond is given as required by Section 943 of the Code of Civil Procedure.

17624. Whenever the commissioner demands possession of the property, business and assets of any licensee pursuant to this chapter, the refusal of any officer, agent, employee, or director of such licensee to comply with the demand is a misdemeanor, punishable by fine of not more than five hundred dollars ($500), or the imprisonment in the county jail for not more than 90 days, or by both such fine and imprisonment.

17625. If the commissioner's demand for the possession of the property, business and assets is not complied with within 24 hours after service of the demand, the commissioner may call to his assistance the sheriff of the county in which the principal place of business of such licensee is located, by giving the sheriff written demand the sheriff shall enforce the demands of the commissioner.

17626. When the commissioner takes possession of the property, business and assets of any licensee, such licensee or the president and secretary of such licensee shall make and deliver to the commissioner verified schedules of its property, assets, and funds held in escrow. The commissioner may at any time examine under oath any licensee, or any officer, director, agent, or employee of such licensee, to determine whether or not all such property, assets, and funds held in escrow have been transferred and delivered to his possession.

17627. The commissioner may issue subpoenas and require the attendance of parties for examination under this article as provided for in Sections 5253 and 5254 of this code.

17628. When the commissioner takes possession of the business, property, and assets of a licensee, he may appoint a custodian. The commissioner may require a good and sufficient bond from the custodian and place him in charge as his representative.

17629. When the commissioner takes possession of the property, business, and assets of a licensee, he may collect all money due to such licensee and give receipt therefor. The commissioner may do such other acts as are necessary or expedient to collect, conserve, or protect the licensee's business, property, and assets.

Article 2. Conservatorship

17630. If any facts occur which would entitle the commissioner under Section 17621 to take possession of the property, business and assets of a licensee the commissioner may appoint a conservator of a licensee and require of him such bond as the commissioner deems proper. The commissioner may also, upon the request of the board of directors of a licensee, appoint a conservator of such licensee and require of him such bond as the commissioner deems proper. The conservator, under the direction of the commissioner, shall take possession of the property, business and assets of the licensee and take such action as he may deem necessary to conserve the assets of such licensee pending further disposition of its business. The conservator shall retain such possession until the property, business and assets of the licensee are returned to the licensee or until further order of the commissioner.

17631. Subject to the other provisions of this article, a conservator, while in possession of the property, business and assets of a licensee, has the same powers and rights and is subject to the same duties and obligations as the commissioner while in possession of the property, business and assets of a licensee; and during such time the rights of a licensee and of all persons with respect thereto, subject to the other provisions of this article, are the same as if the commissioner had taken possession of such property, business and assets. A conservator, while in possession of the property, business and assets of a licensee, shall have all the rights, powers and privileges of the licensee, its officers and directors. All expenses of any such conservatorship shall be paid out of the assets of the licensee and shall be a lien thereon which shall be prior to any other lien. The conservator shall receive a salary, fixed by the commissioners, in an amount no greater than that which would be paid by the commissioner to a special deputy in charge of the liquidation of the licensee.

17632. Upon appointing a conservator the commissioner shall cause to be made and completed at the earliest possible date such an examination of the affairs of the licensee as shall be necessary to inform him as to its financial condition.

17633. A conservator, while in possession of the property, business and assets of a licensee, may call, upon the notice required by the licensee's bylaws, a meeting of the investors of the licensee who are entitled to vote, for any purpose, including without limitation the election of a board of directors, and upon the holding of a meeting for such purpose the terms of office of all directors shall expire, or may call, upon the notice required by the licensee's bylaws, a meeting of the board of directors for any purpose, including without limitation the filling of vacancies on the board of directors or the removal and election or the removal or election of officers. Each such meeting shall be supervised by the conservator.

17634. If the commissioner becomes satisfied that it may be done safely and in the public interest, he may terminate the conservatorship and permit the licensee for which a conservator was appointed to resume its business under direction of its board of directors, subject to such terms, conditions, restrictions and limitations as he may prescribe.

Article 3. Liquidation by the Commissioner

17635. If at any time after taking possession of the property and business of a licensee it shall appear to the commissioner that it would be futile to proceed as conservator with the conduct of the business of such person he may apply to the superior court of the county in which is located the principal office of such person in this State for an order to liquidate and wind up the business of said person. Upon a full hearing of such application, the court may make an order directing the winding up and liquidation of the business of such person by the commissioner, as liquidator.

17636. Whenever the commissioner has taken possession of the property and business of a licensee he may petition the superior court for the appointment of a receiver to liquidate the affairs of the licensee.

17637. The commissioner may appoint one or more special deputies to assist in the duties of liquidation and distribution under his direction and may also employ such special legal counsel, accountants, and assistants as may be needed and required and fix their salaries and compensation. All such salaries and compensation with other reasonable and necessary expenses as may be incurred in the liquidation shall be paid by the commissioner from the funds of the licensee in his hands. Such expenses shall include, among other things, that part of the salary of the commissioner and of his deputies, auditors, accountants, appraisers and other assistants, and that part of the general expenses of the commissioner's office, as fairly represent, in the opinion of the commissioner, the proportion properly attributable to such liquidation.

17638. In liquidating the affairs of a licensee the commissioner may:

(a) Collect all money due to, and claims of, the licensee and give receipt therefor.

(b) Approve and pay all just and equitable claims.

(c) Commence and prosecute all actions and proceedings necessary to enforce liquidation.

(d) Compound bad or doubtful debts or claims, borrow money, sell, convey, or transfer real or personal property, on order of the superior court of the county in this State in which the principal office of the licensee is located. The order shall be made after hearing and on such notice as the court prescribes.

17639. After the issuance of an order of liquidation under Section 17635, any of the following transactions occurring within four months prior to the application for such order shall

be voidable by the commissioner if such transaction has the effect of giving to or enabling any creditor of the licensee to obtain a preference over any other creditor, or to obtain a greater percentage of his debt than any other creditor:

(a) A transfer of property of the licensee.

(b) The creation of a lien upon the property of the licensee.

(c) The suffering of a judgment against such person.

17640. If the commissioner is in possession of the business, property, and assets of a licensee, whether or not he is liquidating the affairs of such licensee, the commissioner may:

(a) Apply to the superior court of the county in this State in which the principal office of the licensee is located for an order confirming any action taken by the commissioner, or authorizing the commissioner to do any act or execute any instrument not expressly authorized by this part. The order shall be given after a hearing on such notice as the court prescribes.

(b) Pay and discharge any secured claims against the licensee, whether or not such claims have been presented for payment. No secured claim shall be paid in an amount larger than the value of the security at the time of payment.

17641. Claims for damages resulting from the disaffirmance of an executory contract or lease by the commissioner may be filed and allowed. No claim of a landlord for damages resulting from the disaffirmance of an unexpired lease of real property or under any covenant of such lease shall be allowed in an amount exceeding the rent reserved by the lease, without acceleration, for the year succeeding the date of the surrender of the premises plus the amount of any unpaid accrued rent without acceleration. Any such claim must be filed within 30 days of the date of such disaffirmance.

17642. When the commissioner determines to liquidate a licensee, he shall cause an inventory of all the assets of the licensee to be made in duplicate, file the original with the court, and file the duplicate in his office.

17643. When the commissioner determines to liquidate a licensee he shall cause notice to be given by publication once a week for four successive weeks in some newspaper of general circulation published at or near the principal place of business in this State of such licensee, to all persons having claims against the licensee as creditors, investors, or otherwise, requiring them to present and file their claims and make legal proof thereof at a place and within a time designated in such publication. The time shall be not less than six months after the first publication. Within 10 days after the first publication the commissioner shall cause a copy of such notice to be mailed to all persons whose names appear of record upon the licensee's books as creditors, or as parties to an uncompleted escrow transaction.

17644. All claims, demands, or causes of action of creditors, and persons other than the parties to an escrow transaction against the licensee or against any property owned or held

by it in trust or otherwise, must be presented to the commissioner in writing, verified by the claimant, or someone in his behalf, within the period specified in the notice for the presentation of claims, whether or not an action is pending to enforce any such claim or demand. The commissioner shall not approve any claim not so presented, and any such claim, demand or cause of action not so presented is forever barred

17645. Upon the expiration of the time fixed for the presentation of claims, the commissioner shall prepare in duplicate a full and complete schedule of all claims presented, specifying by classes those that have been approved and those that have been disapproved and shall file the original with the court and the duplicate in his office.

17646. Not later than five days after the time of filing the schedule of claims with the court, written notice shall be mailed to all claimants whose claims have been rejected. Action to enforce the payment of or to establish any rejected claim must be brought and service had within four months from and after the date of filing of the schedule of claims with the proper court or all such actions are forever barred.

17647. Regardless of any law of this State, the judge of the superior court of the county in this State in which the principal office of the licensee is located, may whenever he deems it necessary or advisable, hold hearings relating to the sale, exchange, or other disposition of any real property or any personal property of the licensee regardless of the location of such property. The hearings shall be held at the county seat of any county in this State or at such places in the home county of such superior court at which sessions are held as provided in the Code of Civil Procedure.

17648. If it appears improbable that anything can be realized from any property of the licensee and that the cost of maintaining, preserving, or protecting the property would probably be lost, the court may direct the commissioner to abandon the property.

17649. For the purpose of executing and performing any of the powers and duties conferred upon him by this article, the commissioner may in the name of the licensee or in his own name prosecute and defend any suit or other legal proceeding and may in the name of the licensee or in his own name as commissioner execute, acknowledge, and deliver any and all deeds, assignments, releases, requests for reconveyance, and other instruments necessary and proper to effectuate any sale of real or personal property or other transaction in connection with the liquidation of the licensee. Any deed, assignment, release, request for reconveyance, or other instrument executed pursuant to this section is valid and effectual for all purposes as though it was executed by the officers of such licensee with the authority of its board of directors.

17650. If any real property of the licensee sold by the commissioner is located in a county other than the county in which the application to the court for permission to sell

the property was made, the commissioner shall cause a certified copy of the order authorizing or ratifying such sale to be recorded in the office of the recorder of the county in which the real property is located.

17651. When the commissioner has (a) fully liquidated all claims other than claims of stockholders, and (b) made due provision for any and all known but unclaimed liabilities, excepting claims of stockholders, and (c) paid all expenses of liquidation, then upon the written request of the holders of a majority of the stock of such licensee he shall deliver to the licensee or its trustees any surplus that then remains in his hands, together with all the records and effects. The licensee or its trustees shall have title to such surplus, records, and effects free from any claim of the commissioner.

17652. Upon the payment of a final dividend in liquidation, the commissioner shall prepare and file with the court a full and final statement of the liquidation, including a summary of the receipts and disbursements, and a duplicate of such statement shall be filed in the office of the commissioner. After hearing and approval by the court, the liquidation shall be closed.

17653. In making its order approving the commissioner's final statement of the liquidation of a licensee, the court shall determine the amounts of the liquidating dividends to which claimants and investors are entitled but which then remain unpaid or unclaimed in the hands of the commissioner. The order of the court shall direct the commissioner to deposit such amounts with the State Treasurer. All amounts so deposited shall be deemed to be deposited in the State Treasury under the provisions of Chapter 7 (commencing with Section 1500) of Title 10 of Part 3 of the Code of Civil Procedure, and shall be subject to claim or other disposition as provided in said chapter.

17654. The order of the court approving the final statement on liquidation shall provide for the destruction or other disposition of the books and records of the licensee or pertaining to the liquidation of the licensee, and the court may declare the licensee dissolved as a corporation.

SEC. 4. If any provision of this bill, or its application to any person or circumstance, is held invalid, the remainder of the bill, or the application of the provision to other persons or circumstances is not affected.

CHAPTER 2131

An act to amend Section 934 of the Unemployment Insurance Code, relating to unemployment insurance, and declaring the urgency thereof to take effect immediately.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 934 of the Unemployment Insurance Code is amended to read:

934. "Wages" does not include any payment made to, or on behalf of, an employee or his beneficiary:

(a) From or to a trust described in Section 401(a) of the Internal Revenue Code of 1954 which is exempt from tax under Section 501(a) of that code at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as an employee and not as a beneficiary of the trust.

(b) Under or to an annuity plan which, at the time of such payment, is a plan described in Section 403(a) of the Internal Revenue Code of 1954.

(c) Under or to a bond purchase plan which, at the time of such payment, is a qualified bond purchase plan described in Section 405(a) of the Internal Revenue Code of 1954.

SEC. 2. The provisions of Section 934 of the Unemployment Insurance Code as amended by this act shall apply to any payment made to, or on behalf of, an employee or his beneficiary: (1) from or to a trust described in subdivision (a) of Section 934; (2) under or to an annuity plan described in subdivision (b) of Section 934; and (3) under or to a bond purchase plan described in subdivision (c) of Section 934, if such trust, annuity plan or bond purchase plan is established after December 31, 1962. The provisions of Section 934 of the Unemployment Insurance Code prior to the amendments made by this act shall remain applicable to any payment made to, or on behalf of, an employee or his beneficiary: (1) from or to a trust described in subdivision (a) of Section 934 prior to the amendments made by this act; and (2) under or to an annuity plan described in subdivision (b) of Section 934 prior to the amendments made by this act, if such trust or annuity plan was established prior to January 1, 1963.

SEC. 3. No right or cause of action founded upon any provision of law amended by this act as the provisions existed prior to such amendment shall be abolished or impaired by this act.

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Under the provisions of Section 939 of the Unemployment Insurance Code, Section 934 (and several other sections) of the code ". . . shall be operative only during such time as the respective type or types of payments set forth in these sections are similarly excluded from the definition of wages contained in the Federal Unemployment Tax Act."

Public Law 87-792, 76 Stat. 809 [H.R. 10] approved October 10, 1962 included an amendment of the Federal Unemployment Tax Act, Section 3306(b)(5) of the Internal Revenue Code of 1954. The amended Section 3306(b)(5) is as follows:

"3306.

" * * * .

"(b) Wages.—For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

" * * *

"(5) any payment made to, or on behalf of, an employee or his beneficiary—

"(A) from or to a trust described in section 401(a) which is exempt from tax under section 501(a) at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as such employee and not as a beneficiary of the trust, or

"(B) under or to an annuity plan which, at the time of such payment, is a plan described in section 403(a), or

"(C) under or to a bond purchase plan which, at the time of such payment, is a qualified bond purchase plan described in section 405(a)."

Section 8 of Public Law 87-792 provides: "The amendments made by this Act shall apply to taxable years beginning after December 31, 1962."

In order to maintain uniformity between Section 934 of the Unemployment Insurance Code and its counterpart, Section 3306(b)(5) of the Internal Revenue Code of 1954, and to avoid any possibility that Section 934 would become partially inoperative if not amended, it is necessary that this act become effective immediately.

CHAPTER 2132

An act to repeal Section 21167 and Article 4 (commencing with Section 22140) of Chapter 1 of Part 5 of Division 11 of the Water Code; to amend and renumber the title of Chapter 2.5 (commencing with Section 48300) of Part 10 of Division 14 of, and to amend and renumber Section 48300 of, the Water Code, as added by Chapter 163, Statutes of 1963; to amend and renumber Section 55187 of the Water Code, as added by Chapter 457, Statutes of 1963; to amend and renumber Section 40.5 of the Water Conservation Act of 1927 (Chapter 91, Statutes of 1927) as added by Chapter 457, Statutes of 1963; and to amend and renumber Section 49.6 of the Water Conservation Act of 1931 (Chapter 1020, Statutes of 1931) as added by Chapter 163, Statutes of 1963, relating to water districts.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 21167 of the Water Code is repealed.

SEC. 2. Article 4 (commencing with Section 22140) of Chapter 1 of Part 5 of Division 11 of said code is repealed.

SEC. 3. The title of Chapter 2.5 (commencing with Section 48300) of Part 10 of Division 14 of the Water Code as added by Chapter 163, Statutes of 1963, is amended and renumbered to read:

CHAPTER 2.6. CONSOLIDATION

SEC. 4. Section 48300 of the Water Code as added by Chapter 163, Statutes of 1963, is amended and renumbered to read:

48350. A district may be consolidated in the same manner as is provided for the consolidation of county water districts in Chapter 3 (commencing with Section 32650) of Part 8 of Division 12.

SEC. 5. Section 55187 of the Water Code, as added by Chapter 457, Statutes of 1963, is amended and renumbered to read:

55186.5. The county clerk of the county shall immediately file with the Secretary of State a certificate listing:

(a) The name of the district.

(b) The date of formation.

(c) The county in which the district is located, and a description of the boundaries of the district, or reference to a map showing such boundaries, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If the order declaring the district formed contains all of the information required to be in the certificate, the county clerk may file a copy of the order in lieu of the certificate.

SEC. 6. Section 40.5 of the Water Conservation Act of 1927 (Chapter 91, Statutes of 1927) as added by Chapter 457, Statutes of 1963, is amended and renumbered to read:

Sec. 40.1. In the event the board of supervisors shall exclude or include lands, the clerk of said board shall file a certificate with the Secretary of State listing:

(a) The name of the district.

(b) The effective date of the exclusion or inclusion.

(c) The county or counties in which the district is located, and a description of the excluded or included land, or reference to a map showing the boundaries of such excluded or included land, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If the exclusion or inclusion order contains all of the information required to be in the certificate, the clerk of the board may file a copy of the order in lieu of the certificate.

SEC. 7. Section 49.6 of the Water Conservation Act of 1931 (Chapter 1020, Statutes of 1931) as added by Chapter 163, Statutes of 1963, is amended and renumbered to read:

Sec. 49.7. A district may be consolidated in the same manner as is provided for the consolidation of county water districts in Chapter 3 (commencing with Section 32650) of Part 8 of Division 12 of the Water Code.

CHAPTER 2133

An act to amend Sections 5500, 5510, 5514, 5515, 5523, 5524, 5526, 5536, 5537, 5538, 5552, 5602, and 5604 of, and to add Sections 5500.1 5500.2, 5500.3, 5517, 5517.1, 5517.2, 5527, 5536.1, 5537.1, 5537.2, 5537.3, 5537.4, 5537.5, 5537.6, 5537.7, 5558, 5560.1, and 5605 to, the Business and Professions Code, relating to the practice of architecture.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. In the interest of public health, safety and welfare, a more definite, effective, and enforceable law in the fields of architecture and building design, as set forth in this chapter, is deemed essential by the Legislature and is adopted to maintain the high standards of architectural practice, and, insofar as practical, to maintain the rights of those unlicensed persons who were legally earning their livelihood by engaging in building design at the time of enactment of this act.

SEC. 2. Section 5500 of the Business and Professions Code is amended to read:

5500. As used in this chapter, architect means a person who holds a certificate to engage in the practice of architecture in this State under the authority of this chapter.

SEC. 3. Section 5500.1 is added to said code, to read:

5500.1. A person engages in the practice of architecture within the meaning and intent of this chapter who holds himself out as able to perform or who does perform any service which requires or would require the application of the science, art, or profession of planning sites or of planning or designing buildings or architectural structures and their related facilities. Such services may include consultation, investigation, evaluation, planning, design, the preparation of instruments of service such as drawings and specifications, and supervision of construction insofar as customarily performed by architects.

SEC. 4. Section 5500.2 is added to said code, to read:

5500.2. As used in this chapter, building designer means a person who has been registered to engage in the practice of building design in this State under the authority of this chapter, and who is a potential candidate for certification as an architect.

SEC. 5. Section 5500.3 is added to said code, to read:

5500.3. A person engages in the practice of building design, within the meaning and intent of this chapter, who holds himself out as able to perform or who does perform any service which requires or would require the application of the skills necessary for designing buildings and their related sites and facilities, and includes the preparation of customary instruments of service such as drawings and specifications and supervision of construction insofar as is customarily performed by building designers.

A person who is registered as a building designer shall associate with a registered civil engineer, structural engineer, or licensed architect with respect to the design of any building which is not exempted from Chapter 7 (commencing with Section 6700) by Section 6737.1; and such association shall prepare or offer to prepare drawings, specifications, estimates, or instruments of service for the construction of buildings where such documents are required by law to be prepared by a registered civil engineer, structural engineer or licensed architect. The registered civil engineer, structural engineer, or licensed architect shall sign all drawings, specifications, or instruments of service which shall be evidence of his responsibility for the work. The registered civil engineer, structural engineer, or licensed architect shall be responsible for the supervision of construction.

A building designer may not prepare or offer to prepare drawings, specifications, estimates or instruments of service with respect to the design of any building which is not exempted from Chapter 7 (commencing with Section 6700) by Section 6737.1 unless the building designer is associated with a registered civil engineer, structural engineer, or licensed architect prior to offering such services.

SEC. 6. Section 5510 of said code is amended to read:

5510. There is in the Department of Professional and Vocational Standards a California State Board of Architectural Examiners which consists of nine members appointed by the Governor.

SEC. 7. Section 5514 of said code is amended to read:

5514 The membership of the board shall be composed of nine members, six of whom shall be architects, two of whom shall be building designers, and one of whom shall be a public member.

The six architect members of the board shall be selected from architects in good standing who have been licensed and in practice in this State for at least eight years at the time of appointment, three of whom shall be resident and in practice in Southern California and three of whom shall be resident and in practice in Northern or Central California.

The two building designer members of the board shall be selected from among building designers who have been engaged as principals in the business of building design for at least eight years in this State, one of whom shall be a resident and in practice in Southern California and one of whom shall be a resident and in practice in Northern or Central California.

The public member of the board shall not be a licentiate of the board.

The members of the board who are registered building designers shall not act or vote on applicants for certification who are other than registered building designers.

The members of the board in office on the effective date of the amendment made to this section at the 1963 Regular Session may continue in office until the expiration of their terms.

SEC 7.5. Section 5515 of said code is amended to read:

5515 The terms of the members of the state board in office when the amendment to this section takes effect shall expire as follows. two members, January 15, 1942; four members, January 15, 1943; three members, January 15, 1944; one member, January 15, 1945.

Appointments to fill the vacancies arising by reason of the expiration of term of office shall be filled as follows: For vacancies occurring January 15, 1942, one person shall be appointed; for vacancies occurring January 15, 1943, two persons shall be appointed; for vacancies occurring January 15, 1944, one person shall be appointed: and for vacancies occurring January 15, 1945, one person shall be appointed. Thereafter there shall be as many appointments as there are vacancies. Every person appointed after January 15, 1942, shall serve for four years and until the appointment and qualification of his successor or until six months shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs.

The Governor shall, on or before January 1, 1962, appoint the first public member of the board, and his term shall expire on January 15, 1964.

No person shall serve as a member of the board for more than three consecutive terms, but this provision shall not apply to any member in office at the time this provision takes effect.

Vacancies occurring prior to the expiration of the term shall be filled by appointment for the unexpired term.

The Governor shall, on or before January 1, 1964, appoint the architect member and the building designer members provided for at the 1963 Regular Session of the Legislature. Their terms of office shall expire as follows: the architect member, January 15, 1965; one building designer member, January 15, 1966; and one building designer member, January 15, 1967. Thereafter, each member shall serve for four years and until the appointment and qualification of his successor or until six months shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs.

SEC. 8. Section 5517 is added to said code, to read:

5517. A Designers' Qualifications Advisory Committee shall be appointed by the Governor. The committee shall be composed of six persons, three of whom shall be architects who have held certificates to practice architecture in this State for the past eight years, and three of whom shall be persons registered to practice building design in this State. Of those initially appointed to the committee, three shall be persons who do not hold certificates to practice architecture in this State but who have been engaged as principals in the business of designing buildings for not less than eight years, of which five years have been in California.

SEC. 9. Section 5517.1 is added to said code, to read:

5517.1. The Designers' Qualifications Advisory Committee shall have the powers and duties provided in this chapter and as may be additionally delegated to it by the board. The board shall authorize the committee to hold hearings, to interview and interrogate applicants, and to require from applicants such information as the committee determines to be necessary to its functions.

Five members shall constitute a quorum of the committee. An affirmative vote of three members shall be required to certify to the board that an applicant is qualified for registration as a building designer pursuant to the provisions of Section 5558.

SEC. 10. Section 5517.2 is added to said code, to read:

5517.2. The terms of the members of the Designers' Qualifications Advisory Committee first appointed shall expire as follows: one architect member and one building designer member on January 15, 1965; one architect member and one building designer member on January 15, 1966; one architect member and one building designer member on January 15, 1967. Thereafter, each appointment shall be for a three-year term. Each member shall hold office until the appointment and qualification of his successor or until six months shall have elapsed since the expiration of the term for which he was appointed, whichever occurs first. No person shall serve as a

committee member for more than three consecutive terms. Each member of the committee shall receive per diem and expenses as provided in Section 103.

SEC. 11. Section 5523 of said code is amended to read:

5523. Special meetings of the board shall be called by the secretary upon the written notice of four members by giving each member of the board 10 days' written notice of the time and place of the meeting.

SEC. 12. Section 5524 of said code is amended to read:

5524. Six of the members of the board constitute a quorum of the board for the transaction of business. The act or decision of five members of the board present at a meeting duly held at which a quorum is present shall be necessary to constitute an act or decision of the board.

SEC. 13. Section 5526 of said code is amended to read:

5526. The board shall formulate and adopt a code of rules and regulations for its government in the examination of applicants for certificates to practice architecture in this State, for the government of the Designers' Qualifications Advisory Committee, and for the examination of designer applicants. The board may formulate and adopt such other rules and regulations as may be necessary and proper. No rule or regulation shall be inconsistent with this chapter. The board may, from time to time, repeal, amend, or modify its rules and regulations.

The adoption, repeal, amendment, or modification of such rules and regulations shall be made in accordance with the provisions of the Administrative Procedure Act.

SEC. 14. Section 5527 is added to said code, to read:

5527. Whenever any person has engaged in or is about to engage in any act or practice which constitutes or which will constitute an offense against this chapter, the superior court of the county in which the offense has occurred or is about to occur, on application of the board, may issue an injunction or other appropriate order restraining such act or practice.

The proceedings authorized by this section shall be in accordance with the provisions contained in Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that no undertaking or bond shall be required.

SEC. 15. Section 5536 of said code is amended to read:

5536. (a) It is a misdemeanor, punishable by a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500), or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment, for any person who does not hold a certificate to engage in the practice of architecture issued under this chapter, to practice architecture in this State or to use any term confusingly similar to the word architect, or to advertise or put out any sign or card or other device which might indicate to the public that he is an architect or that he is qualified to engage in the practice of architecture or is an architectural designer.

(b) Nothing contained in this section prohibits the use, in any advertisement, sign, card, or other device, of the term "building designer" if such person is registered as a building designer under this chapter.

SEC. 16. Section 5536.1 is added to said code, to read:

5536.1. (a) On or after September 1, 1964, it is a misdemeanor, punishable by a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500), or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment, for any person not registered to practice building design or without a certificate to practice architecture, to practice building design as defined in this chapter, to use any term confusingly similar to that of building designer, or to advertise, or put out any sign or card or other device which might indicate to the public that he is a building designer or that he is qualified to engage in the practice of building design.

(b) All persons preparing plans, specifications, and instruments of service for others shall sign such plans, specifications, and other instruments of service and all contracts therefor, and if certificated or registered under this chapter shall note their certificate or registered number. Failure of any person to comply with this subdivision is a misdemeanor punishable as provided in subdivision (a) of this section. This subdivision shall not apply to employees of persons certificated or registered under this chapter while acting within the course of their employment.

(c) The preparation of plans, specifications, or instruments of service for any building, except the buildings described in Section 5537 of this code, by any person who does not have a certificate to practice architecture or is not registered as a building designer, is a misdemeanor punishable as provided in subdivision (a) of this section.

SEC. 17. Section 5537 of said code is amended to read:

5537. This chapter does not prohibit any person from preparing plans, drawings, or specifications for:

(a) Buildings for his own use and occupancy unless the public health, safety, or welfare is involved.

(b) Farm or ranch buildings unless the public health, safety, or welfare is involved.

(c) Single family dwellings of wood frame construction not more than two stories high.

SEC. 18. Section 5537.1 is added to said code, to read:

5537.1. A structural engineer, authorized to use that title under the provisions of Chapter 7 (commencing with Section 6700) of Division 3, is exempt from the provisions of this chapter.

SEC. 19. Section 5537.2 is added to said code, to read:

5537.2. This chapter does not prohibit a contractor, licensed under Chapter 9 (commencing with Section 7000) of Division 3, while engaged in the business of contracting, from designing systems or facilities as otherwise permitted by law for work

to be performed and supervised by said contractor within the classification for which his license is issued, or from preparing shop or field drawings for work which he has contracted to perform.

SEC. 20. Section 5537.3 is added to said code, to read:

5537.3. A professional engineer registered to practice engineering under the provisions of Chapter 7 (commencing with Section 6700) of Division 3, insofar as he practices the profession for which he is registered under Chapter 7 of Division 3, is exempt from the provisions of this chapter.

SEC. 21. Section 5537.4 is added to said code, to read:

5537.4. A civil engineer, authorized to use that title under the provisions of Chapter 7 (commencing with Section 6700) of Division 3, is exempt from the provisions of this chapter

SEC. 22. Section 5537.5 is added to said code, to read:

5537.5. A landscape architect registered under the provisions of Chapter 3.5 (commencing with Section 5615) of Division 3, insofar as he practices the profession for which he is registered under Chapter 3.5 of Division 3, is exempt from the provisions of this chapter.

SEC. 22.3. Section 5537.7 is added to said code, to read:

5537.7. A land surveyor licensed under the provisions of Chapter 15 (commencing with Section 8700) of Division 3, insofar as he practices the profession for which he is licensed under Chapter 15 of Division 3, is exempt from the provisions of this chapter.

SEC. 22.5. Section 5537.6 is added to said code, to read:

5537.6. For the purposes of this chapter a contractor, licensed under Chapter 9 (commencing with Section 7000) of Division 3, is exempt from the provisions of this chapter so long as the services he holds himself out as able to perform or does perform, which services are subject to the provisions of this chapter, are performed on behalf of the contractor by, or under the responsible supervision of, a person licensed to practice architecture or registered as a building designer under this chapter subject to the limitations of Section 5500.3 or a professional or civil engineer licensed under the provisions of Chapter 7 (commencing with Section 6700) of Division 3, insofar as the professional or civil engineer practices the profession for which he is registered under Chapter 7 of Division 3

SEC. 23. Section 5538 of said code is amended to read:

5538. This chapter does not prohibit any person from furnishing, either alone or with subcontractors, labor and materials, with or without plans, drawings, specifications, instruments of service, or other data covering such labor and materials to be used for any of the following:

(a) For store fronts, interior alterations or additions, fixtures, cabinetwork, furniture, or other appliances or equipment.

(b) For any work necessary to provide for their installation.

(c) For any alterations or additions to any building necessary to or attendant upon the installation of such store fronts, interior alterations or additions, fixtures, cabinetwork, furni-

ture, appliances, or equipment, provided, such alterations do not change or affect the structural system or safety of the building.

SEC. 24. Section 5552 of said code is amended to read:

5552. The applicant for a certificate to practice architecture shall:

(a) Be of good character.

(b) Furnish evidence of having completed eight years of training and educational experience in architectural work. A five-year degree from a school of architecture approved by the board shall be deemed equivalent to five years of training and educational experience in architectural work.

SEC. 25. Section 5558 is added to said code, to read:

5558. (a) Any person who has practiced as a building designer in this State for a period of three years or more prior to the effective date of this section may apply to the Designers' Qualifications Advisory Committee for certification to the board for registration as a building designer as provided in this section.

(b) Such person shall have the following qualifications:

(1) He shall be a resident of this State, at least 24 years of age and shall be of good character.

(2) He shall have been engaged in the actual practice of building design, as defined in this chapter, as a principal activity, for not less than five years immediately prior to the effective date hereof. The following experience and education shall be considered as five years in the actual practice of building design:

(i) Three years as a principal in independent practice in California as a building designer plus two years' employment with an architect or building designer; or

(ii) Five years of independent practice as a building designer, not less than three years of which have been in this State; or

(iii) Three years of independent practice as a building designer in this State plus two years of educational experience acceptable to the committee; or

(iv) Comparable experience which in the opinion of the committee shall be deemed equivalent to five years in the practice of building design.

(c) Such person shall furnish evidence of qualification as required in subdivision (b) of this section, consisting of not less than the following:

(1) Copies of two or more separate agreements, properly executed between the applicant and the owner or owners of two or more buildings, or affidavits from the owner or owners of such buildings, for which buildings the applicant has furnished the services of planning, design, and supervision of construction, and for which building permits have been issued by local authorities in accord with local building ordinances. Said agreements or affidavits shall show that the applicant has been

employed, engaged, or commissioned to perform, and has been compensated for, such building design services.

(2) Photographs of the buildings described in paragraph (1) of subdivision (c) of this section, and prints of drawings and copies of specifications prepared by the applicant in accordance with the terms of agreement or employment.

(d) He shall pay the application fee provided by this chapter.

(e) Any person who satisfies the Designers' Qualifications Advisory Committee by evidence submitted to the committee of his compliance with subdivisions (b) and (c) of this section shall be certified by the committee to the board for registration as a building designer and the board shall register such person as a building designer upon the payment of the registration fee provided by this chapter.

(f) In the event the Designers' Qualifications Advisory Committee refuses to certify to the board any applicant for registration as a building designer, the applicant may appeal to the board within six months for review of the committee's decision.

(g) If the committee finds that an applicant has had eight years or more of practice as a principal in the field of building design and has demonstrated his competence in architecture, the committee may recommend to the board that the applicant is qualified to practice architecture in this State and recommend that portions of the examination for a certificate to practice architecture be waived by the board. Upon such recommendation by the committee, the board may require that further evidence shall be submitted to it as needed to demonstrate a standard of competency similar to that required of any applicant for certification. The board shall determine whether the applicant shall take and satisfactorily pass any portion of the examination for a certificate to practice architecture. All applicants shall be examined in structural design. In the event the committee refuses to issue the recommendation provided by this subdivision, the applicant may appeal to the board within six months for review of the decision of the committee. This subdivision shall remain in effect until December 31, 1971, and shall have no force or effect after that date. The Designers' Qualifications Advisory Committee shall cease to exist on June 30, 1972.

(h) All applications for registration as a building designer shall be filed within 180 days of the effective date of this section, provided that the committee and board may act after the expiration of such 180 days on application filed with the committee on or before such date. No registration to practice building design shall be filed unless the application therefor has been filed with the committee within 180 days after the effective date of this section.

(i) Any registrant to practice building design shall apply to the committee at least once prior to January 1, 1972, for recommendation to the board that he be issued a certificate

to practice architecture. Upon making such application, he shall furnish such evidence as the board by rule and regulation and the committee shall require to indicate that he is qualified to practice architecture in this State. The committee and the board shall act on such application as provided in subdivision (g) of this section. In the event the committee refuses to recommend that such registrant to practice building design be issued a certificate to practice architecture, such holder may appeal to the board for review of the committee's decision within six months of such refusal.

SEC. 26. Section 5560.1 is added to said code, to read:

5560.1. The board may upon its own motion, or upon the verified complaint in writing of any person, investigate the actions of any person registered as a building designer performing services for others and may temporarily suspend for a period not exceeding one year or permanently revoke the registration of any such registered building designer who is guilty of or commits any one or more of the acts or omissions constituting grounds for disciplinary action with respect to architects under this chapter. The disciplinary procedures provided in this article shall be applicable to registered building designers.

SEC. 27. Section 5602 of the code is amended to read:

5602. The money paid into the California State Board of Architectural Examiners Fund shall be used in the manner prescribed by law to defray the expenses of the board and the Designers' Qualifications Advisory Committee in carrying out and enforcing the provisions of this chapter. There are hereby appropriated from the California State Board of Architectural Examiners Fund sufficient moneys to defray the expenses and per diem payments of the Designers Qualifications Advisory Committee.

SEC. 28. Section 5604 of said code is amended to read:

5604. The fees prescribed by this chapter for architect applicants or architect certificate holders shall be fixed by the board as follows:

(a) The application fee for any two sections of the examination at not to exceed thirty-five dollars ($35).

(b) The fee for an original certificate shall be fixed as follows:

(1) For certificates issued before September 1, 1963, at not to exceed fifteen dollars ($15).

(2) For certificates issued after August 31, 1963, at an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that, if the certificate is issued less than one year before the date on which it will expire, then the fee shall be fixed at an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial

certificate fee where the certificate is issued less than 45 days before the date on which it will expire.

(c) The fee for a temporary certificate at not to exceed seventy-five dollars ($75).

(d) The fee for a duplicate certificate at not to exceed fifteen dollars ($15).

(e) The renewal fee at not to exceed sixty dollars ($60).

(f) The delinquency fee at not to exceed five dollars ($5).

SEC. 29. Section 5605 is added to said code, to read:

5605. The fees prescribed by this chapter for registration of building designers shall be fixed by the board as follows:

(a) The application fee to the Designers' Qualifications Advisory Committee shall be fixed by the board at not to exceed forty dollars ($40).

(b) The fee for the original registration to practice building design shall be fixed by the board at not to exceed ten dollars ($10).

(c) The annual renewal fee for registration to practice building design shall be fixed by the board at not to exceed sixty dollars ($60).

(d) The delinquency fee shall be fixed by the board at not to exceed five dollars ($5).

(e) All registrations of building designers by the board before September 1, 1964 expire at 12 p.m., August 31, 1964. All registrations shall be renewed each year thereafter.

CHAPTER 2134

An act to add Section 14128.1 to the Education Code, relating to the State Teachers' Retirement System, to take effect immediately, and declaring the urgency thereof.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 14128.1 is added to the Education Code, to read:

14128.1. Whenever the board determines that payments to a member who has applied for retirement, and who has expressed an interest in an option but has not made his final election as outlined in Sections 14363 and 14364, cannot be made until after the first day of the month following that month for which such payments are due, the board may present claims for advances on retirement allowances which would normally be due a retired member of the system estimated on preliminary information in the possession of the board, and the State Controller shall draw warrants in payment of such claims. If the member has expressed an interest in Option 2 or Option 3, the advance payment shall be in the amount of the monthly payment due on the assumption that the member had elected to modify his allowance under Option 2.

Any loss incurred in connection with an advance payment shall be a charge against the fund from which the payment was derived. Such advances to an individual may not be made in excess of the amount of Permanent Fund contributions and accumulated Retirement Annuity Fund contributions credited to his account and shall be a lien on said contributions until otherwise accounted for.

If a member receiving payments under this section has made an election of Option 2 or Option 3, and dies after 30 days from the date such election is received in the retirement office in Sacramento, the member shall be considered as a retired person on the date of death and his beneficiaries shall be entitled to the benefits provided in this chapter for payments ordinarily due on account of the death of a retired person. In the event of the death of a person receiving payments under this section who has not made such an election of Option 2 or Option 3, or if death occurs within 30 days from the date of filing such an election, the person shall be considered as an active member on the date of death and the benefits payable to beneficiaries, or to other persons as prescribed by law, shall be in the amounts which are ordinarily payable upon the death of an active member.

Warrants drawn pursuant to this section shall not be considered as warrants drawn in payment of retirement allowances pursuant to the provisions of Section 14363, and the member may make a final selection of an option following the mailing of warrants drawn pursuant to this section. If the member does not make his final election of an option within 30 days of the date of mailing by the board of a notice containing information on the prospective modified benefits as requested by the member, payments under this section shall be terminated.

If any such advances are more or less than the correct amount due to the member or beneficiary of the member receiving the advances, the difference between such correct amount and the advance shall be adjusted in subsequent payments to such retired member or beneficiary, or the State Controller may state an account with the member or beneficiary, pursuant to Government Code Section 12419.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There are approximately 260,000 members of the State Teachers' Retirement System and a considerable number of teachers will retire at the conclusion of the current school year ending in June 1963. Since many of these teachers will consider the election of optional settlements it is necessary that this measure take effect immediately so that the increased responsiveness of the system to the needs of retiring members will be available for these teachers.

CHAPTER 2135

An act to amend Sections 13851, 13852 and 13853 of the Education Code, relating to the Retirement Board of the State Teachers' Retirement System, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 13851 of the Education Code is amended to read:

13851. The retirement system shall be managed, except for the investment of funds, by the Teachers' Retirement Board. The members of the board shall be as follows:

(a) The Superintendent of Public Instruction.

(b) The Director of Finance.

(c) One member, who, at the time of appointment, is a member of the governing board of a school district.

(d) Three members of the State Teachers' Retirement System, at least two of whom at time of appointment are classroom teachers in grades kindergarten through 14.

(e) One official of a life insurance company appointed by the Governor for a term of four years, subject to confirmation by the Senate.

(f) One official of a bank appointed by the Governor for a term of four years, subject to confirmation by the Senate.

The members of the board provided by subdivisions (c) and (d) shall be appointed by the Governor from a list submitted by the Superintendent of Public Instruction. One member shall be appointed for a term expiring July 1, 1964. One member shall be appointed for a term expiring July 1, 1965. One member shall be appointed for a term expiring July 1, 1966. One member shall be appointed for a term expiring July 1, 1967. Successors to those appointed as stated above shall be appointed for four-year terms by the Governor from lists submitted by the Superintendent of Public Instruction.

At the first meeting of the Retirement Board, provided in this section, and annually thereafter, the members shall elect a chairman and vice chairman.

SEC. 2. Section 13852 of said code is amended to read:

13852. The board shall appoint an executive officer, who shall be the chief administrative officer of the retirement system. The board shall also appoint an actuary and other employees necessary to the administration of this system. The executive officer and the actuary may administer oaths.

SEC. 3. Section 13853 of said code is amended to read:

13853. The Retirement Board shall set policy and make rules and it has the sole power and authority to hear and determine all facts pertaining to application for benefits under the Retirement System or any matters pertaining to adminis-

tration thereof, except as to investment of funds. The Retirement Board shall meet at least once every calendar quarter or as often as the Retirement Board deems necessary.

The board may appoint a committee of two or more of its members to perform any act within the power of the board itself to perform. The board may also delegate authority to the executive officer to perform any such act. Except where the board, in delegating such authority, provides that the committee or the executive officer may act finally, all acts of the committee or the executive officer shall be reported to the board at its next regular meeting and shall be subject to review and ratification or reversal by the board.

The executive officer has the authority and responsibility for the administration of the system pursuant to the policies and rules adopted by the board. He may delegate to his subordinates any act or duty unless the board by motion or resolution recorded in its minutes has required him to act personally.

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The State Teachers' Retirement System has 260,000 accounts and is paying benefits on 24,000 of these accounts and must separately account for three different funds. The system is now two years in arrears in posting to members' accounts which has resulted in a high percentage of errors. In addition retiring teachers have been required to wait as long as six months after applying for retirement to commence receiving benefits. The present board membership is taken from the members of the State Board of Education and the appointive members of the Retirement Investment Board who are already burdened with substantial other duties and lack sufficient time to devote to the administration of the retirement system.

CHAPTER 2136

An act to amend Sections 634, 5503, 5602 and 5355.5 of the Welfare and Institutions Code, relating to appointment of attorneys and fixing of their compensation by the court.

[Approved by Governor July 23, 1963 Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 634 of the Welfare and Institutions Code is amended to read:

634. When it appears to the court that the minor or his parent or guardian desires counsel but is indigent and cannot for that reason employ counsel, the court may appoint counsel.

In such a case the court must appoint counsel for the minor if he is charged with misconduct which would constitute a felony if committed by an adult. In any case in which it appears to the court that there is such a conflict of interest between a parent or guardian and child that one attorney could not properly represent both, the court may appoint counsel, in addition to counsel already employed by a parent or guardian or appointed by the court to represent the minor or parent or guardian. In a county where there is no public defender the court may fix the compensation to be paid by the county for service of such appointed counsel.

SEC. 2. Section 5503 of said code is amended to read:

5503. The person certified or alleged to be a mentally disordered sex offender shall be taken before a judge of the superior court of the county. The judge shall then inform him that he is certified or alleged to be a mentally disordered sex offender, and inform him of his rights to make a reply and to produce witnesses in relation thereto. The judge shall by order fix such time and place for the hearing and examination in open court as will give reasonable opportunity for the filing of the probation officer's report as provided in Section 5503.5, and for the production and examination of witnesses. If, however, the person is too ill to appear in court, or if appearance in court would be detrimental to the mental or physical health of the person, the judge may hold the hearing at the bedside of the person. The order shall be entered at length in the minute book of the court or shall be signed by the judge and filed, and a certified copy thereof served on the person. The judge shall order that notice of the apprehension of the person and of the hearing of mentally disordered sex offender be served on the district attorney of the county and on such relatives of the person known to be residing in the county as the judge deems necessary or proper.

If the alleged mentally disordered sex offender has no attorney the judge may appoint an attorney to represent him, or if a request is made for an attorney by the alleged mentally disordered sex offender, the judge shall appoint an attorney to represent him, and, in a county where there is no public defender, fix the compensation to be paid by the county for such services if the court determines that the person is not financially able to employ counsel.

SEC 3. Section 5602 of said code is amended to read:

5602. The court shall fix a time and place for the hearing of the petition. The court shall require due notice of the hearing of the petition to be given to the person.

If the alleged mentally abnormal sex offender has no attorney the judge may appoint an attorney to represent him or if a request is made for an attorney by the alleged mentally abnormal sex offender the judge shall appoint an attorney to represent him and, in a county where there is no public defender, fix the compensation to be paid by the county for

such services if the judge determines he is not financially able to employ counsel.

SEC. 4. Section 5355.5 of said code is amended to read:

5355.5. If a person ordered committed to a state hospital, or any friend in his behalf, is dissatisfied with the order of the judge committing him, he may, within 10 days after the making of the order of commitment, demand that the issue be tried by a judge or by a jury in the superior court of the county in which he was committed. Thereupon a trial shall be had in compliance with the provisions of Sections 5125 to 5129, inclusive, of this code.

If the alleged narcotic drug addict has no attorney the judge may appoint an attorney to represent him, or if a request is made for an attorney by the alleged narcotic drug addict, the judge shall appoint an attorney to represent him and, in a county where there is no public defender, fix the compensation to be paid by the county for such services if the judge determines that the person is not financially able to employ counsel.

CHAPTER 2137

An act to amend Section 6502 of the Penal Code, and to add Section 11396 to the Health and Safety Code, relating to narcotic addiction.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6502 of the Penal Code is amended to read:

6502. Upon the filing of a proper petition pursuant to Section 6500, the court shall order the person sought to be committed to be examined by a physician or physicians, by order similar in form to the order for examination prescribed by Section 5050.1 of the Welfare and Institutions Code. The court may also order that the person be confined pending hearing in a county hospital or other suitable institution if the petition is accompanied by the affidavit of a physician alleging that he has examined such person within three days prior to the filing of the petition and has concluded that, unless confined, such person is likely to injure himself or others or become a menace to the public. In any case in which a person is so ordered to be confined, it shall be the duty of the person in charge of the institution to provide the person ordered confined with medical aid as necessary to ease any symptoms of withdrawal from the use of narcotics. Such medical aid shall not be administered by a peace officer who is not licensed as a physician and surgeon.

SEC. 2. Section 11396 is added to the Health and Safety Code, to read:

11396. In any case in which a person is taken into custody by arrest or other process of law and is lodged in a jail or other place of confinement, and there is reasonable cause to believe that such person is a narcotic addict, it is the duty of the person in charge of the place of confinement to provide the person so confined with medical aid as necessary to ease any symptoms of withdrawal from the use of narcotics.

CHAPTER 2138

An act to add Section 19574.1 to the Government Code, relating to civil service.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 19574.1 is added to the Government Code, to read:

19574.1. An employee who has been served with notice of punitive action, or an attorney admitted to the practice of law in this State and designated by him, shall have the right to inspect any documents in the possession of or under the control of the appointing power which are relevant to the punitive action taken and which would be admissible in evidence at a hearing of the employee's appeal from the punitive action. The employee, or his attorney, shall also have the right to interview other employees having knowledge of the acts or omissions upon which the punitive action was based. Interviews of other employees and inspection of documents shall be at times and places reasonable for the employee and for the appointing power.

CHAPTER 2139

An act relating to the conveyance of land to the City of San Diego.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby granted to the City of San Diego a municipal corporation, in trust, all the right, title and interest of the State of California in and to the surface, and those portions of the subsurface, down to and including two hundred (200) feet below the surface of the subject lands, for the purposes, and subject to the conditions specified in Section

2, of all that real property situated in the City of San Diego, County of San Diego, State of California, more particularly described as follows:

(a) All that portion of Pueblo Lot 1803 of the Pueblo Lands of the City of San Diego, in the City of San Diego, County of San Diego, State of California, according to the map thereof made by James Pascoe in 1870, a copy of which is filed as Miscellaneous Map No. 36 in the office of the County Recorder of said County, lying between the West line of the seawall on the East and the mean high tide line on the West, and the Westerly prolongation of the Southerly line of Block 389, Pacific Beach, on the South, and the Northerly line of Pueblo Lot 1803 on the North.

(b) Parcel 1: That portion of Pueblo Lot Twelve Hundred Eight, according to the Map of the Pueblo Lands of San Diego, made by James Pascoe in 1870, a copy of which said map was filed in the office of the County Recorder on December 12, 1921, and is known as a miscellaneous map, lying south of the Northerly line of Pueblo Lot 1193 produced Westerly, and East of the Easterly line of Pueblo Lot 1798, being shown on map of Mission Bay Park Tract No. 1120, filed in the office of the County Recorder of San Diego County, February 11, 1908, as an unnumbered tract of land lying South of Blocks 36 and 40 of said Mission Bay Park Tract to the mean high tide line of Mission Bay, together with all accretions whether artificial or natural.

Parcel 2: That portion of said Pueblo lot Twelve Hundred Eight bounded on the North by Pacific Avenue, on the East by Dalton Street on the West by the Easterly line of Pueblo Lot 1798, and on the South by the Westerly prolongation of the Northerly line of Pueblo Lot 1193, the avenues and streets above mentioned being those shown on the aforesaid map of Mission Bay Park Tract No. 1120.

Parcel 3: All of Pueblo Lot 1798 of the Pueblo Lands of San Diego, according to map thereof made by James Pascoe in 1870, a copy of which said map was filed in the office of the County Recorder of San Diego County on December 12, 1921, and is known as a miscellaneous map, to the mean high tide line of Mission Bay, together with all accretions whether artificial or natural, excepting therefrom that portion of Pacific Avenue as said Avenue is shown on the aforesaid map of Mission Bay Park Tract No. 1120, which lies East of the Southerly extension of the Westerly line of Bond Street, as said Bond Street is shown on the map of Mission Bay Park Tract No. 1530, filed in the office of the County Recorder, February 8, 1913.

(c) That portion of Lot "A" of Braemar, according to Map thereof No. 1098, filed in the office of the County Recorder of said San Diego County, December 2, 1907, lying Easterly of a line drawn at right angles to the South line of Acre Lot 71, as shown on Map No. 854 of Pacific Beach on file in the office of the Recorder of San Diego County, said line beginning at

a point in the South line of said Lot 71, which is 120 feet Easterly from the Southeast corner of Block 389, as shown on said Map No. 854, and extending Southerly to the mean high tide line of Mission Bay, also known as False Bay, and Southerly of the Easterly prolongation of the center line of Verona Court, as shown on Map of Mission Beach, No. 1809, on file in the office of the County Recorder of said San Diego County.

(d) That portion of Pueblo Lot 1793 of the Pueblo Lands of San Diego, according to Map by James Pascoe, filed in the County Recorder's Office; described as follows:

Beginning at a point in the Westerly extension of the Southerly line of Lot 10, Block 227 of Pacific Beach, according to Map thereof No. 854, filed in the County Recorder's Office, September 28, 1898, 30 feet Westerly of the Southwesterly corner of said Lot 10; thence Westerly along the Westerly extension of the Southerly line of Lot 10, Block 227 to the mean high tide line of the Pacific Ocean, thence Southerly along said mean high tide line of the Pacific Ocean to an intersection with the Westerly extension of the Southerly line of Lot 5, Block 260, Pacific Beach, according to Map No. 854, filed in the County Recorder's Office, September 28, 1898; thence Easterly along the Westerly extension of Southerly line of Lot 5, Block 260 to a point 30 feet Westerly of the Southwesterly corner of said Lot 5, Block 260; thence Northerly along a line parallel with and 30 feet Westerly from the Westerly line of said Block 260 and from a line drawn from the Northwesterly corner of said Lot 1, Block 260 to the Southwesterly corner of Lot 10, Block 227 to the point of beginning.

(e) Those portions of Pueblo Lot Seventeen Hundred Ninety-three of the Pueblo Lands of San Diego, according to map thereof made by James Pascoe in 1870, described as follows:

(1) Beginning at the intersection of the North line of said Pueblo Lot Seventeen Hundred Ninety-three with the West line of Block One Hundred Ninety-two of Pacific Beach, as shown on Maps No. 791 and No. 854, filed in the office of the County Recorder of San Diego County December 29, 1894, and September 28, 1898, respectively; thence along the said West line of said Block One Hundred Ninety-two to the Southwest corner of said block; thence Southerly in a direct line to the Northwest corner of Block One Hundred Ninety-three of said Pacific Beach; thence Southerly along the Westerly line of said Block to the Northwest corner of Lot Three in said Block One Hundred Ninety-three; thence Westerly along the Westerly prolongation of the North line of said Lot Three to the mean high tide line of the Pacific Ocean; thence Northerly along said tide line to intersect the Northerly line of said Pueblo Lot Seventeen Hundred Ninety-three; thence Easterly along the Northerly line of said Pueblo Lot to the point of beginning.

(2) Beginning at the most Southerly corner of Lot Five Block Two Hundred Sixty of Pacific Beach, as shown on Maps No. 791 and No. 854, filed in the office of the County Recorder of San Diego County, December 29, 1894, and September 28, 1898, respectively; thence in a Southerly direction following the West line of Blocks Two Hundred Sixty, Two Hundred Sixty-one and Two Hundred Ninety-four to intersection with the North line of Block Two Hundred Ninety-five of said Pacific Beach; thence Westerly along the Westerly extension of said North line of Block Two Hundred Ninety-five to the mean high tide line of Pacific Ocean; thence Northerly along said tide line to intersection with the Westerly extension of the Southerly line of Lot Five in Block Two Hundred Sixty of Pacific Beach; thence Easterly along the said Westerly extension of said South line of said Lot Five to the point of beginning.

(f) All that portion of Lot 1793 of the Pueblo Lands of San Diego, in the City of San Diego, according to Map thereof made by James Pascoe in 1870, a copy of which said Map was filed in the office of the County Recorder of said San Diego County, November 14, 1921, and is known as Miscellaneous Map No. 36, described as follows:

Beginning at a point in the Westerly extension of the Northerly line of Grand Avenue, 30 feet Westerly of the Southwesterly corner of Lot Ten in Block 227 of Pacific Beach, according to Map thereof No. 854, filed in the office of the Recorder of said San Diego County, September 28, 1898; thence Northerly 100 feet, more or less, along a line parallel with and 30 feet Westerly from the Westerly line of said Block 227 to intersect the Southerly line of Parcel 3 described in the deed to Miriam E. Magner, et al, recorded May 3, 1946 in Book 2097, page 485 of Official Records of said San Diego County; thence Westerly along said last mentioned line to the mean high tide line of the Pacific Ocean; thence Southerly along said mean high tide line to an intersection with the Westerly extension of the Northerly line of Grand Avenue; thence Easterly along the Westerly extension of the Northerly line of Grand Avenue to the point of beginning.

(g) An easement for a pedestrian walkway and passageway for beach maintenance and service vehicles through, over, under, along and across the following described Real Property situated in the City and County of San Diego, State of California:

All that portion of Pueblo Lot 1793 of the Pueblo Lands of the City of San Diego, County of San Diego, State of California, according to a map thereof made by James Pascoe in the year 1870 and filed in the office of the Recorder of said San Diego County as Miscellaneous Map No. 36, more particularly described as follows:

Beginning at a point on a line that is parallel with and 30.0 feet Westerly from the Westerly line of Block 226 of Pacific Beach, according to map thereof No. 854 as filed in the

office of said Recorder, distant thereon 205.0 feet Northerly from the intersection with the Westerly extension of the Southerly line of said Block 226; thence Westerly on a line parallel with the Westerly extension of the Southerly line of said Block 226, a distance of 150.0 feet to the True Point of Beginning; thence Northerly parallel to and 180.0 feet Westerly from the Northerly extension of the Westerly line of said Block 226, a distance of 194.70 feet to a point; thence Westerly parallel to the Westerly extension of the Southerly line of said Block 226 to the intersection with the Mean High Tide Line of the Pacific Ocean, as shown on a Survey of Crystal Pier made by O. Glover dated July 31, 1937 and filed in Book 699 on pages 420 and 421 of the official records of said County Recorder; thence Southerly along said Mean High Tide Line of the Pacific Ocean to the intersection with the line parallel to and 205.0 feet northerly of the Westerly extension of the Southerly line of said Block 226; thence Easterly along said line parallel to and 205.0 feet distant Northerly of the Westerly extension of the Southerly line of said Block 226 to the True Point of Beginning.

(h) Those portions of Pueblo Lot Seventeen Hundred Ninety-three of the Pueblo Lands of San Diego, in the City of San Diego, according to map thereof made by James Pascoe in 1870, a certified copy of which was filed in the office of the Recorder of said County as Miscellaneous Map No. 36, lying within the following boundaries:

(h)-1. Beginning at a point in a line 30 feet distant Westerly from the Westerly line of Block 227 of Pacific Beach, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 854, filed in the office of the County Recorder of said San Diego County, September 20, 1898, said point being where the Westerly extension of the Northerly line of Lot 1, Block 227 intersects said first above mentioned line; thence Southerly 70 feet along said first above mentioned line; thence Westerly along a line parallel with the Westerly extension of said Northerly line of Lot 1, Block 227, to the mean high tide line of the Pacific Ocean; thence Northerly along the mean high tide line of the Pacific Ocean to that point where the mean high tide line intersects a line drawn Westerly from the point of beginning, and being the Westerly extension of the Northerly line of Lot 1, Block 227 of Pacific Beach; thence Easterly along the Westerly extension of the Northerly line of said Lot 1, Block 227, Pacific Beach, to the point of beginning.

(h)-2. Beginning at a point in the Westerly extension of the Southerly line of Lot 10, Block 226 of Pacific Beach, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 854, filed in the office of the County Recorder of said San Diego County, September 20, 1898, said point being 30 feet Westerly of the Southwesterly corner of said Lot 10; thence along said Westerly extension of the Southerly line of said Lot 10 in a Westerly direction to

the mean high tide line of the Pacific Ocean; thence extending in a Southerly direction along said mean high tide line to a point where said mean high tide line intersects the Westerly extension of the Northerly line of Lot 1 of Block 227 of Pacific Beach; thence, Easterly along said Westerly extension of the Northerly line of said Lot 1 to a point 30 feet Westerly of the Northwesterly corner of said Lot 1; thence Northerly along a line 30 feet Westerly of and parallel with the Northerly extension of the Westerly line of said Lot 1 to the point of beginning.

(h)-3. Beginning at a point in a line 30 feet distant Westerly from and parallel with the Westerly line of Block 227 of Pacific Beach, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 854, filed in the office of the County Recorder of said San Diego County, September 20, 1898, said point being 70 feet Southerly of that point where the Westerly extension of the Northerly line of Lot 1, Block 227 intersects said first above mentioned line; thence Southerly 100 feet along said first above mentioned line; thence Westerly along a line parallel with the Westerly extension of the Northerly line of Lot 1, Block 227 to the mean high tide line of the Pacific Ocean; thence Northerly along the mean high tide line of the Pacific Ocean to that point where the mean high tide line intersects a line drawn Westerly from point of beginning, and parallel with the Westerly extension of the Northerly line of Lot 1, Block 227, Pacific Beach; thence Easterly along a line parallel with the Westerly extension of the Northerly line of Lot 1, Block 227, Pacific Beach, to the point of beginning.

(i) That portion of Pueblo Lot Seventeen Hundred Ninety-three of the Pueblo Lands of San Diego in the City of San Diego, according to map thereof made by James Pascoe in 1870, a copy of which said map was filed in the office of the County Recorder of San Diego County November 14, 1921, and is known as Miscellaneous Map No. 36, described as follows:

Beginning at a point on a line that is parallel with and distant 30 feet Westerly from the Westerly line of Block 226 of Pacific Beach, according to the map thereof No. 854, filed in the office of the County Recorder of said San Diego County, September 28, 1898, distant thereon 80 feet Northerly from its intersection with the Westerly extension of the Southerly line of said Block 226; thence Westerly parallel with said Westerly extension to the mean high tide line of the Pacific Ocean; thence Northerly along said mean high tide line to its intersection with the Westerly extension of the Northerly line of Lot 3, Block 193 of said Pacific Beach; thence Easterly along said Westerly extension to its intersection with a line drawn parallel with and distant 30 feet Westerly from the Westerly line of said Blocks 193 and 226; thence Southerly along said parallel line to the point of beginning.

Excepting therefrom that portion thereof described as follows:

Beginning at a point on a line that is parallel with and distant 30 feet Westerly from the Westerly line of Block 226 of Pacific Beach, according to the Map thereof No. 854, filed in the office of the Recorder of said San Diego County September 28, 1898, distant thereon 205 feet Northerly from its intersection with the Westerly extension of the Southerly line of said Block 226; thence Northerly along said parallel line a distance of 194.70 feet; thence Westerly parallel with said Westerly extension of the Southerly line of said Block 226 to the mean high tide line of the Pacific Ocean; thence Southerly along said mean high tide line to the intersection with a line that is drawn parallel with said Westerly extension of the Southerly line of Block 226 and runs through the point of beginning; thence Easterly parallel with said Westerly extension to the point of beginning.

(j) That portion of the unnumbered Lot of Morena, according to Map thereof No. 809, filed in the office of the County Recorder January 2, 1896, lying Southerly of Block Thirty-nine (39) of Mission Bay Park Tract, as shown on Map thereof No. 1120, filed in the office of the County Recorder February 11, 1907, Northeasterly of the ordinary high tide line of Mission Bay (formerly False Bay), and Westerly of a line described as follows:

Beginning at intersection of Northerly boundary line of Morena, according to Map No. 809, filed in office of County Recorder, with the Southwesterly boundary line of Grand Avenue, as shown on Map of Mission Bay Park Tract No. 1120, filed in office of County Recorder; said point of beginning being also the most Easterly corner of Lot 12, Block 39 of said Mission Bay Park Tract, according to map thereof No. 1120; thence along the Southeasterly prolongation of the Southwesterly line of Grand Avenue, South 45° 18′ 45″ East, 134.04 feet; thence Southwesterly along a tangent curve to right having a radius of 50.58 feet to an intersection with ordinary high tide line of Mission Bay (formerly False Bay); being all that portion of Pueblo Lot 1193 lying Westerly of the Westerly line of land described in deed from G. H. Jones et al to State of California dated August 15, 1932 recorded in Book 149, page 492, Official Records San Diego County, California, to the mean high tide line of Mission Bay, together with all accretions, whether artificial or natural.

(k) That portion of Pueblo Lot 1793 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Map thereof made by James Pascoe in 1870, a certified copy of which is on file in the office of the Recorder of San Diego County as Miscellaneous Map No. 36, lying within the following boundaries:

Beginning at a point on the Westerly extension of the Southerly line of Lot 10 in Block 226 of Pacific Beach, according to Map thereof No. 854 filed in the office of the County Recorder of San Diego County September 20, 1898, said point being 30 feet Westerly of the Southwesterly corner of said

Lot 10, Block 226; thence Northerly 80 feet along a line 30 feet Westerly of and parallel with the Westerly line of Lots 8, 9 and 10 of said Block 226; thence Westerly along a line parallel with the Westerly extension of the Southerly line of said Lot 10, Block 226 to the mean high tide line of the Pacific Ocean; thence Southerly along said mean high tide line to a point where said mean high tide line intersects westerly extension of the Southerly line of said Lot 10, Block 226; thence Easterly along the Westerly extension of the Southerly line of said Lot 10, Block 226 to point of beginning.

(*l*) Those portions of the Unnumbered Tract in Morena in the City of San Diego, County of San Diego, according to Map thereof No. 809 as shown on Licensed Surveyor's Map No. 261 which was filed in the office of the County Recorder of the County of San Diego on July 16, 1926, lying southwesterly of the following described line:

Beginning at a point on the northerly line of said Morena, distant along said northerly line N. 89° 31′ 15″ W., 633.22 feet from the northeasterly corner of said Unnumbered Tract; thence, along the following numbered courses,

(1) S. 45° 20′ 15″ E., 398.84 feet;

(2) thence, along a tangent curve to the right with a radius of 3,457.63 feet, through an angle of 24° 53′ 45″, a distance of 1502.39 feet to a point which bears S. 69° 33′ 30″ W., 150.00 feet from Engineer's Station 190+37.54 B.C. on the center line of the Department of Public Works Survey made in 1937 between Barnett Avenue and Balboa Avenue, Road XI-S.D-2-S.D;

(3) thence, along a line that is parallel with and distant westerly 150.00 feet measured at right angles from the center line of said Department of Public Works Survey, S. 20° 26′ 30″ E., 441.64 feet;

(4) thence, continuing along said parallel line along a tangent curve to the right with a radius of 4,350 feet, through an angle of 32° 36′ 30″, a distance of 2,475.68 feet;

(5) thence, continuing along said parallel line S. 12° 10′ W, 1996.88 feet to a point on the northwesterly prolongation of the southwesterly line of said Morena, distant along said southwesterly line and its northwesterly prolongation N. 53° 59′ 30″ W., 397.14 feet from the southeast corner of said Unnumbered Tract.

(m) All that portion of said Unnumbered Tract in Morena in the City of San Diego, County of San Diego, according to Map thereof No. 809 as shown on Licensed Surveyor's Map No. 261 which was filed in the office of the County Recorder of the County of San Diego on July 16, 1926, lying easterly of that portion of the easterly line of Pacific Highway which lies southerly of the westerly prolongation of the southerly line of Jellett Street as described in deed to the City of San Diego recorded October 29, 1936 in Book 579, page 319 of Official Records of said County; together with the right of ingress to and egress from an adjoining freeway over and

across the northwesterly 160.66 feet of Course (1) described in Parcel (1) above.

(n) That portion of Pueblo Lot 1793 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Map thereof by James Pascoe, a copy of which was filed in the Office of the County Recorder of San Diego County, November 14, 1921, and is known as Map No. 36, described as follows:

Beginning at a point in the Easterly line of Block 295 of Pacific Beach, according to Map thereof No. 854, filed in the Office of the County Recorder of San Diego County September 28, 1898 which is 50 feet Southerly from the Northeast corner of said Block, said point being also the Southeasterly corner of the lands conveyed by Fred T. Scripps and S. Emma Scripps to Mary F. Bell, April 30, 1912 by deed recorded in Book 565, page 431 of Deeds, records of San Diego County; thence Southerly along the Easterly line of said Block, 50 feet to the Northeast corner of the lands conveyed by said Fred T. Scripps and S. Emma Scripps to John C. Hogl, June 7, 1912 by deed recorded in Book 564, page 59 of Deeds; thence Westerly along the Northerly line of said Hogl's land to the Westerly line of said Block 295, being the True Point of Beginning; thence continuing Westerly along the Westerly prolongation of said Northerly line of Hogl's land to the ordinary high tide line of the Pacific Ocean; thence Northerly along said ordinary high tide line to the Westerly prolongation of the Southerly line of said land conveyed to Bell; thence Easterly along said Westerly prolongation to said Westerly line of said Block 295; thence Southerly along said Westerly line, 50 feet more or less, to the True Point of Beginning.

Excepting therefrom, that portion thereof lying Easterly of a line drawn parallel to and distant 12.8 feet Westerly at right angles from the Westerly line of said Block 295.

Also excepting therefrom all oil, gas and other hydrocarbon and mineral substances in and under said property but without any right to use or disturb the property within 100 feet of the surface as reserved in that certain instrument recorded August 1, 1957 in Book 6690, Page 284, Official Records of San Diego County.

(o) That portion of Pueblo Lot 1793 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Map thereof by James Pascoe, a copy of which was filed in the Office of the County Recorder of said County, November 14, 1921 and is known as Miscellaneous Map No. 36, described as follows:

Beginning at the Northeast corner of Block 295 of Pacific Beach, according to Map thereof No. 854, filed in the Office of the County Recorder of San Diego County September 28, 1898; thence Southerly along the Easterly line of said Block, 50.00 feet; thence Westerly parallel with the Northerly line of said Block to the Westerly line of said Block 295 and the True Point of Beginning; thence continuing Westerly parallel

with the Westerly prolongation of said Northerly line of Block 295 to the ordinary high tide line of the Pacific Ocean; thence Northerly along said ordinary high tide line to the Westerly prolongation of the Northerly line of said Block 295; thence Easterly along said Westerly prolongation to the Northwesterly corner of said Block; thence Southerly along the Westerly line of said Block, 50 feet more or less, to the True Point of Beginning.

Excepting therefrom, that portion thereof lying Easterly of a line drawn parallel to and distant 12.8 feet Westerly at right angles from the Westerly line of said Block 295.

Also excepting therefrom all oil, gas and other hydrocarbon and mineral substances in and under said property but without any right to use or disturb the property within 100 feet of the surface as reserved in that certain instrument recorded April 23, 1957 in Book 6548, Page 404, Official Records of San Diego County.

(p) That portion of Pueblo Lot 1793 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Map thereof by James Pascoe, a copy of which was filed in the office of the County Recorder of said County November 14, 1921 and is known as Miscellaneous Map No. 36, described as follows:

Commencing at a point in the East line of said Block 295, distant thereon 100 feet Northerly from the Southeast corner of said Block which point is also the Northeasterly corner of the tract conveyed by Fred F. Scripps and S. Emma Scripps to Laura M. Luttrell by the deed recorded September 11, 1912, in Book 569, page 375 of Deeds; thence continuing Northerly along the Easterly line of said Block, 50 feet to the Southeast corner of the tract conveyed by Frederick T. Scripps and S. Emma Scripps to Mrs. M. M. McFadden by the deed recorded September 26, 1912, in Book 578, page 156 of Deeds; thence Westerly along the Southerly line of said McFadden's land to the Westerly line of said Block 295 and the True Point of Beginning; thence continuing Westerly along the Westerly prolongation of said Southerly line of McFadden's land to the ordinary high tide line of the Pacific Ocean; thence Southerly along said ordinary high tide line to the Westerly prolongation of the Northerly line of said land conveyed to Lutrell; thence Easterly along said Westerly prolongation to the Westerly line of said Block 295; thence Northerly along said Westerly line, 50 feet more or less, to the True Point of Beginning.

Excepting therefrom, that portion thereof lying Easterly of a line drawn parallel to and distant 12.8 feet Westerly at right angles from the Westerly line of said Block 295.

Also excepting therefrom all oil, gas and other hydrocarbon and mineral substances in and under said property but without any right to use or disturb the property within 100 feet of the surface as reserved in that certain instrument recorded April 23, 1957 in Book 6548, Page 404, Official Records of San Diego County.

(q) That portion of Pueblo Lot 1793 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Map thereof by James Pascoe, a copy of which was filed in the Office of the County Recorder of said County, November 14, 1921 and is known as Miscellaneous Map No. 36, described as follows:

Beginning at the Southeasterly corner of Block 295 of Pacific Beach, according to Map thereof No. 854, filed in the Office of the County Recorder of said County September 28, 1898; thence Northerly along the Easterly line of said Block, 100.00 feet; thence Westerly parallel with the Southerly line of said Block to the Westerly line of said Block 295 and the true point of beginning; thence continuing Westerly parallel with the Westerly prolongation of the Southerly line of said Lot to the ordinary high tide line of the Pacific Ocean; thence Southerly along said ordinary high tide line to the Westerly prolongation of said Southerly line of Block 295; thence Easterly along said Westerly Prolongation to the Southwesterly corner of said Block; thence Northerly along said Westerly Block line, 100 feet more or less, to the true point of beginning.

Excepting therefrom, that portion thereof lying Easterly of a line drawn parallel to and distant 12.8 feet Westerly at right angles from the Westerly line of said Block 295.

Also excepting therefrom all oil, gas and other hydrocarbon and mineral substances in and under said property but without any right to use or disturb the property within 100 feet of the surface as reserved in that certain instrument recorded April 23, 1957 in Book 6548, Page 415, Official Records of San Diego County.

(r) All that portion of Pueblo Lot 1803 of the Pueblo Lands of said The City of San Diego, according to the map thereof made by James Pascoe in the year 1870, a copy of which is filed as Miscellaneous Map No. 36 in the office of the County Recorder of said County of San Diego, bounded and described as follows:

Beginning at the intersection of the westerly prolongation of the southerly line of Balboa Court with the westerly line of Ocean Front Walk, as said Balboa Court and Ocean Front Walk are located and established as of the date of this instrument, and as said Balboa Court is shown on Map No. 1651 of Mission Beach, filed in the office of the County Recorder of said County of San Diego; thence northerly along the westerly line of said Ocean Front Walk to an intersection with the westerly prolongation of the northerly line of San Fernando Place, as said San Fernando Place is shown on said Map No. 1651 of Mission Beach; thence westerly along the westerly prolongation of the northerly line of said San Fernando Place to an intersection with the mean high tide line of the Pacific Ocean, as surveyed by the City Engineer's Office of said The City of San Diego and shown on drawings Nos. 4711-L to 4728-L inclusive, dated March 7, 1931, filed in said City Engi-

neer's Office and also as shown on a copy of said drawings filed October 7, 1948, as Miscellaneous Map No. 201 in the office of the County Recorder of said County of San Diego; thence in a general southerly direction along the meanderings of said mean high tide line to an intersection with the westerly prolongation of the southerly line of said Balboa Court; thence North 89° 12′ East along the westerly prolongation of the southerly line of said Balboa Court to the point of beginning, excepting from the above described parcel of land any portion of Capistrano Place included therein as said Capistrano Place is located and established as of the date of this instrument.

SEC. 2. It is hereby found and determined:

(a) Because of geographical factors, the city can better administer for public use the subject lands for park, playground, marine, recreational and beach purposes than the State.

(b) The city is willing to accept such administration and control from the State upon the following conditions, which the State finds are necessary, reasonable and proper:

(1) The State shall convey to the city all its right, title and interest in and to the surface of the subject lands, and in and to all portions of the surface of said lands down to and including two hundred (200) feet below such surface. The State expressly reserves all rights it now has, if any, to use the surface of the subject lands and all portions of the subsurface of said lands down to and including 200 feet below such surface, for the development and production of oil, gas, other hydrocarbons and minerals from beneath those specific parcels of the subject lands involved.

(2) The conveyance is made upon the express condition that the property conveyed hereby shall be used for a public park, or beach used by all the public for recreational purposes, and for no other purposes whatsoever, and should said property or any portion thereof be used for any other purpose, then, in that event, such portion of the property hereby conveyed shall immediately revert unto the grantor herein, its successors or assigns.

The conveyance is not to take effect until the execution of an agreement between the City of San Diego and the Department of Parks and Recreation specifying all the conditions and the agreement is approved by the Department of Finance.

(3) The State expressly reserves such portions of the subject lands to be used for state highway purposes for that state highway numbered Route 5 as described in Section 305 of the Streets and Highways Code, as added by Chapter 385 of the Statutes of 1963.

CHAPTER 2140

An act relating to the conveyance of land to the City of San Diego.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby granted to the City of San Diego, a municipal corporation, in trust, all the right, title and interest of the State of California in and to the surface, and those portions of the subsurface, down to and including two hundred (200) feet below the surface of the subject lands, for the purposes, and subject to the conditions specified in Section 2, and described as follows:

1. All those portions of Blocks 72, 77, 78, 79, 80 and 81, Ocean Beach in the City of San Diego, County of San Diego, State of California according to map thereof No. 279, filed in the office of the County Recorder of San Diego County May 28, 1887 and more particularly described as follows:

a. The westerly 50 feet of lots 11 and 12 in Block 72 excepting therefrom all oil, gas and other hydrocarbon substances in and under said property but without any right to use or disturb the property within 100 feet of the surface as reserved in the deed dated August 12, 1958 to the State of California recorded November 25, 1958 in book 7366, page 150, Official Records of the County of San Diego;

b. Lots 1 through 8, inclusive, and lots 45 through 48, inclusive, all in Block 77;

c. Lots 1 through 12, inclusive, all in Block 78;

d. Lots 1 through 9, inclusive, the southeasterly 25 feet of lots 10, 11 and 12 and all of lots 13 and 14, all in said Block 79, excepting from said lots 1 and 2 the following described property;

Any portion of land lying below the ordinary high tide line of the Pacific Ocean.

And also that portion thereof recorded May 14, 1909 in book 463, page 221 of Deeds bounded and described as follows:

Beginning on the northwest corner of lot 1, Block 79 of Ocean Beach; thence in a southerly direction along the west line of lots 1 and 2 in Block 79 of Ocean Beach, a distance of 57.17 feet to the southwest corner of said lot 2 of said Block 79; thence in a northeasterly direction on a curve with a radius of 33.67 feet, a distance of 69.80 feet to a point on the northerly line of said lot 1; thence in a westerly direction along the northerly line of said lot 1, a distance of 57.17 feet to the point of beginning.

e. Lots 1, 2, 5, 6, 7, 8, 9, 10, 11 and fractional lots 3 and 4, Block 80;

f. Lots 1 through 11, inclusive, Block 81.

2. All that real property situated in the City of San Diego, County of San Diego, State of California and more particularly described as follows:

a. All that portion of lot 1, Block 90, Ocean Bay Beach according to map thereof No. 1189, filed in the Office of the County Recorder of San Diego County lying southerly of the mean high tide line of the Pacific Ocean as adjudicated in the City of San Diego vs. Harold Scott, et al, San Diego County S.C.C. No. 119032 and judgment thereof recorded on July 29, 1953 in book 4937, page 288, Official Records of San Diego County.

b. All that portion of the subdivision of lot 3 of Pueblo lot 204 excepting the northeast 87.75 feet thereof according to Licensed Survey No. 171, filed in the Office of the County Recorder of San Diego County.

c. The northeasterly 87.75 feet of that portion of lot 3, in Pueblo Lot 204, lying westerly of that certain tract of land designated on Map No. 1080 of Ocean Beach Extension on file in the office of the County Recorder of said county, as "Park and Children's Playground" bounded on the southeast by the northwesterly boundary of said playground which is a line parallel with and distant 180 feet northwesterly from the northwesterly boundary of Spray Street, as shown on said Map No. 1080; bounded on the northeast by the northwesterly prolongation of the northeasterly boundary of said playground; bounded on the southwest by the northwesterly prolongation of the northeasterly boundary of Brighton Avenue, as shown on said Map No. 1080; and bounded on the northwest by a line commencing at a point on said northwesterly prolongation of the northeasterly boundary of said Brighton Avenue distant there along 227 feet north 53° 57′ west from the intersection of said northeasterly boundary of Brighton Avenue with the northwesterly boundary of Spray Street; running thence north 14° 57′ east, a distance of 75.03 feet; thence north 19° 21′ east, a distance of 73.08 feet; thence north 23° 57′ east, a distance of 71.59 feet; thence north 36° 03′ east, a distance of 70 feet; thence north 48° 45′ east, a distance of 72.18 feet to an intersection with the northeasterly boundary of said tract distant therealong 94 feet northwesterly from the most easterly corner of said tract.

Excepting therefrom any portion, if any, lying below the mean high tide line.

SEC. 2. It is hereby found and determined:

(a) Because of geographical factors, the city can better administer for public use the subject lands for park, playground, marine, recreational and beach purposes than the State.

(b) The city is willing to accept such administration and control from the State upon the following conditions, which the State finds are necessary, reasonable and proper:

(1) The State shall convey to the city all its right, title and interest in and to the surface of the subject lands, and in and to all portions of the surface of said lands down to and includ-

ing two hundred (200) feet below such surface. The State expressly reserves all rights it now has, if any, to use the surface of the subject lands and all portions of the subsurface of said lands down to and including 200 feet below such surface, for the development and production of oil, gas, other hydrocarbons and minerals from beneath those specific parcels of the subject lands involved.

(2) The conveyance of the grants is made upon the express condition that the property conveyed hereby shall be used for a public park, or beach used by all the public for recreational purposes, and for no other purposes whatsoever, and should said property or any portion thereof be used for any other purpose, then, in that event, such portion of the property hereby conveyed shall immediately revert unto the grantor herein, its successors or assigns.

The conveyance is not to take effect until the execution of an agreement between the City of San Diego and the Department of Parks and Recreation specifying all the conditions and the agreement is approved by the Department of Finance.

CHAPTER 2141

An act to amend Sections 19007.5, 19011, 19034, 19035, 19035.1, 19035.3, 19070, 19071, 19072, 19072.5, 19073, 19080, 19087, 19121, 19123.4, 19123.6, 19124, 19132, 19158, 19170, 19200.5, 19201, 19202, 19203, and 19204 of, and to add Section 19058.3 to, the Business and Professions Code, relating to inspection of toys.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 19007.5 of the Business and Professions Code is amended to read:

19007.5. "Filling material" means cotton, wool, kapok, feathers, downs, hair, or any other material, or any combination thereof, loose or in batting, pads, or any other prefabricated form, concealed or not concealed to be used or that could be used in articles of bedding or upholstered furniture or to stuff, pad, or line toys.

SEC. 2. Section 19011 of said code is amended to read:

19011. "Manufacturer" means a person who, either by himself or through employees or agents, makes any article of upholstered furniture or bedding in whole or in part, or who does the upholstery or covering of any unit thereof, using either new or secondhand material, or who, either by himself or through employees or agents, makes any toys which are stuffed, padded, or lined with filling material, using either new or secondhand material.

SEC. 2.1. Section 19034 of said code is amended to read:

19034. With the approval of the director, the chief may adopt rules and regulations necessary for the administration of this chapter and declaring the policy of the bureau, and shall determine when any article, not otherwise clearly defined, is "upholstered furniture," "stuffed, padded or lined toys," or "bedding" under the provisions of this chapter.

SEC. 2 2. Section 19035 of said code is amended to read:

19035. There is in the Bureau of Furniture and Bedding Inspection a California Advisory Board of Furniture and Bedding, which consists of eight members appointed by the Governor.

SEC. 2.3. Section 19035.1 of said code is amended to read:

19035.1. One member of the board shall be a bedding manufacturer, one member shall be an upholstered-furniture manufacturer, one member shall be a stuffed, padded, or lined toy manufacturer, two members shall be retailers, one member shall be a supply dealer, one member shall be a sterilizer, and one member shall represent the public at large. All of the members, except the member representing the public at large, shall have been actively engaged and licensed as a manufacturer, retailer, supply dealer, or sterilizer, as the case may be, for a period of not less than five years immediately preceding the date of their appointment and shall continue to be so engaged and licensed during the term of their office.

SEC 2.4. Section 19035.3 of said code is amended to read:

19035.3. Members of the board shall be appointed for a term of four years and they shall hold office until the appointment and qualification of their successors.

The terms of the members first appointed to the board shall expire as follows: the sterilizer, June 30, 1956; the supply dealer and the member representing the public at large, June 30, 1957; one manufacturer and one retailer, June 30, 1958; one manufacturer and one retailer, June 30, 1959; the stuffed, padded, or lined toy manufacturer, June 30, 1967.

The Governor shall appoint the upholstered-furniture manufacturer authorized by the amendment made to Section 19035.1 at the 1961 Regular Session of the Legislature to the vacancy occurring on the board on June 30, 1962 in the membership of a manufacturer.

Vacancies occurring in the membership of the board for any cause shall be filled by appointment for the balance of the unexpired term.

Each member appointed to the board, except the member appointed to represent the public at large, shall be from the same branch of the furniture and bedding industry as his predecessor.

No member shall serve more than two consecutive terms of office.

SEC. 3. Section 19058 3 is added to said code, to read:

19058.3. Every manufacturer of toys which are stuffed, padded, or lined with filling material shall hold a toy manu-

facturer's license, bearing a registry number assigned or approved by the bureau.

SEC. 4. Section 19070 of said code is amended to read:

19070. This chapter shall apply to upholstered furniture and bedding and filling materials, and to toys which are stuffed, padded, or lined with filling material sold in California regardless of its point of origin.

SEC. 5. Section 19071 of said code is amended to read:

19071. Secondhand upholstered furniture, bedding, or toys which are stuffed, padded, or lined with filling material, or secondhand filling materials to be used or that could be used in upholstered furniture, bedding, or toys received from outside of this State shall comply with all the sterilization provisions of this chapter before it is accepted, sold or delivered, either directly or indirectly by any person.

SEC. 6. Section 19072 of said code is amended to read:

19072. Responsibility for compliance with this chapter rests not only with the manufacturer but also with the wholesaler, and/or any person having in his possession any article of upholstered furniture, bedding, toys, or filling materials, contrary to the provisions of this chapter.

SEC. 7. Section 19072.5 of said code is amended to read:

19072.5. Responsibility for labeling of unlabeled foreign-made upholstered furniture, bedding, or toys in compliance with the requirements of this chapter, shall rest with the person selling such merchandise in California.

SEC. 8. Section 19073 of said code is amended to read:

19073. This chapter shall not apply to upholstered furniture, bedding, or toys manufactured and sold at wholesale in California for delivery outside the borders of this State.

SEC. 9. Section 19080 of said code is amended to read:

19080. A person shall not, at wholesale, retail, or otherwise, directly or indirectly, make, repair, renovate, process, prepare, sell, offer for sale, display, or deliver any article of upholstered furniture or bedding, or any toys which are stuffed, padded, or lined with filling materials, or any filling materials in prefabricated form or loose in bags or containers, unless such article or material is plainly and indelibly labeled.

SEC. 10. Section 19087 of said code is amended to read:

19087. It is unlawful for any person, except the purchaser for his own use, to attempt to, or to remove, deface, alter or cause to be removed, defaced or altered, the label or any mark or statement thereon, placed upon any article of upholstered furniture, bedding, toys, or filling material under the provisions of this chapter.

SEC. 11. Section 19121 of said code is amended to read:

19121. Filthy or soiled articles of new or used upholstered furniture or bedding, or toys which are stuffed, padded, or lined with filling material, cannot be sold, offered or exposed for sale unless the fabric covering them is either properly cleaned or replaced by a new covering and then subjected to sterilization when so provided for in this chapter.

SEC. 12. Section 19123.4 of said code is amended to read:

19123.4. Newly manufactured articles of upholstered furniture and bedding, or toys which are stuffed, padded, or lined with filling material, which contain any secondhand filling material shall be sterilized before they are offered or exposed for sale, except feather and down-filled articles. Feathers and down must be sterilized loose.

SEC. 13. Section 19123.6 of said code is amended to read:

19123.6. Every article of upholstered furniture or bedding, and all toys which are stuffed, padded, or lined with filling material, to which any secondhand material has been added in the process of repairing, shall be sterilized in accordance with the provisions of the sterilization regulations.

SEC. 14. Section 19124 of said code is amended to read:

19124. Every person who receives for sterilization any upholstered furniture or bedding, or any toys or filling material, which are stuffed, padded or lined with filling material, shall sterilize all such articles and material in accordance with the sterilization regulations.

SEC. 15. Section 19132 of said code is amended to read:

19132. New or sterilized articles of upholstered furniture, bedding, toys, or materials shall at all times be kept separate from any secondhand articles or materials that are unsterilized.

SEC. 16. Section 19158 of said code is amended to read:

19158. Every person, upon receiving upholstered furniture or bedding, or any toys which are stuffed, padded, or lined with filling material, for repairing or renovating shall securely affix, immediately, a tag of identification showing the owner's or dealer's name, address and the date upon which it was received. The tag shall remain affixed until the article is in the process of repair or renovation.

SEC. 17. Section 19170 of said code is amended to read:

19170. (a) The fee imposed for the issuance and for the renewal of each license granted under this chapter shall be set by the chief, with the approval of the director, at a sum not more nor less than that shown in the following table:

	Maximum fee	Minimum fee
Furniture manufacturer's license	$120	$40
Wholesale furniture dealer's license	120	40
Bedding manufacturer's license	120	40
Wholesale bedding dealer's license	120	40
Supply dealer's license	120	40
Furniture repairer's license	80	20
Bedding renovator's license	80	20
Sterilizer's license	80	20
Retail furniture dealer's license	20	4
Retail bedding dealer's license	20	4
Toy manufacturer's license	120	40
Wholesale toy dealer's license	120	40
Retail toy dealer's license	20	4

(b) A person who has paid the required fee and who is duly licensed as a furniture manufacturer, a furniture repairer, a bedding manufacturer or a bedding renovator under this chapter shall not be required to pay, in addition, the fee prescribed herein for a sterilizer's license.

(c) A person who has paid the required fee and who is duly licensed as a retail furniture dealer or a retail bedding dealer under this chapter shall not be required to pay, in addition, the fee prescribed herein for a retail toy dealer's license.

(d) A person who has paid the required fee and who is duly licensed as a wholesale furniture dealer or a wholesale bedding dealer under this chapter shall not be required to pay, in addition, the fee prescribed herein for a wholesale toy dealer's license.

SEC. 18. Section 19200.5 of said code is amended to read:

19200.5. The chief or any inspector may open any articles of upholstered furniture or bedding, including pillows or cushions belonging to or forming a part thereof, or any toys which are stuffed, padded, or lined with filling material, for the purpose of inspecting concealed filling material and may take either the entire article, or samples of filling material in such quantities as may be necessary for analysis.

SEC. 19. Section 19201 of said code is amended to read:

19201. The chief or any inspector may determine the fitness of any secondhand or damaged article of upholstered furniture or bedding, or any toys which are stuffed, padded, or lined with filling material, or any filling material, for sterilization and sales.

SEC. 20. Section 19202 of said code is amended to read:

19202. The bureau may condemn, withhold from sale, seize or destroy any upholstered furniture or bedding, or any toys stuffed, padded, or lined with filling material, or any filling material which is found to be in violation of this chapter.

SEC. 21. Section 19203 of said code is amended to read:

19203. The tag to be affixed to any article of condemned upholstered furniture, bedding, toys, or any material by an inspector shall be a red tag and shall contain such information as may be required by the chief.

SEC. 22. Section 19204 of said code is amended to read:

19204. Every person who removes, or causes to be removed any tag or device placed upon any upholstered furniture, bedding, toys, or any material, by an inspector is guilty of a violation of this chapter.

SEC. 23. This act shall become operative on January 1, 1964.

CHAPTER 2142

An act authorizing the acquisition and disposal of real property by the State, and making an appropriation therefor.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. The Director of Finance is hereby authorized to transfer to the Trustees of the California State Colleges for the use of the San Fernando Valley State College that parcel consisting of approximately 27 acres of real property being that portion of the former 51st District Agricultural Association property in Los Angeles County, State of California, which lies south of a line drawn 880 feet south of, and parallel to the centerline of Devonshire Street.

SEC. 2. The Director of Finance is hereby authorized to sell, exchange, or otherwise dispose of for current market value and upon such terms and conditions and with such reservations and exceptions as in his opinion may be for the best interest of the State all or any part of the following described real property: That certain parcel of land containing approximately 9 acres, which is located in the City of Los Angeles, and lies west of Lindley Avenue and south of Devonshire Street, said parcel being more particularly described in deed dated August 12, 1957, recorded on December 5, 1957 in Book 56191, at page 120, Official Records, County of Los Angeles, State of California. Any moneys received from the sale of said property shall be paid into the State Construction Program Fund, except that any costs or expenses necessarily incurred in the sale shall be reimbursed from the proceeds of the sale.

SEC. 3. The sum of five hundred thousand dollars ($500,000) is hereby appropriated from the State Construction Program Fund to be expended by the Trustees of the California State Colleges for the acquisition of the following described real property: approximately 17 acres along Zelzah Avenue, lying between the south boundary of state property formerly known as the 51st District Agricultural Association Fairgrounds and the north line of the campus of San Fernando Valley State College in the City of Los Angeles. The appropriation made by this act shall remain available for expenditure until June 30, 1966, and the acquisition shall be subject to the provisions of the Property Acquisition Law.

CHAPTER 2143

An act to amend Sections 73341, 73349, 73351, 73352, 73355, 73356, 73359, 73360 and 73361 of, and to add Section 73360.1 to, the Government Code, relating to municipal courts.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 73341 of the Government Code is amended to read:

73341. Each municipal court district established in Contra Costa County shall have the number of judges set forth opposite the name of the judicial district over which such court has jurisdiction.

Concord Judicial District	1
Richmond Judicial District	3
San Pablo Judicial District	1
Walnut Creek Judicial District	1
Any other court established or declared to exist	1

SEC. 2. Section 73349 of said code is amended to read:

73349. Except as otherwise provided in this article, all employments of any municipal court and marshal's office now established or which may be established in Contra Costa County shall be compensated and receive other benefits in accordance with the provisions of the salary ordinance of the county governing other county employments. Any subsequent change in benefits provided by the salary ordinance to employees of the county shall apply equally to employees of the municipal courts and marshals' offices, and shall have the same effective date. These benefits may also be retroactively applied. References hereafter to range allocation and salary steps apply to the basic salary schedule set forth in Section 73351.

Within range step increases shall be granted only upon the affirmative recommendation of the appointing authority and the approval of the judge in a single-judge district, the presiding judge in a two-judge district and a majority of the judges in a multijudge district.

Overtime payments must bear the same approval as within range step increases.

In the event a new court or marshal's office is established, those personnel of the new court or marshal's office who, prior to the addition were elective officials and are now appointive, shall receive a credit of 16 hours sick leave for each completed year or portion thereof of continuous service with Contra Costa County. Vacation credits shall commence accruing at the same rate as for other county employees on the effective date of their appointment.

SEC. 3. Section 73351 of said code is amended to read:

73351. The following salary schedule shall apply to all persons employed by municipal courts in Contra Costa County.

Salary Schedule

Range No.	1	2	3	4	5
10	$295	$310	$325	$341	$358
11	302	317	333	349	367
12	310	325	341	358	376
13	317	333	349	367	385
14	325	341	358	376	395
15	333	349	367	385	405
16	341	358	376	395	415
17	349	367	385	405	425
18	358	376	395	415	436
19	367	385	405	425	447
20	376	395	415	436	458
21	385	405	425	447	469
22	395	415	436	458	481
23	405	425	447	469	493
24	415	436	458	481	505
25	425	447	469	493	517
26	436	458	481	505	530
27	447	469	493	517	543
28	458	481	505	530	556
29	469	493	517	543	570
30	481	505	530	556	584
31	493	517	543	570	598
32	505	530	556	584	613
33	517	543	570	598	628
34	530	556	584	613	644
35	543	570	598	628	660
36	556	584	613	644	676
37	570	598	628	660	693
38	584	613	644	676	710
39	598	628	660	693	727
40	613	644	676	710	745
41	628	660	693	727	763
42	644	676	710	745	782
43	660	693	727	763	801
44	676	710	745	782	821
45	693	727	763	801	841
46	710	745	782	821	862
47	727	763	801	841	883
48	745	782	821	862	905
49	763	801	841	883	927
50	782	821	862	905	950
51	801	841	883	927	973
52	821	862	905	950	997
53	841	883	927	973	1,022
54	862	905	950	997	1,047

Range No.	1	2	3	4	5
55	883	927	973	1,022	1,073
56	905	950	997	1,047	1,099
57	927	973	1,022	1,073	1,126
58	950	997	1,047	1,099	1,154
59	973	1,022	1,073	1,126	1,183
60	997	1,047	1,099	1,154	1,212

Classes of positions provided in this article are allocated to the salary schedule as follows:

(a) Deputy clerk I ..... Range 14
(b) Deputy clerk II ..... Range 19
(c) Deputy clerk III ..... Range 26
(d) Deputy clerk IV ..... Range 36
(e) Clerk of court I ..... Range 41
(f) Clerk of court II ..... Range 50
(g) Deputy marshal I ..... Range 34
(h) Deputy marshal II ..... Range 38
(i) Marshal I ..... Range 48
(j) Marshal II ..... Range 52

The above salary schedule is the same schedule utilized for employees of Contra Costa County.

Should the board of supervisors adopt a revised salary schedule for county employees the new schedule shall apply equally to municipal courts and marshals' offices and conversion to the new schedule shall be effected for employees of the municipal courts or marshals' offices in the same manner and on the same date as for county employees, but all such adjustments shall be effective only until 90 days after the adjournment of the next regular session of the Legislature.

SEC. 4. Section 73352 of said code is amended to read:

73352. Certain classifications in the municipal courts and marshals' offices are deemed to be equivalent in job and salary level to certain classifications in the service of Contra Costa County and whenever the salary of a classification in the service of Contra Costa County is adjusted by the board of supervisors, the salary of the comparable classification in the municipal courts or marshals' offices shall be adjusted a commensurate number of ranges on the salary schedule. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to the county classifications, but such adjustments shall be effective only until 90 days after the adjournment of the next regular session of the Legislature.

(a) The class of deputy clerk I is equivalent in job and salary level to the class of typist-clerk I in the service of Contra Costa County. The class of deputy clerk II is equivalent to typist-clerk II.

(b) Whenever the salary of the class of deputy clerk II is adjusted as described above, the class of deputy clerk III shall be adjusted an equivalent number of ranges on the salary schedule.

(c) The class of deputy marshal I is equivalent in job and salary level to the class of deputy sheriff in the service of Contra Costa County. The classes of deputy marshal II and marshal I and II shall be adjusted a commensurate number of ranges on the salary schedule as the class of deputy marshal I above is adjusted.

(d) The position of municipal court reporter is equivalent in job responsibility to positions described and functioning as superior court reporters in Contra Costa County. Whenever the superior court reporters are authorized a basic salary adjustment, the salary of municipal court reporters shall be adjusted. Such adjustment shall be effective on the same date as the superior court reporter salaries are adjusted.

(e) The class of deputy clerk IV is allocated two (2) ranges on the basic salary schedule established by Section 73351 below the county class of superior court clerk. Whenever the salary of the class of superior court clerk is adjusted by the board of supervisors the classes of deputy clerk IV, clerk of the court I and clerk of the court II shall be adjusted an equivalent number of ranges on the salary schedule.

SEC. 5. Section 73355 of said code is amended to read:

73355. In a municipal court district having three judges, the following positions are authorized:

(a) One (1) clerk of the court II
(b) Five (5) deputy clerks IV
(c) Two (2) deputy clerks III
(d) Five (5) deputy clerks II
(e) Three (3) deputy clerks I

SEC. 6. Section 73356 of said code is amended to read:

73356. In a municipal court district having three judges, the following positions are authorized:

(a) One (1) marshal II
(b) One (1) deputy marshal II
(c) Five (5) deputy marshals I
(d) One (1) deputy clerk III
(e) One (1) deputy clerk II
(f) One (1) deputy clerk I
(g) Ten (10) deputies, who shall be custodians at the fee allowed by law for keeping property. They shall be paid only for their actual services as keepers of property taken under legal process and shall be paid out of the funds deposited by the parties to the action in which such services are rendered. Deputies serving under the provisions of this subdivision are not paid employees of the judicial district for purposes of obtaining civil service status or any other benefits of this article.

SEC. 7. Section 73359 of said code is amended to read:

73359. In a municipal court district having one judge, the following positions are authorized:

(a) One (1) clerk of the court I

(b) One (1) deputy clerk IV

(c) One (1) deputy clerk III

(d) Three (3) deputy clerks II

(e) One (1) deputy clerk I

SEC. 8. Section 73360 of said code is amended to read:

73360. In a municipal court district having one judge, the following positions are authorized:

(a) One (1) marshal I

(b) Two (2) deputy marshals I

(c) One (1) deputy clerk II

(d) One (1) deputy clerk I

(e) Ten (10) deputies who shall be custodians at the fee allowed by law for keeping property. They shall be paid only for their actual services as keepers of property taken under legal process and shall be paid out of the funds deposited by the parties to the action in which such services are rendered. Deputies serving under the provisions of this subdivision are not considered paid employees of the judicial district for purposes of obtaining civil service status or any other benefits of this article.

SEC. 9. Section 73360.1 is added to said code, to read:

73360.1. Approval of the board of supervisors shall be obtained prior to filling any said positions in Sections 73355, 73356, 73359 or 73360 which have never been filled.

SEC. 10. Section 73361 of said code is amended to read:

73361. If an increase in the business of the court or any other emergency requires a greater number of employees for the prompt and faithful discharge of the business of the court than the number expressly provided by law or requires the performance of duties of positions in the lowest salary bracket where all such positions have been filled, with the approval of the judge in a single-judge district, the presiding judge in a two-judge district and the majority of the judges in a three-or-more-judge district and in all cases with the approval of the board of supervisors, the clerk or the marshal may appoint as many additional deputies as are needed. The additional deputies shall be appointed at the entrance level classification and shall be selected in the same manner as those for whom express provision is made, and they shall receive compensation on the basis of the hourly equivalent to the base rate of pay as provided in the salary schedule in the same amount as the lowest salary bracket provided for such class of employee. Employees may continue in such positions not longer than 90 days after the adjournment of the next regular session of the Legislature.

CHAPTER 2144

An act to add Section 3445 to the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 3445 is added to the Revenue and Taxation Code, to read:

3445. Notwithstanding Section 3444, if any property as to which the church exemption is presently available was sold to the State by operation of law for delinquent taxes or penalties or costs thereon for any fiscal year commencing during the calendar year 1958 or 1959, the sale shall be canceled, and the property shall be deemed redeemed, if the property was, during each of those fiscal years, and has since been continuously, owned by the organization to which the church exemption is presently available. Upon application, the redemption officer shall note the fact of the cancellation and redemption on the margin of each delinquent roll opposite the description of the property so sold.

CHAPTER 2145

An act to add Section 25157 to the Corporations Code, relating to the corporate securities law.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 25157 is added to the Corporations Code, to read:

25157. Except as otherwise expressly provided in this division, the Corporate Securities Law does not apply to any sale, offer for sale, negotiation or taking subscription for the sale, by the issuer or by an underwriter for the issuer, of any security issued by a company organized outside of California whose principal business properties are located outside of California, to a domestic life insurance company whose total admitted assets at the end of its fiscal year preceding the transaction exceeded forty million dollars ($40,000,000). In the event any security is sold which would have been subject to the Corporate Securities Law but for the provisions of this section, any such security may not thereafter be offered or sold (except to another such insurance company) until a permit shall first be obtained with respect to any such security. The application for such permit need not be made by the issuer of said securities, but may be made by said insurance company.

CHAPTER 2146

An act to add Section 1620.1 to the Welfare and Institutions Code, relating to care of children.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1620.1 is added to the Welfare and Institutions Code, to read:

1620.1. The provisions of Section 1620 shall not apply to the receiving and care of a child or children under 16 years of age by a relative, nor to such receiving and care during a temporary period by a close friend of the parent or guardian with the consent of the parent or guardian, when such receiving and care is without compensation.

The State Board of Social Welfare, prior to January 1, 1965, shall evaluate the need for, and, if feasible, shall secure the establishment of, separate standards and license procedures designed to encourage the establishment and govern the operation of neighborhood child care facilities providing temporary day care on a voluntary basis for the accommodation of parents in the neighborhood.

The board shall report on the results of its actions under this section to the Governor and to the Legislature not later than January 1, 1965.

SEC. 2 This act shall cease to be operative on the 91st day following the adjournment of the 1965 Regular Session of the Legislature.

CHAPTER 2147

An act to add Sections 214.1, 1065.1, 1066.1, 1068.1, 3519 and 3542.1 to, to add Article 4.5 (commencing with Section 3620) to Chapter 1 of Division 2 of, to amend the heading of Article 4 (commencing with Section 1061) of Chapter 5 of Part 1 of Division 1 of, and to amend Sections 211, 1061, 1062, 1063, 1064, 1067, 1073, 1074, 3502, 3513, 3515, 3517, 3541, 3546 and 3575 of, the Public Utilities Code, relating to cement carriers.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 211 of the Public Utilities Code is amended to read:

211. "Common carrier" includes:

(a) Every railroad corporation; street railroad corporation; express corporation; freight forwarder; dispatch, sleeping car,

dining car, drawing-room car, freight, freightline, refrigerator, oil, stock, fruit, car-loaning, car-renting, car-loading, and every other car corporation or person operating for compensation within this State.

(b) Every corporation or person, owning, controlling, operating, or managing any vessel engaged in the transportation of persons or property for compensation between points upon the inland waters of this State or upon the high seas between points within this State, except as provided in Section 212. "Inland waters" as used in this section includes all navigable waters within this State other than the high seas.

(c) Every "passenger stage corporation" operating within this State.

(d) Every highway common carrier, cement carrier, and every petroleum irregular route carrier operating within this State.

SEC. 2. Section 214.1 is added to said code, to read:

214.1. "Cement carrier" means every corporation or person operating within this State, engaged as a common carrier, other than a highway common carrier, for compensation in the ownership, control, operation or management of any motor vehicle loaded substantially to capacity with and transporting portland or similar cements in bulk or in packages over any public highway in this State.

SEC. 3. The heading of Article 4 (commencing with Section 1061) of Chapter 5 of Part 1 of Division 1 of said code is amended to read:

Article 4. Highway Common Carriers, Cement Carriers and Petroleum Irregular Route Carriers

SEC. 4. Section 1061 of said code is amended to read:

1061. No highway common carrier, cement carrier, or petroleum irregular route carrier, shall operate or cause to be operated any auto truck, or other self-propelled vehicle not operated on rails, for the transportation of property as a common carrier for compensation on any public highway in this State except in accordance with the provisions of this part.

SEC. 5. Section 1062 of said code is amended to read:

1062. The commission may:

(a) Supervise and regulate every highway common carrier, cement carrier, and petroleum irregular route carrier in this State.

(b) Fix the rates, fares, charges, classifications, and rules of each such carrier.

(c) Regulate the accounts, service, and safety of operations of each such carrier, and require the filing of annual and other reports and of other data by such carriers.

(d) Supervise and regulate such carriers in all other matters affecting the relationship between them and the shipping public.

The commission, by general order or otherwise, may prescribe rules applicable to any and all highway common carriers, cement carriers, and petroleum irregular route carriers. The commission, in the exercise of the jurisdiction conferred upon it by the Constitution of this State and by this part, may make orders and prescribe rules affecting highway common carriers, cement carriers, and petroleum irregular route carriers, notwithstanding the provisions of any ordinance or permit of any city, city and county, or county, and in case of conflict between any such order or rule and any such ordinance or permit, the order or rule of the commission shall prevail.

SEC. 6. Section 1063 of said code is amended to read:

1063. No highway common carrier, cement carrier, or petroleum irregular route carrier, shall begin to operate any auto truck, or other self-propelled vehicle, for the transportation of property for compensation on any public highway in this State without first having obtained from the commission a certificate declaring that public convenience and necessity require such operation. No such certificate shall be required of any highway common carrier as to the fixed termini between which or the route over which it was actually operating as a highway common carrier on July 26, 1917, and in good faith continuously thereafter, or for operations exclusively within the limits of a city or city and county, or for the performance of pickup, delivery, or transfer services by such carrier within such carrier's lawfully published pickup and delivery zones insofar as such pickup and delivery limits do not include territory in excess of three miles from the corporate limits of any city or three miles from the post office of any unincorporated point. The commission shall grant a certificate to operate as a cement carrier to any cement carrier as to the counties to and within which it was actually transporting cement as a cement carrier in good faith within one year prior to June 1, 1963, and continuously thereafter, provided such cement carrier applies to the commission for such certificate prior to December 31, 1963, and submits adequate proof of such prior operations. The delivery of one or more loads of cement either in bulk or in packages to a point in a particular county shall constitute adequate proof of such prior operations and shall entitle the applicant to authority to serve all points in said county from any and all points of origin. Any right, privilege, franchise, or permit held, owned, or obtained by any highway common carrier, cement carrier, or petroleum irregular route carrier, may be sold, leased, transferred, or inherited as other property, only upon authorization by the commission.

SEC. 7. Section 1064 of said code is amended to read:

1064. Each application for a certificate of public convenience and necessity made under the provisions of this article shall be accompanied by a fee of one hundred fifty dollars ($150).

Except in the case of cement carriers who seek a certificate on the basis of operations prior to June 1, 1963, and contin-

uously thereafter, as provided in Section 1063, the commission may, with or without hearing, issue the certificate as prayed for, or refuse to issue it, or issue it for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted by the certificate such terms and conditions as, in its judgment, the public convenience and necessity require. Provided proper application is timely filed, the commission shall issue a certificate to each cement carrier conforming to the proof of good faith operations produced by such cement carrier with respect to its operations prior to June 1, 1963, and continuously thereafter.

SEC 8. Section 1065.1 is added to said code, to read:

1065.1. Any certificate of public convenience and necessity issued to a cement carrier may be combined with one or more such certificates issued to another such carrier, or other such carriers so as to permit through service between any point which can lawfully be served under one such certificate and any point which can lawfully be served under such other certificate or certificates, when such certificates have come under common ownership pursuant to an order of the commission.

SEC. 9. Section 1066.1 is added to said code, to read:

1066.1. Joint through truckload rates on portland and similar cements may be established by and between any railroad and any cement carrier or highway common carrier having authority to transport such cements in truckload lots between any point or points which such cement carrier or highway common carrier is permitted to serve on the one hand, and any point or points served by any railroad joining in said joint through rates, on the other hand.

SEC. 10. Section 1067 of said code is amended to read:

1067. No petroleum irregular route carrier or cement carrier shall engage in any operation on any public highway in this State unless there is in force a certificate of public convenience and necessity issued by the commission, authorizing such operations.

SEC. 11. Section 1068.1 is added to said code, to read:

1068.1. The transportation of cement for compensation or hire as a business by means of a motor vehicle or motor vehicles loaded substantially to capacity with portland or similar cements over any public highway in this State is declared to be a highly specialized type of transportation. The provisions of this code relating thereto have been enacted for the limited purpose of providing necessary regulation for that specialized type of transportation only, and are not to be construed for any purpose as a precedent for the extension of such regulation to any other type of transportation not presently so restricted.

SEC. 12. Section 1073 of said code is amended to read:

1073. The commission may, upon its own motion, or upon application of any interested party, and after hearing, require any highway common carrier, cement carrier, or petroleum irregular route carrier to procure and maintain cargo insur-

ance in such amounts and upon such terms as the commission may determine.

SEC. 13. Section 1074 of said code is amended to read:

1074. Every highway common carrier, cement carrier and every petroleum irregular route carrier who engages subhaulers or leases equipment shall file with the commission a bond, the amount of which shall be determined by the commission but which shall be not less than two thousand dollars ($2,000), executed by a qualified surety insurer, subject to the approval of the commission, which bond shall secure the payment of the claims of subhaulers and lessors of the highway common carrier, cement carrier or petroleum irregular route carrier. The aggregate liability of the surety for all such claims shall, in no event, exceed the sum of such bond.

SEC. 14. Section 3502 of said code is amended to read:

3502. The use of the public highways for the transportation of property for compensation is a business affected with a public interest. It is the purpose of this chapter to preserve for the public the full benefit and use of public highways consistent with the needs of commerce without unnecessary congestion or wear and tear upon such highways; to secure to the people just and reasonable rates for transportation by carriers operating upon such highways; and to secure full and unrestricted flow of traffic by motor carriers over such highways which will adequately meet reasonable public demands by providing for the regulation of rates of all transportation agencies so that adequate and dependable service by all necessary transportation agencies shall be maintained and the full use of the highways preserved to the public. It is the further purpose of this chapter to eliminate, so far as reasonably possible, the excessive use of highways that has resulted from excessive crosshauling of portland and similar cements which has heretofore pertained, when they are hauled in a motor vehicle or motor vehicles loaded substantially to capacity with such commodity or commodities, since these commodities move in great volume in vehicles that are loaded substantially to the permissible gross weight limits provided by the Vehicle Code.

SEC. 15. Section 3513 of said code is amended to read:

3513. "Highway common carrier" means every highway carrier operating as a common carrier, other than a petroleum irregular route carrier or a cement carrier, subject to regulation as such by the commission under Part 1 of Division 1.

SEC. 16. Section 3515 of said code is amended to read:

3515. "Highway permit carrier" means every highway carrier other than a cement carrier, a highway common carrier or a petroleum irregular route carrier.

SEC. 17. Section 3517 of said code is amended to read:

3517. "Highway contract carrier" means every highway carrier other than (a) a highway common carrier, (b) a radial highway common carrier, (c) a petroleum contract carrier, (d) a petroleum irregular route carrier, (e) a cement contract carrier, or (f) a cement carrier.

SEC. 18. Section 3519 is added to said code, to read:

3519. "Cement contract carrier" means every corporation or person operating within this State engaged, other than as a common carrier, for compensation in the ownership, control, operation or management of any motor vehicle loaded substantially to capacity with and transporting portland or similar cements in bulk or in packages over any public highway in this State.

SEC. 19. Section 3541 of said code is amended to read:

3541. No highway carrier other than a highway common carrier, cement carrier or petroleum irregular route carrier shall engage in the business of the transportation of property for compensation by motor vehicle over any public highway in this State, except in accordance with the provisions of this chapter which is enacted under the power of the State to regulate the use of public highways.

SEC. 20. Section 3542.1 is added to said code, to read:

3542.1. No person or corporation shall engage or be permitted by the commission to engage in the transportation of portland or similar cements on any public highway, both as a cement carrier and as a cement contract carrier.

SEC. 21. Section 3546 of said code is amended to read:

3546. The commission may regulate the safety of operations of each cement contract carrier and petroleum contract carrier.

SEC. 22. Section 3575 of said code is amended to read:

3575 Every highway contract carrier, cement contract carrier and every radial highway common carrier who engages subhaulers or leases equipment shall file with the commission a bond, the amount of which shall be determined by the commission but which shall be not less than two thousand dollars ($2,000), executed by a qualified surety insurer, subject to the approval of the commission, which bond shall secure the payment of the claims of subhaulers and lessors of the highway carrier; provided, however, that the aggregate liability of the surety for all such claims shall, in no event, exceed the sum of such bond.

SEC. 23. Article 4.5 (commencing with Section 3620) is added to Chapter 1 of Division 2 of said code, to read:

Article 4.5. Cement Contract Carrier Permits

3620. The transportation of portland and similar cements in any motor vehicle or motor vehicles over any public highway in this State for compensation by means of a motor vehicle or motor vehicles loaded substantially to capacity with portland or similar cements is declared to be a highly specialized type of transportation. This article is enacted for the limited purpose of providing necessary regulation for this specialized type of transportation, only, and is not to be construed for any purpose as a precedent for the extension of such regulation to any other type of transportation.

3621. No cement contract carrier shall engage in the business of the transportation of portland or similar cements for compensation by motor vehicle over any public highway in this State by means of a motor vehicle or motor vehicles loaded substantially to capacity with portland or similar cements, whether in bulk or in packages, unless there is in force a permit issued by the commission authorizing such operations.

3622. Application for permits to operate as a cement contract carrier shall be in writing, verified under oath, and shall be in such form, contain such information, and be accompanied by proof of service upon such interested parties as the commission requires. Each application for a permit to operate as a cement contract carrier made under the provisions of this article shall be accompanied by a fee of one hundred fifty dollars ($150).

3623. Before a permit to operate as a cement contract carrier is issued the commission shall require the applicant to establish ability and reasonable financial responsibility to initiate the proposed operation. If the commission finds that the applicant possesses ability and financial responsibility sufficient to initiate the proposed operations as a cement contract carrier, and that the privilege sought will not endanger the safety of the public or interfere with the public use of the public highways or impair the condition or maintenance of them, directly or indirectly, or impair the service of previously certificated cement carriers or permitted cement contract carriers, and further finds that the applicant is a fit and proper person to receive such permit to operate as a cement contract carrier, then a permit may be granted upon such limitations, terms and conditions as the commission prescribes; otherwise it shall refuse to issue the permit requested. If the applicant was operating in good faith as a cement contract carrier within one year prior to June 1, 1963, and continuously thereafter, the commission shall grant a permit to such applicant to operate as a cement contract carrier as to the counties to and within which it was actually transporting cement as a cement contract carrier in good faith within one year prior to June 1, 1963, and continuously thereafter, provided such cement contract carrier applies to the commission for such permit prior to December 31, 1963, and submits adequate proof of such prior operations. The delivery of one or more loads of cement either in bulk or in packages to a point in a particular county shall constitute adequate proof of such prior operations and shall entitle the applicant to authority to serve all points in said county from any and all points of origin.

3624. A permit to operate as a cement contract carrier shall remain in effect until suspended or terminated by the commission, except that any such permit not exercised for a period of six (6) months shall lapse and terminate.

3625. No permit to operate as a cement contract carrier, pursuant to this article, shall be sold, leased, assigned or otherwise transferred or encumbered by the holder without first

having secured authorization therefor from the commission. Any sale, assignment, transfer or encumbrance of any permit to operate as a cement contract carrier made otherwise than in accordance with the order of the commission is void.

CHAPTER 2148

An act to amend Sections 202, 768, 1062, and 5352 of, and to repeal Section 3546 of, the Public Utilities Code, and to amend Sections 2400 and 21702 of, and to add Division 14.8 (commencing with Section 34500) to, the Vehicle Code, relating to safety regulations of highway common carriers, petroleum irregular route carriers, petroleum contract carriers, passenger stage lines, and charter-party carriers.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 202 of the Public Utilities Code is amended to read:

202. Neither this part nor any provision thereof, except when specifically so stated, shall apply to commerce with foreign nations or to interstate commerce, except insofar as such application is permitted under the Constitution and laws of the United States; but with reference to passenger stage corporations operating in interstate commerce between any point within this State and any point in any other state or in any foreign nation, the commission may prescribe such reasonable, uniform and nondiscriminatory rules in the interest and aid of public health, security, convenience, and general welfare as, in its opinion, are required by public convenience and necessity.

SEC. 2. Section 768 of said code is amended to read:

768. The commission may, after a hearing, by general or special orders, rules, or otherwise, require every public utility to construct, maintain, and operate its line, plant, system, equipment, apparatus, tracks, and premises in such manner as to promote and safeguard the health and safety of its employees, passengers, customers, and the public, and may prescribe, among other things, the installation, use, maintenance, and operation of appropriate safety or other devices or appliances, including interlocking and other protective devices at grade crossings or junctions and block or other systems of signaling, establish uniform or other standards of construction and equipment, and require the performance of any other act which the health or safety of its employees, passengers, customers, or the public may demand. Provided, however, that the commission shall not regulate the safety of operation of

passenger stage corporations, highway common carriers, and petroleum irregular route carriers.

SEC. 3. Section 1062 of said code is amended to read:

1062. The commission may:

(a) Supervise and regulate every highway common carrier and petroleum irregular route carrier in this State.

(b) Fix the rates, fares, charges, classifications, and rules of each such carrier.

(c) Regulate the accounts and service of each such carrier, and require the filing of annual and other reports and of other data by such carriers.

(d) Supervise and regulate such carriers in all other matters affecting the relationship between them and the shipping public.

The commission, by general order or otherwise, may prescribe rules applicable to any and all highway common carriers and petroleum irregular route carriers. The commission, in the exercise of the jurisdiction conferred upon it by the Constitution of this State and by this part, may make orders and prescribe rules affecting highway common carriers and petroleum irregular route carriers, notwithstanding the provisions of any ordinance or permit of any city, city and county, or county, and in case of conflict between any such order or rule and any such ordinance or permit, the order or rule of the commission shall prevail.

SEC. 3.5. Section 1062 of said code is amended to read:

1062. The commission may:

(a) Supervise and regulate every highway common carrier, cement carrier and petroleum irregular route carrier in this State.

(b) Fix the rates, fares, charges, classifications, and rules of each such carrier.

(c) Regulate the accounts, and service of each such carrier, and require the filing of annual and other reports and of other data by such carriers.

(d) Supervise and regulate such carriers in all other matters affecting the relationship between them and the shipping public.

The commission, by general order or otherwise, may prescribe rules applicable to any and all highway common carriers, cement carriers and petroleum irregular route carriers. The commission, in the exercise of the jurisdiction conferred upon it by the Constitution of this State and by this part, may make orders and prescribe rules affecting highway common carriers, cement carriers and petroleum irregular route carriers, notwithstanding the provisions of any ordinance or permit of any city, city and county, or county, and in case of conflict between any such order or rule and any such ordinance or permit, the order or rule of the commission shall prevail.

SEC. 4. Section 3546 of the Public Utilities Code is repealed.

SEC. 5. Section 5352 of said code is amended to read:

5352. The use of the public highways for the transportation of passengers for compensation is a business affected with a public interest. It is the purpose of this chapter to preserve for the public full benefit and use of public highways consistent with the needs of commerce without unnecessary congestion or wear and tear upon such highways; to secure to the people adequate and dependable transportation by carriers operating upon such highways; and to secure full and unrestricted flow of traffic by motor carriers over such highways which will adequately meet reasonable public demands by providing for the regulation of all transportation agencies with respect to accident indemnity so that adequate and dependable service by all necessary transportation agencies shall be maintained and the full use of the highways preserved to the public.

SEC. 6. Section 2400 of the Vehicle Code is amended to read:

2400. The commissioner shall administer and enforce Chapter 4 (commencing with Section 10850) of Division 4, except Section 10854, Article 3 (commencing with Section 17300) of Chapter 1 of Division 9, Division 10 (commencing with Section 20000), Division 11 (commencing with Section 21000), except Sections 22950 and 22951, Division 12 (commencing with Section 24000), Division 13 (commencing with Section 29000). Division 14 (commencing with Section 31600), Division 14.8 (commencing with Section 34500), and Division 15 (commencing with Section 35000), and shall enforce all other laws regulating the operation of vehicles and the use of the highways.

SEC. 7. Section 21702 of said code is amended to read:

21702. (a) No person shall drive upon any highway any vehicle designed or used for transporting persons for compensation for more than 10 consecutive hours nor for more than 10 hours spread over a total of 15 consecutive hours. Thereafter, such person shall not drive any such vehicle until eight consecutive hours have elapsed.

Regardless of aggregate driving time, no driver shall drive for more than 10 hours in any 24-hour period unless eight consecutive hours off duty have elapsed.

(b) No person shall drive upon any highway any vehicle designed or used for transporting merchandise, freight, materials or other property for more than 12 consecutive hours nor for more than 12 hours spread over a total of 15 consecutive hours. Thereafter, such person shall not drive any such vehicle until eight consecutive hours have elapsed.

Regardless of aggregate driving time, no driver shall drive for more than 12 hours in any 24-hour period unless eight consecutive hours off duty have elapsed.

(c) This section does not apply in any case of casualty or unavoidable accident or an act of God.

(d) In computing the number of hours under this section, any time spent by a person in driving such a vehicle out-

side this State shall, upon the vehicle entering this State, be included.

(e) Any person who violates any provision of this section is guilty of a misdemeanor and is punishable by a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) for each offense.

SEC. 8. Division 14.8 (commencing with Section 34500) is added to the Vehicle Code, to read:

DIVISION 14.8. SAFETY REGULATIONS

34500. The Department of the California Highway Patrol shall regulate the safe operation of the following vehicles:

(a) Motor trucks of three or more axles.

(b) Truck tractors.

(c) Buses.

(d) Trailers, semitrailers, pole or pipe dollies, auxiliary dollies and logging dollies used in combination with (a), (b), or (c) above.

34501. The Department of the California Highway Patrol shall adopt, in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code, reasonable rules and regulations, which in the judgment of the department are designed to promote the safe operation of vehicles described in Section 34500, regarding, but not limited to, equipment, fuel containers, fueling operations, inspection, maintenance, recordkeeping, accident reports, and drawbridges. The Commissioner of the Department of the California Highway Patrol shall appoint a committee of 15 members, consisting of representatives of industry subject to regulations to be adopted pursuant to this section, to act in an advisory capacity to the department, and the department is directed to co-operate and confer with the advisory committee so appointed.

The department may inspect any vehicles in maintenance facilities to assure compliance with regulations adopted pursuant to this section.

The department may adopt regulations restricting or prohibiting the movement of vehicles found in violation of regulations adopted pursuant to this section.

34502. In adopting rules and regulations, the Department of the California Highway Patrol shall consider as evidence of generally accepted safety standards the rules and regulations which have been adopted by the Public Utilities Commission.

34503. It is the legislative intention in enacting this division that the rules and regulations adopted by the Department of the California Highway Patrol pursuant to this division shall apply uniformly throughout the State of California, and no state agency, city, city and county, county, or other political subdivision of this State, including, but not limited to, a chartered city, city and county, or county, shall adopt or en-

force any ordinance or regulation which is inconsistent with the rules and regulations adopted by the department pursuant to this division.

34504. The Department of the California Highway Patrol shall enforce the rules and regulations adopted pursuant to Section 34501. Rules and regulations adopted pursuant to Section 34501 shall become effective on March 1, 1965.

34505. Until March 1, 1965, the Department of the California Highway Patrol shall adopt and enforce the existing rules and regulations of the California Public Utilities Commission regarding the safety of operation of highway common carriers, petroleum contract carriers, petroleum irregular route carriers, passenger stage corporations, and charter party carriers. Any regulation adopted by the Public Utilities Commission which is in conflict with the Vehicle Code is invalid. After March 1, 1965 the department shall continue to enforce the regulations adopted pursuant to this section relating to hours of service of drivers and drivers' logs for those carriers subject to this section.

34506. Any violation of any provision of this division or of any rule or regulation adopted by the Department of the California Highway Patrol is a misdemeanor. Every person convicted of a misdemeanor for a violation of any of the provisions of this division shall be punished by a fine of not more than five hundred dollars ($500), or by imprisonment for not more than six months, or by both such fine and imprisonment.

SEC. 9. All persons, other than temporary employees, serving in the state civil service and engaged in the performance of a function transferred to the Department of the California Highway Patrol pursuant to this act, shall remain in the state civil service and are hereby transferred to the Department of the California Highway Patrol. The status, positions, and rights of such persons shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act, except as to positions the duties of which are vested in a position that is exempt from civil service.

All forms, records, and safety test equipment used in the functions transferred shall be transferred to the Department of the California Highway Patrol.

SEC. 10. Section 3.5 of this act shall become operative only if Assembly Bill No. 1404 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as Assembly Bill No. 1404 takes effect; at which time Section 1062 of the Public Utilities Code as amended by Section 3 is repealed.

CHAPTER 2149

An act to amend Sections 2400, 5014, 9261, 12501, 21715 of the Vehicle Code as amended by Chapter 850 of the Statutes of 1963, 25800, 26457, 26700, 26706, 35104 and 35250 of, and to amend and renumber Section 35416 of the Vehicle Code as added by Chapter 161 of the Statutes of 1963, and to add Division 16 (commencing with Section 36000) to, and to repeal Sections 324, 345, 350, 351, 4007, 4008, 4008.5, 4154, 5010, 5013, 5018, 9403, 22411, 25804, 35103 and 35415 of, the Vehicle Code, relating to implements of husbandry.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 324 of the Vehicle Code is repealed.

SEC. 2. Section 345 of said code is repealed.

SEC. 3. Section 350 of said code is repealed.

SEC. 4. Section 351 of said code is repealed.

SEC. 4.5. Section 2400 of said code is amended to read:

2400. The commissioner shall administer and enforce Chapter 4 (commencing with Section 10850) of Division 4, except Section 10854, Article 3 (commencing with Section 17300) of Chapter 1 of Division 9, Division 10 (commencing with Section 20000), Division 11 (commencing with Section 21000), except Sections 22950 and 22951, Division 12 (commencing with Section 24000), Division 13 (commencing with Section 29000), Division 14 (commencing with Section 31600), Division 15 (commencing with Section 35000), and Division 16 (commencing with Section 36000) except Chapter 2 (commencing with Section 36100) and Chapter 3 (commencing with Section 36300), and shall enforce all other laws regulating the operation of vehicles and the use of the highways.

SEC. 4.6. Section 2400 of said code is amended to read:

2400. The commissioner shall administer and enforce Chapter 4 (commencing with Section 10850) of Division 4, except Section 10854, Article 3 (commencing with Section 17300) of Chapter 1 of Division 9, Division 10 (commencing with Section 20000), Division 11 (commencing with Section 21000), except Sections 22950 and 22951, Division 12 (commencing with Section 24000), Division 13 (commencing with Section 29000), Division 14 (commencing with Section 31600), Division 14.8 (commencing with Section 34500), Division 15 (commencing with Section 35000), and Division 16 (commencing with Section 36000 except Chapter 2 (commencing with Section 36100) and Chapter 3 (commencing with Section 36300), and shall enforce all other laws regulating the operation of vehicles and the use of the highways.

SEC. 5. Section 4007 of said code is repealed

SEC. 6. Section 4008 of said code is repealed.

SEC. 7. Section 4008.5 of said code is repealed.

SEC. 7.5. Section 4154 of said code is repealed.

SEC. 7.7. Section 5010 of said code is repealed.

SEC. 8. Section 5013 of said code is repealed.

SEC. 9. Section 5014 of said code is amended to read:

5014. An application for an identification plate for special construction or mobile equipment shall include the following:

(a) A statement by the owner of the use or uses which he intends to make of the equipment

(b) A description of the vehicle, including any distinctive marks or features.

(c) A photograph of the vehicle.

(d) Such other information as may reasonably be required by the department to determine whether the applicant is entitled to be issued an identification plate.

When identification plates are to be obtained for more than one piece of equipment, each of which is of the same identical type, only one photograph of one piece shall be required to be attached to the application.

SEC. 10. Section 5018 of said code is repealed.

SEC. 11. Section 9261 of said code is amended to read:

9261. A service fee of five dollars ($5) shall be paid for an identification plate for special construction or mobile equipment. Publicly owned special construction equipment and publicly owned special mobile equipment are exempt from the service charge.

SEC. 12. Section 9403 of said code is repealed.

SEC. 13. Section 12501 of said code is amended to read:

12501. The following persons are not required to obtain a driver's license:

(a) An officer or employee of the United States, while operating a motor vehicle owned or controlled by the United States on the business of the United States.

(b) Any person while driving or operating implements of husbandry incidentally operated or moved over a highway, except as provided in Section 36300.

SEC. 13.5. Section 21715 of the Vehicle Code as amended by Chapter 850 of the Statutes of 1963 is amended to read:

21715. No passenger vehicle regardless of weight, or any other motor vehicle under 4,000 pounds unladen, shall draw or tow more than one vehicle in combination, except that an auxiliary dolly may be used with the towed vehicle.

SEC. 14. Section 22411 of said code is repealed.

SEC. 15. Section 25800 of said code is amended to read:

25800. The provisions of Sections 24250, 24251, 24400 through 24404, inclusive, Articles 3, 4, 5, 6, 9, 11, and 13 (commencing at Sections 24600, 24800, 24950, 25100, 25350, 25450, and 25650 respectively), and Section 25953 of this chapter shall not apply to special mobile equipment Such equipment shall be subject to the provisions of Article 12 (commencing at Section 25500), Sections 25803, 25950, and 25952, of this chapter.

SEC. 16. Section 25804 of said code is repealed.

SEC. 17. Section 26457 of said code is amended to read:

26457. Special mobile equipment, equipment operated under special permit, and any chassis without body or load are not subject to stopping distance requirements, but if any such vehicle or equipment cannot be stopped within 32 feet from an initial speed of 15 miles per hour, it shall not be operated at a speed in excess of that permitting a stop in 32 feet.

SEC. 18. Section 26700 of said code is amended to read:

26700. Every passenger vehicle, other than a motorcycle, and every motortruck or truck tractor, and every firetruck, fire engine or other fire apparatus, whether publicly or privately owned, shall be equipped with an adequate windshield.

SEC. 19. Section 26706 of said code is amended to read:

26706. (a) Every motor vehicle, except motorcycles, equipped with a windshield shall also be equipped with a self-operating windshield wiper.

(b) Every new motor vehicle first registered after December 31, 1949, except motorcycles, shall be equipped with two such windshield wipers, one mounted on the right half and one on the left half of the windshield.

(c) This section does not apply to snow removal equipment equipped with adequate manually operated windshield wipers.

SEC. 20. Section 35103 of said code is repealed.

SEC. 21. Section 35104 of said code is amended to read:

35104. The limitations as to width do not apply to the following vehicles except that these vehicles shall not exceed a width of 120 inches:

(a) Special mobile equipment.

(b) Special construction or highway maintenance equipment.

This section shall have no application to highways which are a part of the national system of interstate and defense highways (as referred to in Section 108 of the Federal-aid Highway Act of 1956) when such application would prevent this State from receiving any federal funds for highway purposes.

SEC. 22. Section 35250 of said code is amended to read:

35250. No vehicle or any load upon a vehicle shall exceed a height of 13 feet and 6 inches measured from the surface upon which the vehicle stands.

SEC. 23. Section 35415 of said code is repealed.

SEC. 23.5. Section 35416 of the Vehicle Code as added by Chapter 161 of the Statutes of 1963 is amended and renumbered to read:

36620. A combination of vehicles consisting of a power unit and two cotton trailers when used on the highway for the exclusive purpose of transporting cotton from a farm to a cotton gin and returning the empty trailers to such farm may exceed a total length of 60 feet but shall not exceed a total length of 70 feet if both of such cotton trailers had first obtained special identification plates, as set forth in Section 36125, prior to July 1, 1963.

The provisions of this section shall be operative only until the 91st day after final adjournment of the 1969 Regular Session of the Legislature.

SEC. 24. Division 16 (commencing with Section 36000) is added to said code, to read:

DIVISION 16. IMPLEMENTS OF HUSBANDRY

CHAPTER 1. DEFINITIONS

36000. An "implement of husbandry" is a vehicle which is used exclusively in the conduct of agricultural operations.

An implement of husbandry does not include a vehicle which is designed primarily for the transportation of persons or property on a highway, unless specifically designated as such by some other provision of this code.

36005. Implement of husbandry includes, but is not limited to:

(a) A lift-carrier or other vehicle designed and used exclusively for the lifting and carrying of implements of husbandry, when operated or moved upon a highway.

(b) A trailer of the tip-bed type when used exclusively by a farmer owner in the transportation of other implements of husbandry.

(c) A one-axle trailer of the tip-bed type when used exclusively in the transportation of other implements of husbandry.

(d) A two-wheeled trailer having no bed, and designed and used solely for transporting a hay loader.

(e) A spray or fertilizer applicator rig designed and used exclusively for spraying or fertilizing in the conduct of agricultural operations.

(f) A nurse rig or equipment auxiliary to the use of and designed or modified for the fueling, repairing, or loading of a spray rig or an airplane used for the dusting, spraying, fertilizing, or seeding of crops.

(g) A row duster.

(h) A wagon or van used exclusively for carrying products of farming from one part of a farm to another part thereof, or from one farm to another farm, and used solely for agricultural purposes, including any van used in harvesting alfalfa or cotton, which is only incidentally operated or moved on a highway as a trailer.

(i) A wagon or portable house on wheels used solely by shepherds as a permanent residence in connection with sheep-raising operations and moved from one part of a ranch to another part thereof or from one ranch to another ranch, which is only incidentally operated or moved on a highway as a trailer.

(j) A trap wagon moved from one part of a ranch to another part of the same ranch or from one ranch to another, which is only incidentally operated or moved on a highway.

(k) Any vehicle which is operated upon a highway only for the purpose of transporting agricultural products across a highway and is in no event operated along a highway for a greater distance than one-quarter mile.

(*l*) A portable honey-extracting trailer or semitrailer.

(m) A non-self-propelled fertilizer nurse tank or trailer moved unladen on the highway and auxiliary to the use of a spray or fertilizer applicator rig.

(n) Any cotton trailer when used on the highways for the exclusive purpose of transporting cotton from a farm to a cotton gin, and returning the empty trailer to such farm, except that Section 36125 shall apply to such trailers.

36010. A "farm trailer" is a trailer or semitrailer having a gross weight of 6,000 pounds or less owned and operated by a farmer in the conduct of agricultural operations, and used exclusively to transport agricultural products upon the highway to the point of first handling and return.

36015 "Implement of husbandry" includes any farm tractor, otherwise an implement of husbandry used upon a highway to draw a farm trailer carrying farm produce, or to draw any trailer or semitrailer carrying other implements of husbandry, between farms, or from a farm to a processing or handling point and returning with or without the trailer.

CHAPTER 2. REGISTRATION OF IMPLEMENTS OF HUSBANDRY

36100. Implements of husbandry which are only incidentally operated or moved over a highway and implements of husbandry listed in Section 36005 or 36015 are exempt from registration.

36105. A trailer or semitrailer owned and used exclusively by a farmer to haul his own implements of husbandry or tools used exclusively for the production or harvesting of agricultural products is exempt from registration.

36110. "Farm trailers" as defined in Section 36010 are exempt from registration except that Section 36125 shall apply to such trailers.

36115. Any person who owns an implement of husbandry which is exempt from registration may obtain an identification plate for the implement.

36120. An application for an identification plate for implements of husbandry shall include the following:

(a) A statement by the owner of the use or uses which he intends to make of the implement.

(b) A description of the vehicle, including any distinctive marks or features.

(c) A photograph of the vehicle.

(d) Such other information as may reasonably be required by the Department of Motor Vehicles to determine whether the applicant is entitled to be issued an identification plate.

When identification plates are to be obtained for more than one implement, each of which is of the same identical type, only one photograph of one piece shall be required to be attached to the application.

36125 Owners of cotton trailers, or farm trailers as defined in Section 36010 which are exempt from registration, shall, prior to any movement of such vehicles upon a highway, make application to the Department of Motor Vehicles to obtain for display thereon special identification plates of the type provided for implements of husbandry, except that the service charge shall be five dollars ($5) for each vehicle and the photograph provisions are waived. Such plates shall be renewed between the inclusive dates of January 1 through February 4 every three years by application and payment of the five-dollar ($5) service charge.

As used in this section, three years means three (3) calendar years. Any part of the year of first application shall constitute a calendar year.

36130. A service fee of five dollars ($5) shall be paid for an identification plate for an implement of husbandry.

CHAPTER 3. DRIVERS' LICENSES

36300. Any person while driving or operating implements of husbandry incidentally operated or moved over a highway is not required to obtain a driver's license, except that the driver of any farm tractor while being used to draw a farm trailer carrying farm produce between farms or from a farm to a processing or handling point and return shall be in possession of a driver's license other than a junior permit.

CHAPTER 4. SPEED LAWS

36400. No person shall move or drive a lift-carrier or other vehicle designed and used exclusively for the lifting and carrying of implements of husbandry at a speed in excess of 35 miles per hour.

CHAPTER 5. EQUIPMENT OF IMPLEMENTS OF HUSBANDRY

36500. The provisions of Sections 24250, 24251, 24400 through 24404, inclusive, Articles 3, 4, 5, 6, 9, 11, and 13 (commencing with Sections 24600, 24800, 24950, 25100, 25350, 25450 and 25650, respectively) and Section 25953 of Chapter 2 of Division 12 of this code shall not apply to implements of husbandry. Such vehicles shall be subject to the provisions of Article 12 (commencing at Section 25500), Sections 25803, 25950, and 25952 of Chapter 2 of Division 12 of this code.

36505. Farm tractors as defined in Section 36015, and trailers displaying an identification plate, as provided for in Section 36125, when operated during darkness shall not be exempted from the provisions of Sections 24400 and 25100.

36510. Implements of husbandry are not subject to stopping distance requirements contained in Section 26454, but if any such vehicle cannot be stopped within 32 feet from an initial speed of 15 miles per hour, it shall not be operated at a speed in excess of that permitting a stop in 32 feet.

36515. The provisions of Section 26700 relating to windshields shall not apply to implements of husbandry.

36520. The provisions of Section 26706 relating to windshield wipers shall not apply to implements of husbandry.

CHAPTER 6. SIZE, WEIGHT AND LOAD OF IMPLEMENTS OF HUSBANDRY

36600. The limitations as to width as set forth in Chapter 2 (commencing with Section 35100) of Division 15 of this code do not apply to implements of husbandry incidentally operated, transported, moved, or towed over a highway.

When an implement of husbandry is transported or moved over a highway which is a part of the national system of interstate and defense highways (as referred to in Section 108 of the Federal-aid Highway Act of 1956) as a load on another vehicle, if such load exceeds 96 inches in width, the vehicle and load shall not be operated for a distance in excess of 25 miles from the point of origin of the trip and shall not be operated at a speed in excess of 30 miles per hour.

When an implement of husbandry is transported or moved over any other highway as a load on another vehicle, if such load exceeds 120 inches in width, the vehicle and load shall not be operated for a distance in excess of 25 miles from the point of origin of the trip and shall not be operated at a speed in excess of 30 miles per hour.

36605. The limitations as to width, as set forth in Chapter 2 (commencing with Section 35100) of Division 15 of this code, do not apply to any trailer or semitrailer, including lift-carriers and tip-bed trailers, used exclusively for the transportation of implements of husbandry by farmers or implement dealers, except that these vehicles shall not exceed a width of 120 inches.

This section shall have no application to highways which are a part of the national system of interstate and defense highways (as referred to in Section 108 of the Federal-aid Highway Act of 1956) when such application would prevent this State from receiving any federal funds for highway purposes.

36610. The limitations as to height of vehicles contained in Section 35250 do not apply to implements of husbandry incidentally moved or operated over a highway.

36615. The limitations as to length of vehicles contained in Chapter 4 (commencing with Section 35400) do not apply to implements of husbandry incidentally operated or moved over a highway.

36625. The provisions of Section 21715 do not apply to any vehicle drawing or towing unladen implements of husbandry.

CHAPTER 7. OTHER LAWS

36700. All implements of husbandry, farm trailers or any other vehicles subject to the provisions of this division, and any owner, operator or driver of such vehicles, shall also comply with and be subject to all other provisions of this code which are not in conflict with the specific provisions contained in this division.

CHAPTER 8. GENERAL PROVISIONS

36800. The provisions of this division, unless otherwise provided, apply to all vehicles, whether publicly or privately owned, when upon the highways.

SEC. 25. Section 4.6 of the act shall become operative only if S.B. No. 1020 is enacted by the Legislature at the 1963 Regular Session and in such case at the same time as S.B. No. 1020 takes effect at which time Section 2400 of the Vehicle Code as amended by Section 4.5 of this act is repealed.

CHAPTER 2150

An act to amend Sections 18105 and 18253 of the Health and Safety Code, relating to mobilehomes and mobilehome parks.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 18105 of the Health and Safety Code is amended to read:

18105. The owner or operator of a mobilehome park shall not be responsible for the plumbing, electrical or heating installations in any mobilehome, as specified in the requirements of Section 18371, except a mobilehome which he is holding out for rent, or has rented, to another person.

SEC. 2. Section 18253 of said code is amended to read:

18253. It shall be unlawful for the owner or operator of any mobilehome park to rent or hold out for rent any mobilehome in such mobilehome park for a period of less than 90 days.

It is also unlawful for the owner or operator of any mobilehome park to rent or hold out for rent any mobilehome in such mobilehome park which contains any plumbing, heating or electrical equipment which does not meet the requirements that are prescribed by the Division of Housing pursuant to Section 18371 or which violates any of the provisions of Section 18250. The enforcement agency shall have the right to enter and inspect any mobilehome which is rented or held out for rent by the owner or operator of any mobilehome park in order to

determine whether or not the rental, or holding out for rent, of such mobilehome is unlawful under this section.

The enforcement agency may enter any uninhabited mobilehome which is held out for rent but not actually rented at any time between 8 o'clock a.m. and 6 o'clock p.m. of any business day. No person authorized by this section to enter mobilehomes which are rented, or held out for rent, shall enter any inhabited mobilehome between the hours of 6 o'clock p.m. of any day and 8 o'clock a.m. of the succeeding day, without the consent of the owner or of the occupants of the mobilehome, nor enter any mobilehome in the absence of the occupants without a proper written order executed and issued by a court having jurisdiction to issue the order.

If any owner or occupant of any mobilehome refuses to permit such person to enter the mobilehome at any time between the hours of 8 o'clock a.m. and 6 o'clock p.m. of any day, the person authorized by this section to enter mobilehomes which are rented or held out for rent shall report the refusal to his superior officer. The enforcement agency shall then notify the owner or occupant of the mobilehome in writing of the purpose for which it is desired to make the inspection of the mobilehome and that if the owner or occupant refuses to permit such an inspection within the hours prescribed by this section after he has received the notice he may be subject to prosecution for a misdemeanor If the owner or occupant of the mobilehome thereafter again refuses to permit the inspection of the mobilehome, the enforcement agency shall notify the district attorney or the city prosecutor, as the case may be, who shall issue a citation to the owner or occupant of the mobilehome, directing him to appear at a designated time and place to discuss with the district attorney or city prosecutor, or his deputy, the matter of inspection of his mobilehome and to present to the district attorney or his deputy any reasons he may have for declining to submit to inspection. If such owner or occupant, having been given the opportunity to discuss the matter with the district attorney or city prosecutor, or his deputy, pursuant to the foregoing provisions of this section thereafter refuses to permit a person authorized by this part to make inspections to enter the mobilehome between the hours of 8 a.m. and 6 p.m., he is guilty of a misdemeanor.

CHAPTER 2151

An act to amend Section 31596 of the Government Code, relating to County Employees' Retirement Law.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 31596 of the Government Code is amended to read:

31596. (a) When securities belonging to or held for the retirement association are sold, the county treasurer shall deliver the securities to the purchaser upon receiving the proceeds, and may execute any and all documents necessary to transfer title. The duties imposed upon the county treasurer by this article are a part of his official duties, for the faithful performance of which he is liable on his official bond.

(b) The treasurer may with the approval of the retirement board and the board of supervisors authorize a trust company or a trust department of any state or national bank authorized to conduct the business of a trust company in this State or the Federal Reserve Bank of San Francisco or any branch thereof within this State, to act as custodian of any securities owned by the retirement association. Any such bank or trust company may be authorized to collect the income from such securities for the treasurer and deposit said proceeds in the county treasury. The compensation of such bank or trust company for such custodial services shall be fixed by agreement and shall be paid in the same manner and from the same funds as are other costs of administration of the retirement system.

(c) When an investment is made in deeds of trust and mortgages as provided in Section 31595(f) and an agreement is entered into with a bank or mortgage service company to service such deeds of trust and mortgages for a fee stipulated in said agreement such fee shall not be considered a cost of administration but shall be considered a reduction of earnings from such deeds of trust and mortgages.

CHAPTER 2152

An act to direct the Department of California Highway Patrol to test the feasibility of measuring motor vehicle noise by the use of sound-measuring instruments and authorizing the purchase of sound-measuring equipment, and to repeal Section 27160 of the Vehicle Code, relating to mufflers.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 27160 of the Vehicle Code is repealed.

SEC. 2. The Department of California Highway Patrol shall conduct a series of tests under actual field operating conditions to determine the feasibility of measuring motor vehicle noise by the use of instruments designed to measure such noise. The department shall report its findings to the Legislature not later than the 10th legislative day of the 1965 Regular Session.

SEC. 3. An amount of ten thousand dollars ($10,000) shall be appropriated from the Motor Vehicle Fund to the depart-

ment for the purchase and maintenance of instruments designed to measure motor vehicle noise. At least three of such instruments shall meet the A-scale weighting network and fast meter response specified in American Standards Association specification S1.4-1961.

CHAPTER 2153

An act to add Section 13469.1 to the Education Code, relating to leaves of absence for certificated employees due to accidents and illnesses.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 13469.1 is added to the Education Code, to read:

13469.1. Governing boards of districts shall provide by rules and regulations for industrial accident and illness leaves of absence for persons employed in a position requiring certification qualifications. Such rules or regulations shall include the following provisions:

a. Allowable leave shall be for not less than 60 days during which the schools of the district are required to be in session or when the employee would otherwise have been performing work for the district in any one fiscal year for the same accident;

b. Allowable leave shall not be accumulated from year to year;

c. Industrial accident or illness leave shall commence on the first day of absence;

d. When a person employed in a position requiring certification qualifications is absent from his duties on account of an industrial accident or illness, he shall be paid such portion of the salary due him for any month in which the absence occurs as, when added to his temporary disability indemnity under Division 4 or Division 4.5 of the Labor Code, will result in a payment to him of not more than his full salary;

e. Industrial accident or illness leave shall be reduced by one day for each day of authorized absence regardless of a temporary disability indemnity award;

f. When an industrial accident or illness leave overlaps into the next fiscal year, the employee shall be entitled to only the amount of unused leave due him for the same illness or injury.

Upon termination of the industrial accident or illness leave, the employee shall be entitled to the benefits provided in Sections 13467, 13468 and 13469, and for the purposes of each of these sections, his absence shall be deemed to have com-

menced on the date of termination of the industrial accident or illness leave, provided that if the employee continues to receive temporary disability indemnity, he may elect to take as much of his accumulated sick leave which, when added to his temporary disability indemnity, will result in a payment to him of not more than his full salary.

The governing board may, by rule or regulation, provide for such additional leave of absence for industrial accident or illness as it deems appropriate

During any paid leave of absence, the employee shall endorse to the district the temporary disability indemnity checks received on account of his industrial accident or illness. The district, in turn, shall issue the employee appropriate salary warrants for payment of the employee's salary and shall deduct normal retirement and other authorized contributions.

The school district may require a specified period of continuous service with the district before the benefits provided by this section are made available to an employee but such period shall not exceed three years.

Any employee receiving benefits as a result of this section shall, during periods of injury or illness, remain within the State of California unless the governing board authorizes travel outside the State.

CHAPTER 2154

An act to amend Section 16551 of the Education Code, relating to school properties.

[Approved by Governor July 23, 1963 Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 16551 of the Education Code is amended to read:

16551. The governing board of any school district may grant the use of school buildings or grounds for public, literary, scientific, recreational, educational, or public agency meetings, or for the discussion of matters of general or public interest upon such terms and conditions as the board deems proper, and subject to the limitations, requirements, and restrictions set forth in this chapter (commencing at Section 16551).

The governing board of any school district may grant the use of school buildings or grounds to any church or religious organization for the conduct of religious services for temporary periods where such church or organization has no suitable meeting place for the conduct of such services upon such terms and conditions as the board deems proper, and subject to the

limitations, requirements, and restrictions set forth in this chapter. Notwithstanding the provisions of Section 16561, the governing board shall charge the church or religious organization using such property for the conduct of religious services an amount at least sufficient to pay the cost to the district of supplies, utilities and salaries paid school district employees necessitated by such use of such property.

CHAPTER 2155

An act to amend Section 305 of, and to add Sections 553 and 593 to, the Streets and Highways Code, and to amend Section 326 of the Streets and Highways Code as added by Chapter 385 of the Statutes of 1963, relating to state highway routes.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 305 of the Streets and Highways Code is amended to read:

305. Route 5 is from:

(a) Route 56 near Santa Cruz to Route 68 near Story Road.

(b) Route 68 near San Jose to Route 4 near Stockton via Hayward.

(c) Route 68 near Oakland to the route described in subdivision (b) of this section near Hayward.

(d) Route 4 near Stockton to West Point via Mokelumne Hill.

SEC. 2. Section 326 of the Streets and Highways Code as added by Chapter 385 of the Statutes of 1963 is amended to read:

326 Route 26 is from:

(a) Route 4 to Route 99 near Stockton.

(b) Route 99 near Stockton to Route 12.

(c) Route 12 to West Point via Mokelumne Hill.

SEC. 3. Section 553 is added to said code, to read:

553. Route 253 is from Route 128 near Boonville to Route 101 near Ukiah

SEC. 4. Section 593 is added to said code, to read:

593. Route 291 is from Route 48 near Boonville, to Route 1 near Ukiah

SEC. 5. Sections 2 and 3 of this act shall become operative at the same time as Chapter 385 of the Statutes of 1963 becomes operative; concurrently therewith Section 305 of the Streets and Highways Code as amended by Section 1 of this act, and Section 593 of the Streets and Highways Code as added by Section 4 of this act, are repealed.

CHAPTER 2156

An act to amend Section 12404 of the Insurance Code, relating to advances to escrows by title insurers.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 12404 of the Insurance Code is amended to read:

12404. No title insurer, no controlled escrow company, and no underwritten title company shall pay to any person who is acting as agent, representative, attorney, or employee of the owner, lessee, mortgagee or of the prospective owner, lessee, or mortgagee of the real property or any interest therein, either directly or indirectly, any commission, or any part of its fees or charges or any other consideration as an inducement for or as compensation on any title insurance business or any escrow or other title business in connection with which a title policy is issued.

An advance or payment of money by a title insurer, a controlled escrow company or an underwritten title company into an escrow to facilitate the closing thereof, other than (1) any sum that represents the proceeds of a loan made in the ordinary course of business and in compliance with the provisions of Section 1176 of the Insurance Code, or (2) an advance of not to exceed 1 percent of the sales price of the real property being sold or exchanged through the escrow or the amount of any loan secured by real property involved in the escrow, whichever is greater, or (3) the extension of credit for the costs, fees and expenses of the escrow or of the title insurance issued or to be issued in connection therewith or an advance therefor, shall be deemed a consideration offered as an inducement for title insurance business and therefore an unlawful rebate.

Any disbursement of escrow funds by a title insurer, a controlled escrow company or an underwritten title company before the conditions of the escrow applicable to such a disbursement have been met shall be deemed a consideration offered as an inducement for title insurance and therefore an unlawful rebate.

CHAPTER 2157

An act to add Section 3000.8 to the Harbors and Navigation Code, relating to leasing of property.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 3000.8 is added to the Harbors and Navigation Code, to read:

3000.8. The authority may grant options to lease property presently required for the uses enumerated in subdivisions (a), (b) and (c) of Section 3000, the leases under such options to take effect when the authority finds such property is no longer required to be devoted to the uses stated in subdivisions (a), (b) and (c). The granting of options to lease shall be pursuant to the procedures provided in Section 3000.5 for the leasing of property.

In the public advertising inviting bids or proposals and in any options to lease there may be a provision giving the parties the right to renegotiate the terms of the lease at the time the authority finds the property is not required further for the uses enumerated in subdivisions (a), (b) and (c) of Section 3000.

CHAPTER 2158

An act to amend Section 580b of the Code of Civil Procedure, relating to deeds of trust and mortgages.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 580b of the Code of Civil Procedure is amended to read:

580b. No deficiency judgment shall lie in any event after any sale of real property for failure of the purchaser to complete his contract of sale, or under a deed of trust, or mortgage, given to the vendor to secure payment of the balance of the purchase price of real property, or under a deed of trust, or mortgage, on a dwelling for not more than four families given to a lender to secure repayment of a loan which was in fact used to pay all or part of the purchase price of such dwelling occupied, entirely or in part, by the purchaser.

Where both a chattel mortgage and a deed of trust or mortgage have been given to secure payment of the balance of the combined purchase price of both real and personal property, no deficiency judgment shall lie at any time under any one thereof if no deficiency judgment would lie under the deed of trust or mortgage on real property.

CHAPTER 2159

An act to add Section 2601.5 to, and to amend Sections 2500.1 and 4731 of, the Welfare and Institutions Code, relating to public assistance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

I hereby delete the appropriation made by Section 2c for the State share but otherwise approve

EDMUND G BROWN, Governor

The people of the State of California do enact as follows:

SECTION 1. Section 2601.5 is added to the Welfare and Institutions Code, to read:

2601.5. No lien taken by a county pursuant to Section 2601 for care provided to a person in a county hospital shall be enforced against the home of that person (1) during his lifetime or that of his spouse, or (2) during the minority of his children if they reside in the home, or (3) during the lifetime of any dependent adult child who resides in the home and who is incapable of self-support because of mental or physical disability.

Any lien taken by a county for county hospital care shall be released immediately when the amount owing the county for that care is paid. The county shall render to a person to whom care has been provided in a county hospital a statement setting forth the charges upon which its claim for reimbursement is based. No interest or carrying charge shall be charged in connection with any debt incurred for county hospital care.

If a person against whose home a lien has been imposed for county hospital care desires to sell his home, the county shall release its lien against the original home and transfer it to the new home, provided that it finds that its security will not be impaired. If the person desires to borrow money for the purpose of making improvements to his home, using his home for security, the county shall subordinate its lien to the mortgage or other security interest given for the loan, if the county finds that its security will not be impaired.

No lien shall be taken pursuant to Section 2601 against the home of a person for care provided him in a county hospital if he was confined to the county hospital as the result of a diagnosis of tuberculosis.

No lien shall be taken pursuant to this chapter against the home or other property of any relative, except for a parent of a minor or a spouse, liable for the support of a person confined in a county hospital or otherwise receiving aid under this chapter.

In no way do the authorizations and limitations expressed in this section enlarge upon the power of counties to take or impose liens under existing law. Nothing contained in this section shall be construed to permit a county to impose a lien for aid

or other assistance granted under any public assistance program established by this code for which federal funds are received by this State, or under the aid to the potentially self-supporting blind program established under Chapter 3 (commencing with Section 3400) of Part 1 of Division 5 of this code.

SEC 2. Section 2500.1 of said code is amended to read:

2500 1. Every county shall grant assistance under this chapter, as provided by Section 4737 of this code, to any person who is discharged from a hospital or nursing home under the following conditions:

(a) He was a beneficiary of assistance under the provisions of Chapter 1 (commencing with Section 4700) of Part 3 of Division 5 of this code; and

(b) He meets the eligibility qualifications for aid under Chapter 1 (commencing with Section 2000) of Division 3 of this code; and

(c) He has insufficient income to maintain himself until old age assistance is granted to him.

General assistance paid pursuant to this section shall be in the amount determined by the standard of assistance for a recipient of old age assistance.

If a recipient's care under Chapter 1 (commencing with Section 4700) of Chapter 1 of Part 4 of Division 5 of this code was paid for by county and federal funds only, the grant payable under this section and Section 4737 shall be paid entirely out of county funds. If such care was paid for, in part, out of state funds, the State and county shall share in the aid grant payable under this section and Section 4737 in the same ratio as they share in the payment of aid grants under Chapter 1 (commencing with Section 2000) of Division 3 of this code, and the State's share is hereby appropriated and shall be paid to the county in the same manner as is provided for old age assistance grants.

SEC. 3. Section 4731 of said code is amended to read:

4731. Unless otherwise specified by any contract executed in accordance with Section 4721 of this code a certificate of eligibility issued to an aged person shall remain in effect for a period of 12 months from the date of issuance unless the aged person dies or his circumstances change in such a manner as to render him ineligible for further assistance under this chapter. The certificate shall be an authorization for payment of any services rendered in behalf of the patient for the month immediately prior to the month in which the certificate is issued.

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect The facts constituting such necessity are:

This act imposes various requirements and limitations on counties with respect to the enforcement of liens taken for

county hospital care rendered by the counties. The act will make requirements and limitations uniform for all counties, and in order that this may be accomplished at the earliest possible date, it is essential that the act go into effect immediately.

CHAPTER 2160

An act to add Sections 6816.5 and 6817 to the Public Resources Code, relating to the disposition of revenues from tide and submerged lands, and making an appropriation.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6816.5 is added to the Public Resources Code, to read:

6816.5 After the deposits made pursuant to paragraphs (1) and (2) of subdivision (a) of Section 6816 and before the deposit provided by paragraph (3) of subdivision (a) of Section 6816, there is appropriated from all money and remittances received by the State under this chapter to the counties and cities the amounts specified in Section 6817 for the purposes specified in that section.

SEC. 2. Section 6817 is added to said code, to read:

6817. (a) The Controller shall annually as of June 30th of each calendar year apportion for the fiscal year ending on such date to each city or county having within its boundaries tide and submerged lands or such other lands granted to it by the State in which the State has reserved the rights to the mineral deposits contained therein, one percent (1%) of the revenues paid to the State under Article 4 (commencing with Section 6871) of this chapter from such tide and submerged lands which are within the limits of the particular county or city, except that the total amount apportioned to each city or county in each year shall not exceed seventy-five thousand dollars ($75,000) per mile, or fraction of a mile, of ocean frontage within and owned or operated as a park by such city or county and leased by the State Lands Commission for the production of oil, gas, and other hydrocarbons, and only in those cases where such ocean frontage is available to the public free of charge for recreational purposes. For the purposes of this section tide and submerged lands within the limits of a city shall not be deemed to be within the boundaries of a county except in the case of a city and county. The State Lands Commission shall at the time of remitting revenues to the State Treasury received under Article 4 (commencing with Section 6871) of this chapter report to the State Controller the total amount of the revenue paid from the tide and submerged lands to the State shown with respect to each city or county to which such amount is applicable. The apportionment

for any given fiscal year shall be based upon the physical facts with respect to each city or county existing on June 30th of the next preceding fiscal year. The report of the State Lands Commission and the apportionments of the Controller shall be final.

(b) The amounts paid to the several cities and counties shall be deposited in a special tide and submerged lands fund established by such cities or counties, to be held in trust and to be expended only for the promotion and accommodation of commerce, navigation, and fisheries, for the protection of the lands within the boundaries of the cities and counties, and for the promotion, accommodation, establishment, improvement, operation, and maintenance of public recreational beaches and coastline for the benefit of all the people of the State.

(c) The Legislature hereby finds and declares that the purposes specified in subdivision (b) constitute matters of statewide interest and that the expenditure of funds for such purposes will benefit all of the people of the State.

This section shall be operative with respect to all revenues received in the State Treasury on and after October 1, 1963.

CHAPTER 2161

An act to amend Section 18061 of, and to add Sections 18056.1 and 18058.1 to, the Education Code, relating to the public school system.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 18056.1 is added to the Education Code, to read:

18056.1. Whenever a unified district is formed under Section 2842, if such formation occurred without any affirmative action taken by the electors of such district, and if it is necessary for the newly formed unified district, because of lack of adequate facilities, to contract with another school district under the provisions of Section 11256 or 11257 for the education of a part of its day pupils, the Superintendent of Public Instruction shall allow to such district an amount equal to the total current expenses for the transportation of pupils determined by him to have been required because of the education of pupils in another district. No allowance shall be approved under this section subsequent to the close of the third fiscal year following that in which the district was formed.

SEC. 2. Section 18058.1 is added to said code, to read:

18058.1. Whenever a unified district is formed under Section 2842, if such formation occurred without any affirmative action taken by the electors of such district, and if it is neces-

sary for the newly formed unified district, because of lack of adequate facilities, to contract with another school district under the provisions of Section 11256 or 11257 for the education of a part of its day pupils, the Superintendent of Public Instruction shall allow to such district, in addition to the current expenses allowed under Section 18056.1 an amount equal to the cost of schoolbuses, as determined by him to have been required for the transportation of pupils to such district, purchased during any of the first three fiscal years following that in which the district was formed. In each of the nine consecutive fiscal years following the close of the third fiscal year in which the district was formed, the Superintendent of Public Instruction shall reduce the allowance to which the district is otherwise entitled under Section 18056 by an amount equal to one-twelfth of the actual cost of such buses purchased or the amount computed pursuant to Section 18056, whichever is the lesser.

SEC. 3. Section 18061 of said code is amended to read:

18061. (a) In the event that the total amount which may be allowed under Section 18051 during any fiscal year is less than the total allowances computed under Sections 18055, 18056, 18056.1, 18057, 18058, and 18058 1, the amount allowed shall be successively recomputed by adding one-tenth of one cent ($0.001) to the lower tax rates provided for in Sections 18055, 18056, and 18057, respectively, until there is no deficit. Any balance remaining shall be allowed pursuant to Section 18460 or 18460.1, whichever is in effect.

(b) In the event the total amount which may be allowed under Section 18051 during any fiscal year is more than the total allowances computed under Sections 18055, 18056, 18056.1, 18057, 18058, and 18058.1, the balance shall be allowed pursuant to Section 18460 or 18460.1, whichever is in effect.

CHAPTER 2162

An act to add Section 448.5 to the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 448.5 is added to the Welfare and Institutions Code, to read:

448.5. The Legislature recognizes that certain property and rights owned by a recipient are of negligible value in enabling the recipient to meet his present needs, and cannot be classified as available resources of the recipient. The Legislature also recognizes that the present value of such property and rights is at most nominal when considered for the purpose of comput-

ing the net worth of the individual. It is the purpose of this section to designate such property and rights, and to place a value thereon.

For the purposes of evaluating the personal property of a recipient, the following items, in the aggregate, whether acquired prior to or after the effective date of this section, shall be deemed to have a monetary value of thirty-five dollars ($35) if the amount paid for the same does not exceed six hundred fifty dollars ($650), or fifty dollars ($50) if the amount paid for the same does not exceed one thousand dollars ($1,000):

(a) Interment plots as defined in Section 7022 of the Health and Safety Code.

(b) Money placed in an irrevocable trust for funeral, cremation, or interment expenses.

(c) Life or burial insurance purchased specifically for funeral, cremation, or interment expense.

CHAPTER 2163

An act to amend Sections 17261, 17301 3, 17303, 17303.5, 17305, 17305.5, 17352, 17353, 17402, 17404, 17405, 17411, 17456, 17601, 17602, 17606, 17607, 17611, 17612, 17613, 17654, 17653, 17655, 17655.5, 17656, 17660, 17662, 17663.7, 17664, 17665, 17666.2, 17667, 17702, 17703, 17704, 17705, 17751, 17801, 17851, 17904, 17906.2, 17951, 17970, 17990, 18253, 18254, 18303, 18355, 18358, 18401, 18451, 18452, 18453, 18455, 18456, and 18460 of, to repeal Sections 11255, 11257, 17264, 17306, 17401, 17406, 17407, 17410, 17416, 17614, 17615, 17666, 17852, 17907, 17908, 17909, and 18458 of, to repeal Article 9 (commencing with Section 18001) of Chapter 3 of Division 14 of, to add Sections 17401, 17407, and 17601.1 to, the Education Code, and to amend Section 1817 of the Revenue and Taxation Code, relating to the public school system, declaring the urgency thereof to take effect immediately.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 17261 of the Education Code is amended to read:

17261. On the basis of computations made by the State Board of Equalization, the secretary of that board shall certify on or before October 1st of each year to the Superintendent of Public Instruction the factor, carried to two decimal places, by which the total assessed value of all tangible property on the current local roll of each county must be modified to conform to the statewide average assessment level of the preceding fiscal year.

SEC. 2. Section 17264 of said code is repealed.

SEC. 3. Section 17301.3 of said code is amended to read:

17301.3. (a) The amount to be transferred to the State School Fund under Section 17301 shall in each fiscal year, be adjusted for errors of average daily attendance reported in prior fiscal years. Adjustment of such errors will be subject to the time limitations as provided in Section 17414. Such adjustments with regard to the amount to be transferred to the State School Fund shall be at the State's rate of contribution under Section 17301 in effect in the fiscal year to which the error applied, and shall be applied in accordance with the purposes set forth under Section 17303. The amount of any adjustment shall not, however, cause the amount to be transferred to the State School Fund during any fiscal year under Section 17301 to be less than one hundred eighty dollars ($180) per pupil in average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds.

(b) If in any fiscal year the amount transferred to the State School Fund under Sections 17305 and 17307 is reported to be in error, the Superintendent of Public Instruction shall notify the Controller of such error and he shall add to or withhold from the next apportionment moneys due the district by transfers from or returns to the General Fund of such erroneous amounts.

SEC. 4. Section 17303 of said code is amended to read:

17303. The amount transferred pursuant to subdivision (a) of Section 17301 shall be expended for kindergarten, elementary, high school and junior college schools in the State and for county school tuition funds as basic aid, equalization aid, allowances in lieu of basic state aid and state equalization aid, allowances for adults and as allowances to the county school tuition funds to be apportioned on account of average daily attendance.

SEC. 5. Section 17303.5 of said code is amended to read:

17303.5. The amount transferred pursuant to subdivision (b) of Section 17301 shall be expended in accordance with the following schedule:

(a) Twenty-one dollars and fifty cents ($21.50) multiplied by the total average daily attendance credited during the second preceding school year to elementary school districts which during the second preceding school year had less than 901 units of average daily attendance, to high school districts which during the second preceding school year had less than 301 units of average daily attendance, and to unified districts which during the second preceding school year had less than 1,501 units of average daily attendance, for allowances to county school service funds pursuant to subdivision (a) of Section 18352.

(b) Three dollars and six cents ($3.06) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State

and to county school tuition funds during the preceding school year for allowance to county school service funds pursuant to subdivision (b) of Section 18352.

(c) Four dollars ($4) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, and junior college schools in the State and to county school tuition funds during the preceding school year for the purposes of Article 10 (commencing with Section 18051) of Chapter 3 of this division.

(d) Seven dollars and sixty-six cents ($7.66) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, and junior college schools in the State and to county school tuition funds during the preceding school year, for the purposes of Sections 18060 and 18062, and Articles 11, 12, and 13 (commencing with Sections 18102, 18152, and 18202, respectively) of Chapter 3 of this division.

(e) Five dollars and four cents ($5.04) multiplied by the average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, and junior college schools in the State and to county school tuition funds during the preceding school year, plus the difference between one dollar and sixty cents ($1.60) multiplied by the average daily attendance during the preceding school year credited to all kindergarten, elementary, high school, and junior college schools in the State and to county school tuition funds and twenty-one dollars and fifty cents ($21.50) multiplied by the total average daily attendance credited during the second preceding school year to elementary school districts which during the second preceding school year had less than 901 units of average daily attendance, to high school districts which during the second preceding school year had less than 301 units of average daily attendance, and to unified districts which during the second preceding school year had less than 1,501 units of average daily attendance, for basic state aid and state equalization aid, allowances in lieu of basic state aid and state equalization aid allowed pursuant to Sections 17951, and 18355 to 18401, inclusive, and for allowances for adults, to be apportioned on account of average daily attendance during the preceding school year credited to all kindergarten, elementary, high school, and junior college schools in the State and county school tuition funds.

SEC. 6. Section 17305 of said code is amended to read:

17305. (a) In addition, subject to the provisions of Section 17305.5, there shall be provided such sum as the Superintendent of Public Instruction shall certify as necessary to reimburse school districts for the actual cost of instructing pupils in the operation of motor vehicles. The amount shall not exceed forty-two dollars ($42) per pupil instructed in automobile driver training, in accordance with the rules and regulations as set forth by the State Board of Education. Such amounts as are necessary to carry out the provisions of this section are appropriated from the General Fund and shall be transferred

therefrom to the State School Fund by the State Controller each fiscal year.

(b) Subject to the provisions of Section 17305.5, there shall also be provided the sum the Superintendent of Public Instruction shall certify as necessary to reimburse school districts for the actual cost of replacing vehicles used exclusively in automobile driver training programs and simulators used in such programs, but the amount shall not exceed three-fourths of that part of the actual cost of instructing pupils in automobile driver training during the preceding fiscal year which was: (1) in excess of forty-two dollars ($42) per pupil instructed, and (2) expended by the district in in replacing such vehicles and simulators.

A simulator is any automobile driver training device approved by the Department of Education to be used in classrooms for purposes of driver training instruction under simulated driving conditions.

SEC. 7. Section 17305.5 of said code is amended to read:

17305.5. The amounts provided under Section 17305 for any fiscal year shall not exceed the total of the moneys credited to the Driver Training Penalty Assessment Fund in the State Treasury during the preceding fiscal year.

SEC. 7.5. Section 17306 of said code is repealed.

SEC. 8. Section 17352 of said code is amended to read:

17352. (a) The Controller shall draw warrants on the State Treasury in favor of the county treasurer of each county in each month of each year in the amounts and manner as herein prescribed so as to provide in each warrant a portion of the total amount certified by the Superintendent of Public Instruction as apportioned under the provisions of Sections 17401 to 17417, inclusive, and Sections 17601 to 18460, inclusive, during the fiscal year from the State School Fund to the school districts under the jurisdiction of the county superintendent of schools of the county, to the county school service fund, and to the county school tuition fund of the county.

(1) Warrants for amounts allowed to the county school service funds under subsections (a) and (b) of Section 18352 shall be for amounts equal to 6 percent in July, 12 percent in August, 10 percent in September, and 8 percent in each remaining month of the fiscal year of the amounts certified by the Superintendent of Public Instruction as a part of the advance apportionment.

(2) Warrants for amounts apportioned to school districts and to the county school tuition funds shall be for amounts equal to 6 percent in July, 12 percent in August, and 8 percent in September, October, November, December, and January, of the amounts certified by the Superintendent of Public Instruction as a part of the advance apportionment.

(3) Warrants in the months of February to May, inclusive, shall be for amounts equal to one-sixth of the difference between the amounts certified by the Superintendent of Public Instruction for school districts and county school tuition funds

as the first principal apportionment and the amounts required by subdivision (2) of this subdivision. An additional one-sixth of such difference shall be included in the warrants for the month of February.

(4) Warrants for the month of June shall be for amounts equal to the difference between the amounts certified by the Superintendent of Public Instruction for school districts and county school tuition funds as the second principal apportionment and the amounts required by subdivisions (2) and (3) of this subdivision.

(5) Warrants in December shall include four-tenths of the amounts certified by the Superintendent of Public Instruction as the special purpose apportionment. An additional one-tenth of such amounts shall be included in the warrants for the months from January to June, inclusive.

(6) Warrants in June shall include the total amounts certified by the Superintendent of Public Instruction as the final apportionment.

(b) The drawing of the warrants required to be drawn during any one of the months mentioned may be postponed by the Controller for not to exceed 30 days, but the total amounts due the several counties during any fiscal year shall be paid within the fiscal year. The warrants shall be paid by the State Treasurer from the State School Fund and are not subject to the provisions of Government Code Section 16003.

SEC. 9. Section 17353 of said code is amended to read:

17353. (a) If the Superintendent of Public Instruction does not certify to the Controller, on or before the 20th day of February, the amounts apportioned by him as the first principal apportionment, the Controller shall draw warrants on the State Treasury in favor of the county treasurer of each county in the month of February, and in each month thereafter until the month following his receipt of such certification, for amounts equal to the warrants drawn for January.

(b) In the month following the receipt of the certification of the amounts apportioned by the Superintendent of Public Instruction as the first principal apportionment, the Controller shall draw warrants on the State Treasury in favor of the county treasurer of each county in an amount equal to the difference between the amount of the warrants which would have been drawn pursuant to Section 17352 had the certification been received by the Controller not later than February 20th and the amount of the warrants drawn pursuant to subdivision (a) of this section.

(c) Warrants drawn under this section shall be drawn on the State School Fund and are not subject to the provisions of Government Code Section 16003.

SEC. 10. Section 17401 of said code is repealed.

SEC. 11. Section 17401 is added to said code, to read:

17401. The Superintendent of Public Instruction shall on or before July 15th of each year certify to the Controller the amounts estimated to be apportioned to each affected school

district during the current fiscal year on the basis of the report of the districts for the second principal apportionment of the preceding fiscal year, the amounts estimated to be apportioned to each county school tuition fund and to each county school service fund for schools and classes to be maintained by the county superintendent of schools during the current fiscal year on the basis of reports provided by the county superintendent of schools, and the amounts estimated by the Superintendent of Public Instruction to be apportioned to the county school service fund during the current fiscal year under subdivisions (a) and (b) of Section 18352. This apportionment shall be called the advance apportionment.

SEC. 12. Section 17402 of said code is amended to read:

17402. The Superintendent of Public Instruction shall on or before February 20th of each year apportion to each elementary school district, high school district, junior college district, county school service fund, and county school tuition fund the total amounts allowed to them under Sections 17751, 17801, 17851, 17901, 17904, 18352(a), 18352(b), 18355, 18358, 18401, and Sections 18451 to 18456, inclusive, whichever are in effect. This apportionment shall be called the first principal apportionment.

SEC. 13. Section 17404 of said code is amended to read:

17404. If by November 10th of any current fiscal year, an additional teacher or teachers are hired in elementary schools or high schools such teachers shall be deemed to have been hired as of the beginning of the school year, and the districts shall, if otherwise eligible, be entitled to the appropriate small school foundation programs for purposes of computation of the principal apportionments.

SEC. 14. Section 17405 of said code is amended to read:

17405. The Superintendent of Public Instruction shall on or before December 10th of each year apportion to each elementary, high school, and junior college district, and county school service fund the total of amounts allowed to them under Sections 6425 to 6427, inclusive, Sections 18051 to 18206, inclusive, Sections 18251 to 18254, inclusive, and Sections 18301 to 18307, inclusive. This apportionment shall be called the special purpose apportionment.

SEC. 14.5. Section 17406 of said code is repealed.

SEC. 15. Section 17407 of said code is repealed.

SEC. 16. Section 17407 is added to said code, to read:

17407. The Superintendent of Public Instruction shall on or before June 25th of each year apportion to each elementary school district, high school district, junior college district, county school service fund, and county school tuition fund the total amounts allowed to them under Sections 17751, 17801, 17851, 17901, 17904, 17951 18352(a), 18352(b), 18355, 18358, 18401, and Sections 18451 to 18456, inclusive, whichever are in effect. This apportionment shall be called the second principal apportionment.

SEC. 17. Section 17410 of said code is repealed.

SEC. 18. Section 17411 of said code is amended to read:

17411. The Superintendent of Public Instruction shall withhold from the apportionment to an elementary school district, as a part of the first principal apportionment and second principal apportionment, the amount allowed the elementary school district for the average daily attendance in grades 7 and 8 in a junior high school by reason of the operation of subdivisions (a) and (b) of Section 17601. The amount withheld shall be determined by multiplying the total amount of basic state aid and state equalization aid computed for the district by the foundation program for units of average daily attendance in grades 7 and 8 and dividing the product by the total foundation program of the district.

The Superintendent of Public Instruction shall add the amount withheld to the apportionment required to be made to the high school district maintaining the junior high school.

SEC. 19. Section 17416 of said code is repealed.

SEC. 20. Section 17456 of said code is amended to read:

17456. During each of the two successive fiscal years commencing with the first fiscal year of the existence of a newly formed junior college district for all purposes the State Controller shall deduct from apportionments made to each such district from the State School Fund one-half of the amount apportioned to such district under this article (commencing at Section 17451) and shall pay the same into the State General Fund.

SEC. 21. Section 17601 of said code is amended to read:

17601. For the purposes of computing allowances and apportionments from the State School Fund for the advance apportionment, first principal apportionment, and second principal apportionment on the basis of average daily attendance:

(a) Each elementary school district shall be deemed to comprise the kindergartens and grades 1 to 8, inclusive, maintained by the district, and the seventh and eighth grades of the district not maintained by the district because of the attendance upon a junior high school of pupils who would otherwise attend upon seventh and eighth grades maintained by the district.

(b) Each high school district shall be deemed to comprise all of grades 9 to 12, inclusive, maintained within the high school district whether maintained by a high school district or by a junior college district.

(c) Each junior college district shall be deemed to comprise the 13th and 14th grades maintained by the district.

(d) Each high school district maintaining grades 13 and 14 shall be deemed to be a junior college district comprising grades 13 and 14.

(e) Each unified school district shall be deemed to be an elementary school district comprising the kindergartens and grades 1 to 8, inclusive, maintained by the district and the seventh and eighth grades of the district not maintained by the district in elementary schools because of the attendance

upon a junior high school of pupils who would otherwise attend the seventh and eighth grades maintained in elementary schools by the district, and a high school district comprising all of grades 9 to 12, inclusive, and a junior college district comprising the 13th and 14th grades maintained by the district.

SEC. 21.5. Section 17601.1 is added to said code, to read:

17601.1. For the purposes of this chapter, the governing board of each school district shall report to the Superintendent of Public Instruction during each fiscal year the current attendance of the district for all full school months during (1) the period between July 1st and December 31st, inclusive, to be known as the "first period" report for the first principal apportionment, and (2) the period between July 1st and April 15th, inclusive, to be known as the "second period" report for the second principal apportionment. The county superintendent of schools shall report the current attendance for the schools and classes maintained by him and the current attendance for the county school tuition fund.

Each report shall be prepared in accordance with instructions on forms prescribed and furnished by the Superintendent of Public Instruction and average daily attendance shall be computed in the following manner:

(a) The average daily attendance in the regular day elementary, junior high, and high schools maintained by school districts shall be determined by dividing the total number of days of attendance in all full school months in each period by the number of days such schools are actually taught in all full school months in each period.

(b) The average daily attendance in grades 13 and 14 of the regular day schools of each junior college shall be determined by dividing the hours of attendance during the period by the number equal to three times the number of days actually taught within the period during the "academic year" as defined in Section 5554. For the purposes of this article, the average daily attendance in each period shall not exceed 1.2 times the number of different pupils enrolled during the period.

(c) The average daily attendance in summer school and outdoor science and conservation education classes maintained during the period between the last day the regular day schools are in session during the preceding year and the first day the regular day schools are in session during the current year shall be reported on both the first period and second period reports. Such average daily attendance shall be computed by dividing the days of attendance by 175. For junior colleges, the hours of attendance shall be divided by 525, and the average daily attendance shall not exceed 1.2 times the total number of different pupils enrolled in the summer school.

(d) The attendance for schools and classes maintained by the county superintendent of schools and for the county school tuition fund credited after the last full school month of the second period of the preceding year and prior to the end of

each reporting period shall be reported on each report. The average daily attendance of the school, class, or fund shall be determined for the first period by dividing the days of attendance by 75 and for the second period, the days of attendance shall be divided by 175.

(e) The days of attendance in classes for adults and continuation schools and classes maintained after the last full school month of the second period of the preceding year and prior to the end of each reporting period shall be reported on each report. The average daily attendance in such schools and classes shall be determined for the first period by dividing the days of attendance by 75; for the second period, the days of attendance shall be divided by 175.

SEC. 21.6. Section 17602 of said code is amended to read:

17602. Whenever in any section of Sections 11256, 11257 and 17251, Sections 17401 to 17417, and Sections 17601 to 18460.1, whichever are in effect, any computation is required to be made which is based in whole or in part on the assessed valuation of a school district as shown by the equalized assessment roll of the district for the applicable fiscal year, there shall be substituted for such assessed valuation, as to such computation, a sum determined by adding to such assessed valuation an amount which would, if the current tax rate, as defined in Section 17604, of such district were levied on such added amount, produce or will produce 40 percent of the equivalent of all federal funds as federal funds are defined in Section 17605 and 75 percent of the equivalent of all miscellaneous funds as miscellaneous funds are defined in Section 17606, received or to be received by such district for the fiscal year for which such added amount was determined.

Should the amount of federal funds as defined in Section 17605 actually received by a school district for any fiscal year be more or less than that reported for such district by the United States Commissioner of Education to the Superintendent of Public Instruction, the Superintendent of Public Instruction shall during the fiscal year next succeeding that in which the district has received all of the federal funds actually paid the district for the first mentioned fiscal year withhold from or add to the apportionment made to the district from the State School Fund the amount of the excess or deficiency, as the case may be, in the apportionment of State Equalization Aid from the State School Fund for the preceding year, if the amount of the excess or deficiency in such apportionment was one hundred dollars ($100) or more.

SEC. 22. Section 17606 of said code is amended to read:

17606. "Miscellaneous funds" as used in Section 17602 means for the fiscal year 1952-53 and for each subsequent fiscal year the amount the county superintendent of schools has determined and reported to the Superintendent of Public Instruction in accordance with regulations the Superintendent of Public Instruction is hereby authorized to adopt that the district has received and which has been deposited to the credit

of the general fund of the district for a fiscal year on account of in-lieu taxes or income from bonuses, royalties, rentals or any other income from district property or property within the district or State not being assessed for tax purposes and not being used for school purposes. Federal forest reserve funds received by a district shall not be considered miscellaneous funds as defined by this section.

SEC. 23. Section 17607 of said code is amended to read:

17607. If any computation made under, or necessitated by, Sections 11251 to 11257, inclusive, Sections 17401 to 17454, inclusive, and Sections 17601 to 18461, inclusive, results in an amount which is:

(a) Less than one dollar ($1), the amount shall be counted as one dollar ($1).

(b) More than one dollar ($1) and includes a fraction of one-half dollar ($0.50) or more, the fraction shall be counted as one dollar ($1).

(c) More than one dollar ($1) and includes a fraction of less than one-half dollar ($0.50), the fraction shall not be counted.

SEC. 24. Section 17611 of said code is amended to read:

17611. For the purposes of computation of allowances and apportionments from the State School Fund, whenever computations of apportionments based on average daily attendance are made for junior college districts only the attendance in all classes of grades 13 and 14 and all types of ungraded classes, including classes for adults, which have been reported as attached to, or as a part of, a junior college which maintains grades 13 and 14 shall be included.

SEC. 25. Section 17612 of said code is amended to read:

17612. Notwithstanding anything in Section 11256, 11257 and 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460, inclusive, whichever are in effect to the contrary the amounts allowed as basic state aid and state equalization aid by the Superintendent of Public Instruction during the first year of existence for all purposes of a unified school district formed under Sections 3001 to 3451, inclusive, of this code on or after July 1, 1953, shall not be less than the amounts that would have been allowed to all of the districts formed into the unified district, had such unified district not been formed. The amounts allowed as basic state aid and state equalization aid to such unified district during the succeeding four years, and thereafter, of its existence for all purposes shall not be less than the amounts allowed the district under Sections 17614 and 17615, and Sections 17751 to 17952, inclusive, whichever are in effect plus 80 percent reduced by an additional 20 percent for each of the succeeding four years, of the difference between the amounts that would have been allowed under Sections 11256, 11257 and 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460, inclusive, whichever are in effect to all the districts formed in the unified district had such unified district not been formed and

the amounts allowed the unified district under Sections 17614 and 17615, and Sections 17751 to 17952, inclusive, whichever are in effect. For the purpose of this section the computation of foundation program under Sections 17651 to 17667, inclusive, whichever are in effect, for each district merged into the unified district shall be made using the average daily attendance during the fiscal year credited to such district, assuming, if such district has an average daily attendance, exclusive of the average daily attendance of pupils attending the seventh and eighth grades of a junior high school, during the fiscal year of less than 101, that the requirement for teachers pursuant to Section 17655.5 has been met.

SEC. 26. Section 17613 of said code is amended to read:

17613. Notwithstanding anything in Sections 11256, 11257, and 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460, inclusive, whichever are in effect, to the contrary the amounts allowed as basic state aid and state equalization aid by the Superintendent of Public Instruction during the first year of its existence for all purposes of a union or joint union elementary school district formed under Sections 3001 to 3451, inclusive, of this code on or after July 1, 1953, shall not be less than the amounts that would have been allowed to all of the districts formed into the union or joint union district had such district not been formed. The amounts allowed as basic state aid and state equalization aid to such union or joint union district during the second, and succeeding two years, and thereafter, of its existence for all purposes shall not be less than the amounts allowed the district under Section 17751, and Sections 17901 to 17906.1, inclusive, whichever are in effect, plus 66⅔ percent, reduced by an additional 33⅓ percent for each of the succeeding two years, of the difference between the amounts that would have been allowed under Sections 11256, 11257, and 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460, inclusive, whichever are in effect, to all the districts formed into the union or joint union district had such district not been formed and the amounts allowed the union or joint union district under Section 17751, and Sections 17901 to 17906.1, inclusive, whichever are in effect. For the purpose of this section the computation of foundation program under Sections 17651 to 17667, inclusive, whichever are in effect for each district merged into a union or joint union district shall be made using the average daily attendance during the fiscal year credited to such district, assuming, if such district has an average daily attendance, exclusive of average daily attendance of pupils attending the seventh and eighth grades of a junior high school, during the fiscal year of less than 101, that the requirement for teachers pursuant to Section 17655.5 has been met.

SEC. 26.5. Section 17614 of said code is repealed.

SEC. 27. Section 17615 of said code is repealed.

SEC. 28. Section 17653 of said code is amended to read:

17653. With respect to any unified district formed under Sections 3001 to 3451, inclusive, of this code, which became effective for all purposes on or after July 1, 1953, and which during the year of such effective date for all purposes has, in all the districts which were formed into the unified district, an average daily attendance of less than ten thousand (10,000), the foundation program actually computed for such district under this article shall be increased by 5 percent for the first fiscal year, 4 percent for the second fiscal year, 3 percent for the third fiscal year, 2 percent for the fourth fiscal year, and 1 percent for the fifth fiscal year of its existence.

SEC. 28.3. Section 17654 of said code is amended to read:

17654. With respect to any unified district formed under Sections 3001 to 3451, inclusive, of this code, which became effective for all purposes on or after July 1, 1953, and which during the year of such effective date for all purposes has, in all the districts which were formed into the unified district, an average daily attendance of more than ten thousand (10,000) and in which there was not on July 1, 1952, or thereafter a single chief administrative officer and staff that administered the program of education for all the secondary schools and those elementary schools of the district to which were credited 50 percent or more of the average daily attendance during the year of such effective date for all purposes in all the districts formed into the unified district, the foundation program actually computed for such district under this article (commencing with Section 17651) and the alternate foundation program for such district under Sections 17990 shall be increased by 5 percent for the first fiscal year, 4 percent for the second fiscal year, 3 percent for the third fiscal year, 2 percent for the fourth fiscal year, and 1 percent for the fifth fiscal year of its existence.

SEC. 28.5. Section 17655 of said code is amended to read:

17655. For the purposes of Section 17655.5 a "necessary small school" is an elementary school with an average daily attendance of less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, during the preceding fiscal year maintained by an elementary school district which maintained two or more schools and to which school any of the following conditions apply:

(a) If as many as five pupils residing in the district and attending grades kindergarten to eight, inclusive, exclusive of pupils attending the seventh and eighth grades of a junior high school in the elementary school with an average daily attendance of less than 101 would be required to travel more than 10 miles one way from a point on a well-traveled road nearest their home to the nearest other public elementary school.

(b) If as many as 15 pupils residing in the district and attending grades kindergarten to eight, inclusive, exclusive of pupils attending the seventh and eighth grades of a junior

high school in the elementary school with an average daily attendance of less than 101 would be required to travel more than five miles one way from a point on a well-traveled road nearest their home to the nearest other public elementary school.

(c) If the Superintendent of Public Instruction grants a request made pursuant to this subdivision. If topographical or other conditions exist in a district which would impose unusual hardships if the number of miles specified in (a) or (b) were required to be traveled or if during the fiscal year the roads which would be traveled have been impassable for more than an average of two weeks per year for the preceding five years, the governing board of the district may, on or before April 1st, request the Superintendent of Public Instruction, in writing, for an exemption from such requirements or for a reduction in the miles required. The request shall be accompanied by a statement of the conditions upon which such request is based, giving such information in such form as the Superintendent of Public Instruction may require. The Superintendent of Public Instruction shall cause an investigation to be made, and he shall either grant such request to the extent deemed necessary by him or deny the request

SEC. 29. Section 17655.5 of said code is amended to read:

17655.5. (a) For each district on account of each necessary small school (giving regard to the number of teachers actually employed or average daily attendance), he shall make one of the following computations, whichever provides the lesser amount:

(1) For each necessary small school with an average daily attendance of less than 26, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least one teacher is hired full time, he shall compute for the district five thousand six hundred dollars ($5,600).

(2) For each necessary small school with an average daily attendance of 26 or more and less than 51, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least two teachers are hired full time for more than one-half of the days schools are maintained, he shall compute for the district eleven thousand two hundred dollars ($11,200).

(3) For each necessary small school with an average daily attendance of 51 or more but less than 76, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school three teachers are hired full time for more than one-half of the days schools are maintained, he shall compute for the district sixteen thousand eight hundred dollars ($16,800).

(4) For each necessary small school with an average daily attendance of 76 or more and less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school four teachers are hired full time

for more than one-half of the days schools are maintained, he shall compute for the district twenty-two thousand four hundred dollars ($22,400).

(b) For each district on account of each small school not determined to be a necessary small school under Section 17655 he shall make one of the following computations, whichever applies:

(1) If the total of the units of average daily attendance of the district, exclusive of pupils attending the seventh and eighth grades of a junior high school, is less than 901, he shall multiply the units of average daily attendance in the school by two hundred twenty-four dollars ($224).

(2) If the total of the units of average daily attendance in the district, exclusive of pupils attending the seventh and eighth grades of a junior high school, is 901 or more, he shall multiply the units of average daily attendance by two hundred thirty-four dollars ($234).

SEC. 30. Section 17656 of said code is amended to read:

17656. For each elementary school district which, exclusive of pupils attending the seventh and eighth grades of a junior high school, has an average daily attendance of 101 or more but less than 901, he shall compute an amount determined by multiplying the total average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school and pupils for whom a foundation program is computed under Section 17655.5, by two hundred twenty-four dollars ($224).

For each elementary school district which, exclusive of pupils attending the seventh and eighth grades of a junior high school, has an average daily attendance of 901 or more, he shall compute an amount determined by multiplying the total average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school, and pupils for whom a foundation program was computed under Section 17655 5, by two hundred thirty-four dollars ($234).

SEC. 31. Section 17660 of said code is amended to read:

17660. For each elementary school district with an average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school, of less than 901, on account of the attendance of pupils in the seventh and eighth grades of a junior high school which attendance is credited to the elementary school district pursuant to Sections 11404 and 5612, he shall multiply the average daily attendance in such grades by two hundred twenty-four dollars ($224).

For each elementary school district with an average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school, of 901 or more, on account of the attendance of pupils in the seventh and eighth grades of a junior high school which attendance is credited to the elementary school district pursuant to Sections 11404 and 5612, he shall multiply the average daily attendance in such grades by two hundred thirty-four dollars ($234).

SEC. 31.5. Section 17662 of said code is amended to read:

17662. The foundation program for each elementary school district shall be the total of the amounts computed for the district pursuant to Sections 17655.5, 17656, and 17660.

SEC. 32. Section 17663.7 of said code is amended to read:

17663.7. On and after July 1, 1960, whenever the governing board of a district maintaining a small high school which does not come within the provisions of Section 17663, undertakes any building construction or alteration in respect to that school, of a type requiring the submission of plans to the Division of Architecture of the Department of Public Works, the school shall forthwith be classified as an unnecessary small school. Thereafter, the foundation program for the district in respect to that school shall be computed pursuant to Section 17665, notwithstanding an average daily attendance of less than 301.

Prior to the fiscal year a district undertakes any building construction or alteration in respect to a small high school, the foundation program for the district in respect to that school shall be computed pursuant to subsection (a) of Section 17664, notwithstanding the provisions of Section 17663.

SEC. 33. Section 17664 of said code is amended to read:

17664. (a) For each district on account of each necessary small high school the Superintendent of Public Instruction shall make one of the following computations selected with regard only to the number of certificated employees employed or average daily attendance, whichever provides the lesser amount:

(1) For one which has an average daily attendance of less than 21 and for which at least three certificated employees are employed full time, he shall compute thirty-three thousand dollars ($33,000).

(2) For one which has an average daily attendance of 21 or more and less than 41 and for which at least four certificated employees are employed full time, he shall compute thirty-eight thousand one hundred dollars ($38,100).

(3) For one which has an average daily attendance of 41 or more and less than 61 and for which at least five certificated employees are employed full time, he shall compute forty-three thousand two hundred dollars ($43,200).

(4) For one which has an average daily attendance of 61 or more and less than 76 and for which at least six certificated employees are employed full time, he shall compute forty-eight thousand three hundred dollars ($48,300).

(5) For one which has an average daily attendance of 76 or more and less than 91 and for which at least seven certificated employees are employed full time, he shall compute fifty-three thousand four hundred dollars ($53,400).

(6) For each one which has an average daily attendance of 91 or more and less than 106 and for which at least eight certificated employees are employed full time, he shall compute fifty-eight thousand five hundred dollars ($58,500).

(7) For each one which has an average daily attendance of 106 or more and less than 121 and for which at least nine certificated employees are employed full time, he shall compute sixty-three thousand six hundred dollars ($63,600).

(8) For each one which has an average daily attendance of 121 or more and less than 136 and for which at least 10 certificated employees are employed full time, he shall compute sixty-eight thousand seven hundred dollars ($68,700).

(9) For each one which has an average daily attendance of 136 or more and less than 151 and for which at least 11 certificated employees are employed full time, he shall compute seventy-three thousand eight hundred dollars ($73,800).

(10) For each one which has an average daily attendance of 151 or more and less than 181 and for which at least 12 certificated employees are employed full time, he shall compute seventy-eight thousand nine hundred dollars ($78,900).

(11) For each one which has an average daily attendance of 181 or more and less than 221 and for which at least 13 certificated employees are employed full time, he shall compute eighty-four thousand dollars ($84,000).

(12) For each one which has an average daily attendance of 221 or more and less than 261 and for which at least 14 certificated employees are employed full time, he shall compute eighty-nine thousand one hundred dollars ($89,100).

(13) For each one which has an average daily attendance of 261 or more and less than 301 and for which at least 15 certificated employees are employed full time, he shall compute ninety-four thousand two hundred dollars ($94,200).

(14) For each one which has an average daily attendance of less than 21 and for which fewer than three certificated employees are employed, he shall compute five thousand one hundred dollars ($5,100) for each of the teachers employed in the school.

(b) For each district on account of each small high school not determined to be a necessary small high school under Sections 17663, 17663.5, and 17663.7, he shall make one of the following computations, whichever applies:

(1) If the total of the units of average daily attendance in the district is less than 301, he shall multiply the units of average daily attendance in the school by three hundred fourteen dollars ($314).

(2) If the total of the units of average daily attendance in the district is more than 300, he shall multiply the units of average daily attendance in the school by three hundred twenty-four dollars ($324).

For the purposes of this section a "certificated employee" is an equivalent full-time position of an individual holding a credential authorizing service, and performing service in grades 9 through 12 in any secondary school. Any fraction of an equivalent full-time position shall be deemed to be a full-time position.

The foundation program established by this section for high schools with an average daily attendance of less than 301 shall not apply to any high school established after July 1, 1961 unless the establishment of such school has been approved by the Superintendent of Public Instruction.

SEC. 33.5. Section 17665 of said code is amended to read:

17665. For each high school district which has an average daily attendance of 301 or more, he shall multiply the average daily attendance by three hundred twenty-four dollars ($324).

SEC. 34 Section 17666 of said code is repealed.

SEC. 35. Section 17666.2 of said code is amended to read:

17666.2. For the purpose of computing apportionments in the fiscal year 1961-1962 and for each fiscal year thereafter, for each junior college district, he shall multiply the number of units of average daily attendance in grades 13 and 14 computed for the district under Sections 11451 and 11501, subject to the provisions of Section 17611, by five hundred forty-three dollars ($543).

For purposes of this section, there shall be excluded from the computation the attendance of all students who reside in territory which is not a part of any district maintaining a junior college and the attendance of all students who reside in another district which maintains a junior college who are in attendance under an interdistrict attendance agreement which requires the payment of tuition by the district of residence, and there shall be included in the computation the attendance of all students residing in the district who are in attendance at a junior college in another district under an interdistrict attendance agreement which requires the payment of tuition by the district of residence.

The Superintendent of Public Instruction shall exclude from the computation provided by this section the average daily attendance of adults, as adults are defined in Section 6352, and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults.

SEC. 36. Section 17667 of said code is amended to read:

17667. Each computation required by this article (commencing with Section 17651) for high school and junior college districts shall be made after excluding from the average daily attendance the average daily attendance of adults, as adults are defined in Section 6352, and the average daily attendance in classes for inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults.

SEC. 37. Section 17702 of said code is amended to read:

17702. The Superintendent of Public Instruction shall compute for each district the amount, to be known as district aid, which a tax levied on each one hundred dollars ($100) of 100 percent of the assessed valuation in such district as shown by the equalized assessment roll of the district for the year would produce if levied, if such tax were:

(a) Sixty cents ($0.60) in an elementary school district.

(b) Fifty cents ($0.50) in a high school district.

(c) Twenty-four cents ($0.24) in a junior college district.

SEC. 38. Section 17703 of said code is amended to read:

17703. (a) Upon request of the district in respect to computation of district aid, the Superintendent of Public Instruction shall use in computing district aid the difference between the total assessed valuation of property in a district as shown on the equalized assessment roll for the fiscal year and the assessed valuation of property as shown on the equalized assessment roll for the fiscal year, in excess of 2 percent of such total assessed valuation, with respect to which revenues of the district taxes levied in the 1954-1955 fiscal year, or thereafter, are impounded by the county auditor pursuant to Section 20901.

(b) Whenever, after July 1, 1955, the county auditor notifies the Superintendent of Public Instruction and the Controller of the release of impounded tax revenues to the school district, the Superintendent of Public Instruction shall compute and certify to the Controller the amount to be deducted, and the Controller shall deduct, from the apportionment or apportionments from the State School Fund to the district, in the first fiscal year or the second fiscal year succeeding such notification of release, that amount apportioned to the district in any prior year or years by reason of the exclusion of assessed valuation with respect to tax revenues impounded and thereafter released.

(c) If a request is received from a school district or county superintendent of schools and the assessed valuation of the district is reduced pursuant to subdivision (a) hereof, Section 17416 shall not apply with respect to any tax revenues to which subdivision (a) applies.

The provisions of this section shall not apply to impounded tax receipts derived from assessment of water, where the procedures of Section 17704 have been utilized.

SEC. 39. Section 17704 of said code is amended to read:

17704. When the total tax revenues realized in respect to any school district from the levy of district taxes for any fiscal year are less than would have been realized from the total assessed value of property in the district because of allocations of tax receipts to a redevelopment agency pursuant to Article 4 (commencing at Section 33950) of Chapter 5 of Division 24 of the Health and Safety Code, the governing board of a school district in connection with the computation of district aid, may request the Superintendent of Public Instruction to compute district aid for the district under this section. Upon receipt of such a request, the Superintendent of Public Instruction shall, in computing district aid, reduce the amount of the total assessed valuation in the district as shown by the equalized assessment roll for the year by the amount of such assessed valuation upon which such tax receipts for such fiscal year are to be allocated to the redevelopment agency.

SEC. 40. Section 17705 of said code is amended to read:

17705. (a) Upon request of a district, in respect to the computation of district aid, the Superintendent of Public Instruction shall use in computing district aid the total assessed valuation of property in a district or county as shown on the equalized assessment role for the fiscal year, reduced by the portion thereof representing the total assessed valuation of water with respect to which revenues of the district taxes levied in the 1958-1959 fiscal year or thereafter are impounded by the county auditor pursuant to Section 26906.1 of the Government Code.

(b) Whenever, after July 1, 1959, the county auditor notifies the Superintendent of Public Instruction and the Controller of the release of such impounded tax revenues to the school district, the Superintendent of Public Instruction shall compute and certify to the Controller the amount to be deducted, and the Controller shall deduct, from the apportionment or apportionments from the State School Fund to the district, in the first fiscal year or the second fiscal year succeeding such notification of release, that amount apportioned to the district in any prior year or years by reason of the exclusion under this section, of assessed valuation with respect to tax revenues impounded and thereafter released.

(c) If a request is received from a school district or county superintendent of schools and the assessed valuation of the district is reduced pursuant to subdivision (a) hereof, Section 17416 shall not apply with respect to any tax revenues to which subdivision (a) applies.

SEC. 41. Section 17751 of said code is amended to read:

17751. The Superintendent of Public Instruction shall allow one hundred twenty-five dollars ($125) to each elementary school district for each unit of average daily attendance therein during the fiscal year as computed for the district under Sections 11301 and 11404, but not less than two thousand four hundred dollars ($2,400) shall be allowed to any elementary school district, to be known as basic state aid.

SEC. 42. Section 17801 of said code is amended to read:

17801. The Superintendent of Public Instruction shall allow to each high school district one hundred twenty-five dollars ($125) for each unit of average daily attendance in the district during the fiscal year as computed under Sections 11403, 11452, and 11501, subject to the provisions of Section 17610, but not less than two thousand four hundred dollars ($2,400) shall be allowed to any high school district, to be known as basic state aid.

The Superintendent of Public Instruction shall exclude from the computation of allowances provided by this section the average daily attendance during the fiscal year of adults, as adults are defined in Section 6352, and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults.

SEC. 42.5. Section 17851 of said code is amended to read:

17851. The Superintendent of Public Instruction shall allow to each junior college district one hundred twenty-five dollars ($125) for each unit of average daily attendance in grades 13 and 14.

Beginning with the fiscal year 1960-1961, average daily attendance for the purpose of this section shall be computed under Sections 11451 and 11501, subject to the provisions of Sections 17611 and 17666.2.

The Superintendent of Public Instruction shall exclude from the computation of allowances provided by this section the average daily attendance of adults, as adults are defined in Section 6352, and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults.

SEC. 43. Section 17852 of said code is repealed.

SEC. 47. Section 17904 of said code is amended to read:

17904. The Superintendent of Public Instruction shall compare the total of the amounts allowed to, and computed for, each junior college district pursuant to Sections 17702 and 17851, with the amount of the foundation program computed for each district pursuant to Section 17666.2.

If the total amount computed for any district pursuant to Sections 17702 and 17851, is less than the amount of the foundation program computed for such district pursuant to Section 17666.2, he shall add to the amount computed for such district pursuant to Sections 17702 and 17851, such additional amount, to be known as state equalization aid, as may be necessary to equal that computed for such district pursuant to Section 17666.2.

SEC. 48. Section 17906.2 of said code is amended to read:

17906.2. No state equalization aid shall be allowed to a district unless there shall have been levied pursuant to this code, for the district, a tax, exclusive of taxes levied under Sections 3356, 16633, 19443, 19619, 20801, and 22101, of not less than sixty cents ($0.60) if an elementary district, fifty cents ($0.50) if a high school district, and twenty-four cents ($0.24) if a junior college district.

SEC. 49. Section 17907 of said code is repealed.

SEC. 50. Section 17908 of said code is repealed.

SEC. 51. Section 17909 of said code is repealed.

SEC. 52. Section 17951 of said code is amended to read:

17951. The Superintendent of Public Instruction shall allow each district for each unit of average daily attendance for adults, as adults are defined in Section 6352, exclusive of average daily attendance in classes for inmates of any state institution for adults and for inmates of any city, county, or city and county jail, road camp or farm for adults, one hundred twenty-five dollars ($125) as basic state aid and, except as otherwise provided in this section, the same amount as state equalization aid as is computed by dividing the allowance computed for the district under Section 17904 by the average

daily attendance of the district, exclusive of average daily attendance for adults, as adults are defined in Section 6352, and for inmates of state institutions for adults and of city, county, or city and county jails, road camps or farms for adults less fourteen dollars ($14) for each unit of average daily attendance attached to a high school and less sixty-three dollars ($63) for each unit of average daily attendance attached to a junior college. The allowance provided by this section for each unit of average daily attendance of an adult, as an adult is defined in Section 6352, not residing in the district and not residing in any district maintaining a junior college shall be limited to one hundred twenty-five dollars ($125) as basic state aid and no allowance shall be made based on state equalization aid. The total of basic and equalization aid allowed each district shall not exceed two hundred twenty dollars ($220) for each unit of average daily attendance for resident adults, exclusive of average daily attendance in classes for inmates of any state institution for adults and for inmates of any city, county, or city and county jail, road camp or farm for adults.

SEC. 53. Section 17970 of said code is amended to read:

17970. For the fiscal year 1961-62 and each fiscal year thereafter, the Superintendent of Public Instruction shall allow to each junior college district for each unit of average daily attendance of pupils not residing in the district and not residing in any district maintaining a junior college, one hundred twenty-five dollars ($125) as basic state aid.

There shall be excluded from the computation of allowances provided by this section the average daily attendance of adults, as adults are defined in Section 6352, and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults.

SEC. 54. Section 17990 of said code is amended to read:

17990. Beginning with the fiscal year 1961-1962, the Superintendent of Public Instruction shall compare (1) the amount computed for a district pursuant to Articles 3, 6, and 7, plus the increased amount of tuition computed under Section 20201 as a result of the amendments to that section effected at the 1961 Regular Session of the Legislature, with (2) the amount which would have been computed if all of the following applied:

(a) The foundation program of the district were computed by multiplying by four hundred twenty-four dollars ($424) the number of units of average daily attendance in grades 13 and 14 computed under Sections 11451 and 11501, subject to the provisions of Section 17611, of all pupils attending the junior college of the district, whether or not they reside in the district, and excluding any average daily attendance of pupils residing in the district and attending a junior college in another district maintaining a junior college under an interdistrict attendance agreement.

(b) Basic aid were computed on the basis of the average daily attendance referred to in subdivision (a) above.

(c) The tax used in district aid was thirty-three cents ($0.33).

(d) Equalization aid were computed on the basis of subdivisions (a), (b), and (c) above.

If the amount computed under (2) above exceeds the amount computed under (1) above, the Superintendent of Public Instruction shall, beginning with the fiscal year 1961-1962, make an additional allowance to the junior college district in the following percentages of the amount by which the amount computed under (2) above exceeds the amount computed under (1) above in the 1961-1962 fiscal year and the four fiscal years succeeding.

(1)	1961-1962	80 percent
(2)	1962-1963	60 percent
(3)	1963-1964	40 percent
(4)	1964-1965	20 percent
(5)	1965-1966, and after	None

Each year the equalization aid of those junior college districts which are not affected by the preceding computations shall be reduced proportionately in order to offset the total additional allowance made to the several junior college districts affected by the preceding computations.

In the event that the computation under (2) above exceeds that made under (1) above for any fiscal year, and there are pupils attending in the district under an interdistrict attendance agreement for which a tuition payment is made to the district, the computation under (2) above for the district in which the pupils attend shall be made by excluding the average daily attendance of those pupils.

SEC. 55. Article 9 (commencing with Section 18001) of Chapter 3 of Division 14 of said code is repealed.

SEC. 56. Section 18253 of said code is amended to read:

18253. The Superintendent of Public Instruction shall make an additional allowance to each school district as reimbursement for the actual expense of replacing vehicles used exclusively in automobile driver training programs and of replacing simulators used in such programs, but the amount shall not exceed three-fourths of that part of the actual cost of instructing pupils in automobile driver training during the preceding fiscal year which was: (1) in excess of forty-two dollars ($42) per pupil instructed, and (2) expended by the district in replacing such vehicles and simulators

A "simulator" is any automobile driver training device approved by the Department of Education to be used in classrooms for purposes of driver training instruction under simulated driving conditions.

SEC. 57. Section 18254 of said code is amended to read:

18254. The allowances made to the several school districts under Sections 18251 and 18253 shall, when the Superintendent of Public Instruction determines that the funds credited to the Driver Training Penalty Assessment Fund during the preceding fiscal year will be insufficient to provide the full amounts otherwise allowable, be proportionately reduced.

SEC. 57.5. Section 18303 of said code is amended to read:

18303. The Superintendent of Public Instruction shall allow to each eligible district, for each unit of average daily attendance in the regular full-time day schools of the district during the preceding fiscal year of project-connected pupils, as project-connected pupils are defined in this article (commencing at Section 18301), an amount equal to the product of the assessed valuation multiplied by the general fund tax rate of the district during the preceding fiscal year, exclusive of taxes levied pursuant to Sections 1615, 19443, and 19619, divided by the average daily attendance of the district, exclusive of the average daily attendance of project-connected pupils, reduced by the difference between the amount of basic state aid and equalization aid per unit of average daily attendance apportioned to the district pursuant to Section 17402 during the current fiscal year and the amount per unit of average daily attendance that would have been apportioned had the computations been made after the exclusion of average daily attendance of project-connected pupils from the average daily attendance of the district.

SEC. 58. Section 18355 of said code is amended to read:

18355. The Superintendent of Public Instruction shall allow, in addition to all other allowances, to the county school service fund:

(a) For all emergency schools maintained in each elementary school district of the county by the county superintendent of schools, the same amount as he would compute as the foundation program of an elementary district under Sections 17651 to 17667, inclusive, except that the provisions of Section 17657 shall not apply and whenever a foundation program of two hundred twenty-four dollars ($224) per unit of average daily attendance is required to be computed, he shall, for the purposes of this section, multiply by two hundred thirty-four dollars ($234).

(b) For all special schools or classes for mentally retarded minors and severely mentally retarded minors maintained in each elementary school district of the county by the county superintendent of schools, the Superintendent of Public Instruction shall allow the same amount as he would compute as the foundation program of an elementary district under Sections 17651 to 17667, inclusive, except that the provisions of Section 17657 shall not apply and whenever a foundation program of two hundred twenty-four dollars ($224) per unit of average daily attendance is required to be computed he shall,

for the purposes of this section, multiply by two hundred thirty-four dollars ($234).

(c) For all elementary schools maintained in juvenile halls, juvenile homes, and juvenile camps by the county superintendent of schools, the Superintendent of Public Instruction shall the same amount as he would compute as the foundation program of an elementary district under Sections 17651 to 17667, inclusive, except that the provisions of Section 17657 shall not apply and whenever the foundation program of two hundred twenty-four dollars ($224) per unit of average daily attendance is required to be computed he shall, for the purposes of this section, multiply by two hundred thirty-four dollars ($234).

SEC. 61. Section 18358 of said code is amended to read:

18358. For all physically handicapped pupils and mentally retarded minors of secondary grade educated by the county superintendent of schools and for all secondary schools maintained in juvenile halls, juvenile homes and juvenile camps by the county superintendent of schools, the Superintendent of Public Instruction shall allow to the county school service fund three hundred twenty-four dollars ($324) for each unit of average daily attendance.

SEC. 62. Section 18401 of said code is amended to read:

18401 The Superintendent of Public Instruction shall allow to each county school tuition fund one hundred twenty-five dollars ($125) for each unit of average daily attendance of pupils residing in the county and attending school in an adjoining state during the fiscal year. Such average daily attendance shall not be included in the computations of foundation program support or supplemental support.

SEC. 63. Section 18451 of said code is amended to read:

18451 (a) The total amount allowed from the State School Fund as basic and equalization aid, allowances for adults, and allowances in lieu of basic aid and equalization aid pursuant to Sections 18355, 18358, and 18401, to be apportioned on account of average daily attendance during the fiscal year credited to all kindergarten, elementary, high school, and junior college schools in the state and county school tuition funds on account of elementary, high school, and junior college school pupils shall not exceed the amount provided by law therefor.

(b) The total amount allowed from the State School Fund pursuant to Section 18060 and Sections 18101 to 18206, inclusive, shall not exceed the amount provided by law therefor.

SEC. 64. Section 18452 of said code is amended to read:

18452. If the total amount allowed from the State School Fund to all school districts, county school service funds, and county school tuition funds under Sections 17751, 17801, 17851, 17901, 17904, 17951, 17970, 18355, 18358, and 18401 on account of average daily attendance during the fiscal year credited to all kindergarten, elementary, high school, and junior college schools in the state and county school tuition

funds is less than the amount provided by law for such purposes, the balance shall be allowed pursuant to Section 18460.

SEC. 65. Section 18453 of said code is amended to read:

18453. If the total amount allowed from the State School Fund to all school districts and county school service funds under Section 18060 and Sections 18101 to 18206, inclusive, on account of average daily attendance during the fiscal year is less than the total amount provided by law for such purposes, the balance shall be allowed pursuant to Section 18460.

SEC. 66. Section 18455 of said code is amended to read:

18455 If the total amount allowed from the State School Fund to all school districts, county school service funds, and county tuition funds under Sections 17751, 17801, 17851, 17901, 17904, 17951, 17970, 18355, 18358, and 18401, on account of average daily attendance during the fiscal year credited to all kindergarten, elementary, high school, and junior college schools in the state and county school tuition funds is more than the total amount provided by law for such purposes, the amount allowed in excess of one hundred twenty-five dollars ($125) to each such district or fund per unit of average daily attendance from the State School Fund shall be reduced proportionately.

SEC. 67. Section 18456 of said code is amended to read:

18456. If the total amount allowed from the State School Fund to all districts and county school service funds under Section 18060 and Sections 18101 to 18206, inclusive, on account of average daily attendance during the fiscal year is more than the total amount provided by law for such purposes, the total amount allowed each such district and each such county school service fund from the State School Fund pursuant to said sections shall be reduced by reducing the maximum reimbursement figures in those sections successively by increments of 1 percent until the deficit is removed.

SEC. 68. Section 18458 of said code is repealed.

SEC. 69. Section 18460 of said code is amended to read:

18460. If the total amount allowed county school service funds under Sections 18351 to 18354, inclusive, is less than the amounts provided by Section 18352 the balance shall be added to the balances resulting from the application of Sections 18061, 18452, and 18453. Only so much of the total of such balances as is actually necessary shall be used as follows:

(a) First, to restore proportionately the amounts reduced under Section 18455.

(b) Second, to restore, in the order herein listed, the amounts reduced under Section 18456 and subdivision (a) of Section 18061.

Any remaining balances otherwise transferable under subdivision (b) of Section 17301 shall remain in the General Fund, but shall be considered, to the extent applicable, pursuant to subdivision (c) of Section 17301 in determining the total amount available to meet deficits in computed appor-

tionments for the purposes set forth in Sections 17303 and 17303.5 in subsequent fiscal years.

SEC. 70. Section 11255 of said code is repealed.

SEC. 71. Section 11256 of said code is amended to read:

11256. Notwithstanding anything in this code to the contrary when as a result of the unification or other reorganization of school districts, or the change of school district boundaries, and if the Superintendent of Public Instruction determines that a school district in which pupils reside does not have suitable quarters in which to maintain school for all the day pupils of the district, or that for other good and sufficient reasons the education of pupils in the district in which they reside is not practical or in the best interests of such pupils, the governing board of the district of residence shall contract with the governing board of another school district for the education of those pupils for whom suitable quarters are not available, or who should be educated in another district, as determined by the Superintendent of Public Instruction. No contract for the education of pupils under this paragraph shall be authorized subsequent to the close of the third fiscal year following that in which the district of residence is formed or reorganized, or the boundaries of the district changed, for all purposes.

Such contract shall provide for the payment of tuition in such amount and in the manner as may be agreed upon by the governing board of the district of attendance and the governing board of the district of residence. The tuition agreed upon shall not be an amount in excess of the actual cost to the district of attendance for the education of such pupils, less federal funds apportioned or allocated to the district of attendance on account of such pupils, and shall be payable during the current school year of attendance.

Any contract for the education of pupils residing in a school district made by the governing board of the district in accordance with the provisions of this section shall be deemed for all purposes to be or have been the maintenance of a school within the boundaries of the district. The average daily attendance of all pupils attending school in a district other than the district in which they reside, pursuant to such contract, shall be credited to the district of residence for apportionment purposes.

The provisions of this section shall apply to any contract made by governing boards of school districts pursuant to this section during the fiscal year 1953-54, and thereafter, and attendance of pupils under such a contract shall be credited in the manner prescribed by this section.

SEC. 72. Section 11257 of said code is repealed.

SEC. 73. Section 1817 of the Revenue and Taxation Code is amended to read:

1817. The board shall annually estimate any change that may have occurred in the full cash value of locally assessable tangible property between the lien date of the roll for which

the last survey was made pursuant to Section 1815 and the lien date of the current roll. The board shall use as the basis for such estimate data on school enrollment, retail sales, wages, or other factors reasonably indicative of change or lack of change in the total full cash value of the property. The relationship between the total assessed value of the tangible property on the current local roll and the total full cash value of locally assessable tangible property so estimated shall be computed for each county of the State by the third Monday in July of each year. The board shall transmit promptly to each county assessor and county superintendent of schools, and to the Superintendent of Public Instruction a statement of its preliminary determination of this relationship.

SEC. 74. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to meet the urgent needs of the public school system of this State for additional financial support and to assure that the children of this State will receive the adequate education necessary to become good citizens it is necessary that this act shall take effect immediately.

CHAPTER 2164

An act to amend Sections 18301, 18302, 18303, 18903, and 19001 of the Education Code, relating to project-connected public school pupils.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 18301 of the Education Code is amended to read:

18301. As used in this article (commencing at Section 18301) the term "project" means any major, localized, undertaking by or under the jurisdiction of the State Department of Water Resources, or by or under the jurisdiction of the State Department of Water Resources and the federal government, jointly, which has a duration, estimated by the Director of the Department of Water Resources, of more than three years.

SEC. 2. Section 18302 of said code is amended to read:

18302. A project-connected pupil, as used in this article (commencing at Section 18301), means a child of a parent, guardian, or other person standing in loco parentis who has enrolled in the regular full-time day schools of the district subsequent to the commencement of a project, and: (a) whose

parent or guardian is employed by a contractor or subcontractor in connection with the project, or by the State of California or the federal government whose work is in connection with the project; or (b) whose parent or guardian is employed in the school district or in a contiguous school district and such child is in addition to the number of children who would otherwise normally be expected to be in the district, as approved by the Superintendent of Public Instruction in accordance with regulations that he is herewith authorized to adopt. The records identifying, and accounting for the attendance of project-connected children shall be prescribed by the Superintendent of Public Instruction.

SEC. 3. Section 18303 of said code is amended to read:

18303. The Superintendent of Public Instruction shall allow to each eligible district for each unit of average daily attendance in the regular full-time day schools of the district during the preceding fiscal year of project-connected pupils, as project-connected pupils are defined in this article (commencing at Section 18301), an amount equal to the product of the assessed valuation multiplied by the general fund tax rate of the district during the preceding fiscal year, exclusive of taxes levied pursuant to Sections 1615, 19443, and 19619, divided by the average daily attendance of the district, exclusive of the average daily attendance of project-connected pupils, reduced by: (1) the amount received or to be received by the district under Public Law 874 of the 81st Congress, as amended, or any similar provisions of any other act of Congress, solely on account of the participation of the federal government in such project; and (2) the difference between the amount of basic state aid and equalization aid per unit of average daily attendance apportioned to the district pursuant to Section 17402 during the current fiscal year and the amount per unit of average daily attendance that would have been apportioned had the computations been made after the exclusion of average daily attendance of project-connected pupils from the average daily attendance of the district.

SEC. 4. Section 18903 of said code is amended to read:

18903. As used in this chapter (Sections 18901 to 19153, inclusive):

(a) "State project" means any construction project undertaken by the State, or the State and federal government jointly, which will cause a sudden influx of people into the area affected and where sufficient housing, schools, and other community facilities are not available. For the purposes of this subdivision the Governor is hereby empowered to proclaim any major construction project undertaken by the State as a "state project" and define the area affected or likely to be affected thereby when:

1. He finds that the construction project will cause a sudden influx of people into the area; and

2. He is requested to do so by the county board of supervisors.

Such proclamation shall be in writing and shall take effect immediately. As soon thereafter as possible it shall be filed in the office of the Secretary of State.

(b) "Board" means the State Allocation Board, created by Section 7 of the Construction and Employment Act as amended.

(c) "Director" means the Director of Education.

(d) "Project" means the purposes for which a school district has applied for an apportionment.

(e) "Construction project" means the purposes for which a school district has applied for an apportionment at a given location.

(f) "Grade level maintained by a district" means (1) the kindergarten, if any, and grades 1 to 6, or grades 1 to 8, inclusive, maintained by an elementary school district or a unified school district; or (2) grades 7 to 12, grades 9 to 12, inclusive, or grades 7 to 10, inclusive, maintained by a high school district or unified school district; and (3) grades 13 and 14 maintained by a high school district, unified school district, or junior college district, but not more than one grade level shall be claimed by any district under any one of the subdivisions of this paragraph.

(g) "Apportionment" means an apportionment made under this chapter (Sections 18901 to 19153, inclusive) unless the context otherwise requires.

(h) "Project children" means children of parents who have come to the district subsequent to the start of the state project and who are employed by the State of California or the federal government in connection with a state project and children of parents employed by any contractor or subcontractor of a state project.

(i) "Indirect project children" means children of parents who have come to the district subsequent to the start of the state project and who are not employed by a contractor or subcontractor of a state project but who are children in the area in addition to those which would be expected as a result of normal development and growth of the area as determined pursuant to regulations of the director which he is hereby authorized to adopt.

(j) "Parent" includes a legal guardian or other person standing in loco parentis.

(k) "Department" means the Department of Education.

SEC. 5. Section 19001 of said code is amended to read:

19001. The board shall compute for each applicant school district the amount to which the district is entitled under the provisions of this chapter (Sections 18901 to 19153, inclusive) in the manner prescribed by this article (commencing at Section 19001). The amount so computed shall be reduced by the amount received or to be received by the district under Public Law 815 of the 81st Congress, as amended, or any similar provisions of any other act of Congress, solely on account of the participation of the federal government in the state project

or shall be reduced by the percentage of the cost of the project (as such term is defined in Section 18301) borne by the federal government, whichever is the greater amount.

SEC. 6. The amendment of Education Code Sections 18301, 18302, 18303, 18903, and 19001 made by this act at the 1963 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the pre-existing law.

CHAPTER 2165

An act to add Chapter 7.1 (commencing with Section 6750) to Division 6, Article 7 (commencing with Section 11226) to Chapter 2, Division 9, and Article 13.1 (commencing with Section 18221) to Chapter 3, Division 14 of, and to add Sections 11008, 11054, 11555, 11556, and 20807 to, the Education Code, relating to education of educationally handicapped minors, making an appropriation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 7.1 (commencing with Section 6750) is added to Division 6 of the Education Code, to read:

CHAPTER 7.1. EDUCATIONALLY HANDICAPPED MINORS

6750. As used in this chapter, "educationally handicapped minors" are minors, other than physically handicapped minors (as defined in Sections 6801 and 6802 of this code) or mentally retarded minors (as defined in Section 6901, 6902 and 6903 of this code) who, by reason of marked learning or behavioral problems or a combination thereof, cannot receive the reasonable benefit of ordinary education facilities.

6751. The governing board of any school district may provide for any one or more of the special educational programs for educationally handicapped minors authorized in this section. A county superintendent of schools may provide such programs for districts having less than 901 average daily attendance in the elementary schools or less than 901 in the high schools of the district. Such programs shall be provided in accordance with standards for each approved by the State Board of Education. The special educational programs for educationally handicapped minors are:

(a) Special classes (elementary and secondary) Under this program educationally handicapped pupils unable to function in a regular class are assigned to a special class. At the elementary level the special class shall be maintained for a minimum schoolday. The special class for junior and senior high

school pupils may be maintained for one or more class periods a day. In this program fundamental school subjects shall be emphasized as prescribed by the State Board of Education.

(b) Learning disability groups (elementary and secondary). In this program, the pupil remains in his regular class but is scheduled for individual or small group remedial instruction given by a special teacher.

(c) Specialized consultation to teachers, counselors, and supervisors (elementary and secondary). Under this program specialized consultation is provided teachers, counselors and supervisors relative to the learning disabilities of individual pupils and special education services required by such pupils.

(d) Home and hospital instruction (elementary and secondary). Under this program, a pupil who is unable to function in a school setting and who does not attend school receives instruction at the appropriate grade level at home or in a hospital or in a regularly established nonprofit, tax-exempt, licensed children's institution.

6752. A school district maintaining special educational programs for educationally handicapped minors shall not enroll more than 2 percent of total district enrollment in such programs except as permitted by special authorization of the Superintendent of Public Instruction. As used in this section, total district enrollment means the average number of pupils enrolled on October 31 and March 31 of the school year.

6753. The governing board of a school district which has an average daily attendance of less than 901 in the elementary schools of the district or less than 901 in the high schools of the district may enter into agreement with the county superintendent of schools to provide special educational programs for educationally handicapped minors. The governing board of a school district may enter into agreements with the governing boards of other school districts for the education of educationally handicapped minors. The district of residence having pupils receiving special education under the provisions of this section shall pay all current expenses entailed in providing such special education which are over and above all state apportionments made to the county superintendent or school district providing the program.

6754. Before initiating any program for educationally handicapped minors the governing board of a school district or county superintendent of schools shall notify the Superintendent of Public Instruction of its intention to do so and shall furnish such relevant information with respect to such proposed special education programs as may be required by the Superintendent of Public Instruction. Such notice and such information shall be on forms provided by the Superintendent of Public Instruction.

6755. (a) No minor shall be required to participate in a program for educationally handicapped minors unless the parent or guardian of the minor files prior written consent to

such participation with the governing board of the school district.

(b) Admission of educationally handicapped minors to programs established under the provisions of this chapter shall be made only on the basis of an individual evaluation according to standards established by the State Board of Education and upon the recommendation of an admissions committee which shall include a teacher, a school nurse or social worker, a school psychologist or other pupil personnel worker, a principal or supervisor and a licensed physician.

6756. The State Board of Education shall adopt rules and regulations which shall prescribe standards for the individual identification and evaluation of educationally handicapped minors and their admission to special education programs for educationally handicapped minors. In arriving at such standards the State Board of Education shall receive assistance from an advisory committee consisting of one member from the State Department of Education, one member from the State Department of Mental Hygiene and one member from the State Department of Public Health, such members to be appointed by the heads of the respective departments named. In addition, such advisory committee may consist of such additional members as are appointed by the State Board of Education.

6757. The State Board of Education shall adopt rules and regulations which shall prescribe standards for special educational programs for educationally handicapped minors which shall include, but need not be limited to, enrollment limits, curriculum content and teacher qualifications for each type of program authorized pursuant to this chapter, and provisions for periodic examination, re-evaluation, transfer and discharge of educationally handicapped minors participating in special educational programs maintained under the provisions of this chapter.

6758. The testing or screening of all pupils in a particular grade, school or district, shall not be a condition of eligibility for apportionment under the provisions of Sections 18221 and 18222. In the event the governing board of a school district elects to do such testing or screening, only such tests or screening procedures as are approved by the State Board of Education for this purpose shall be used. School districts intending to do such testing or screening shall give written notice to the parents or guardians of the pupils concerned at least 15 days prior to such testing or screening and shall provide copies of any written instruments to be used for such testing or screening in the office of the principal of the school the pupils attend for examination by such parents or guardians. No minor shall be required to participate in such screening or testing unless the parent or guardian files prior written consent to such participation with the governing board of such school district.

6759. The Superintendent of Public Instruction shall establish supervisory and consultative services for programs for educationally handicapped minors and shall employ personnel

who shall devote their entire time to the provision of such services.

6760. "Excess expense" means for learning disability groups pursuant to subdivision (b) of Section 6751, and for home and hospital instruction pursuant to subdivision (d) of Section 6751, the total current expenses of education incurred by the district for the program.

"Excess expense," for the program of special classes pursuant to subdivision (a) of Section 6751 means that portion of the current expenses of education that is greater than the current expenses of the district per unit of average daily attendance of pupils in the district not classified as educationally handicapped minors or classified as mentally retarded (under Sections 6901, 6902, 6903) or physically handicapped (under Sections 6801, 6802).

"Excess expense" for the program of special classes pursuant to subdivision (a) of Section 6751 means the total current expenses of education incurred for educationally handicapped minors instructed in the aforementioned special classes, over the amount to be apportioned as state aid under the provisions of Sections 18355, 18356, 18357 and 18358 to the county school service fund during the current fiscal year on account of all pupils whose attendance is credited to the county school service fund at the level for which the excess expense is to be determined, exclusive of the average daily attendance of pupils in a juvenile hall school maintained by the county superintendent of schools during the preceding fiscal year.

6761. The Superintendent of Public Instruction shall adopt rules and regulations which shall:

(a) Prescribe the form and manner of notification of intention to initiate a program.

(b) Prescribe the form and manner of application for reimbursement of excess expense.

6762. There is hereby appropriated from the General Fund the amount required for the purposes of this article and Article 13.1 (commencing with Section 18221) of Chapter 13 of Division 14 of this code in accordance with the following schedule and in the fiscal years specified in the schedule:

(a) To the Department of Education, in the fiscal year 1963-1964, the sum of thirty thousand dollars ($30,000), in augmentation of Item 77 of the Budget Act of 1963 for the implementation of Section 6759.

(b) In the fiscal year 1964-1965, to the State School Fund, one hundred thousand dollars ($100,000) to reimburse school districts and county superintendents of schools, in accordance with Article 13.1 (commencing with Section 18221) of Chapter 3 of Division 14 of this code, for the excess expenses incurred in providing programs for educationally handicapped minors during the first semester of the 1963-1964 fiscal year.

(c) In the fiscal year 1964-1965, to the State School Fund, eight hundred thousand dollars ($800,000) to reimburse school districts and county superintendents of schools, in accordance

with Article 13 1 (commencing with Section 18221) of Chapter 3 of Division 14 of this code for the excess expense incurred in providing programs for educationally handicapped minors during the second semester of the 1963-1964 fiscal year

(d) In the fiscal year 1965-1966, to the State School Fund, two million dollars ($2,000,000) to reimburse school districts and county superintendents of schools, in accordance with Article 13 1 (commencing with Section 18221) of Chapter 3 of Division 14 of this code, for the excess expense incurred in providing programs for educationally handicapped minors during the 1964-1965 fiscal year.

(e) No allowance shall be made to a school district or county superintendent of schools for the excess expense incurred in providing programs for educationally handicapped minors unless the district or county superintendent, prior to providing such a program, obtains the approval of the State Department of Education for the maintenance of the program and the apportioning of money from the State School Fund for the excess expense incurred in providing the program.

SEC. 2. Section 11008 is added to said code, to read:

11008. With respect to educationally handicapped pupils provided instruction pursuant to Chapter 7.1 (commencing with Section 6750), Division 6 of this code, the minimum schoolday in kindergarten is 180 minutes; in grades one, two and three in elementary schools, is 200 minutes; and in grades four, five, six, seven and eight in elementary schools, is 240 minutes.

SEC. 3. Section 11054 is added to said code, to read:

11054. With respect to educationally handicapped minors provided instruction pursuant to Chapter 7.1 (commencing with Section 6750), Division 6 of this code, the minimum schoolday in any high school is 240 minutes.

SEC. 4. Article 7 (commencing with Section 11226) is added to Chapter 2, Division 9 of said code, to read:

Article 7. Attendance of Educationally Handicapped Minors

11226. Attendance of educationally handicapped minors, as identified pursuant to Chapter 7.1 (commencing with Section 6750), Division 6, in a graded special class for the same number of minutes as constitute a day of attendance in the same grade of regular classes shall constitute a day of attendance. Each clock hour of teaching time devoted to individual instruction of educationally handicapped minors shall count as one day of attendance. The average daily attendance of all educationally handicapped minors shall be computed by dividing the total number of days of attendance of the pupils by the number of days taught in the regular schools of the district.

11227. With respect to educationally handicapped minors given instruction at home, in a hospital, or in a regularly established nonprofit, tax-exempt, licensed children's institution, each clock hour of teaching time devoted to the individual instruction of such pupils shall count as one day of attendance. No provision of this chapter (commencing at Section 10951) limiting the number of days of attendance with which a pupil may be credited in any one calendar day is applicable to such pupils, but no such pupil shall be given individual instruction for more than three hours in any one day or credited with more days of attendance during any fiscal year than the number of days the regular day schools of the district were maintained during such fiscal year.

11228. The attendance of all educationally handicapped minors given instruction by a school district shall be reported annually to the county superintendent of schools together with all other attendance on forms provided by the Superintendent of Public Instruction.

11229. The attendance of educationally handicapped minors instructed by the county superintendent of schools pursuant to Section 6751 shall be credited as follows:

(a) The attendance of elementary pupils taught in special classes maintained for educationally handicapped minors shall be credited to the county school service fund as attendance upon a single emergency elementary school for special class instruction of such pupils. The attendance of pupils of secondary grade in special classes maintained for educationally handicapped minors shall be credited to the county school service fund as attendance upon a single emergency secondary school for special class instruction for such pupils.

(b) The attendance of elementary pupils in learning disability groups maintained for educationally handicapped minors shall be credited to the county school service fund as attendance upon a single emergency elementary school for learning disability group instruction of educationally handicapped minors. The attendance of pupils of secondary grade in learning disability groups maintained for educationally handicapped pupils shall be credited to the county school service fund as attendance upon a single emergency secondary school for learning disability group instruction of educationally handicapped minors.

(c) The attendance of elementary pupils given instruction in the home, hospital, or a regularly established nonprofit, tax-exempt, licensed children's institution for the educationally handicapped shall be credited to the county school service fund as attendance upon a single emergency elementary school for home, hospital, or a regularly established nonprofit, tax-exempt, licensed children's institution instruction of educationally handicapped minors. The attendance of pupils of secondary grade given instruction in the home, hospital, or a

regularly established nonprofit, tax-exempt, licensed children's institution for the educationally handicapped shall be credited to the county school service fund as attendance upon a single emergency secondary school for home, hospital, or a regularly established nonprofit, tax-exempt, licensed children's institution instruction of educationally handicapped minors.

SEC. 5. Section 11555 is added to said code, to read:

11555. The average daily attendance of educationally handicapped elementary minors given instruction by a county superintendent of schools and whose attendance is credited to the county school service fund, shall be computed by dividing the total days of attendance of such pupils during the fiscal year by 175.

SEC. 6. Section 11556 is added to said code, to read:

11556. The average daily attendance of educationally handicapped minors of secondary grade given instruction by a county superintendent of school and whose attendance is credited to the county school service fund, shall be computed by dividing the total days of attendance of such pupils during the fiscal year by 175.

SEC. 7. Article 13.1 (commencing with Section 18221), is added to Chapter 3, Division 14 of said code, to read:

Article 13.1. Computation of Allowances for Excess Expense for Educationally Handicapped Minors

18221. (a) The Superintendent of Public Instruction shall allow to each school district and county superintendent of schools an amount equal to the excess current expense of education to such district or county superintendent of schools for educating educationally handicapped minor pupils who come within the provisions of subdivisions (a), (b), and (d) of Section 6751 but not in excess of the maximum allowance for each unit of average daily attendance of educationally handicapped minors during the next preceding fiscal year as set forth in the following schedule:

(1) Special day class (elementary and secondary)	$565
(2) Learning disability groups (elementary and secondary)	565
(3) Home and hospital instruction	910

(b) The Superintendent of Public Instruction shall compute for each applicant school district and county superintendent of schools the total current expense incurred by the district and the county superintendent of schools, during the preceding year, in providing in such year a program of specialized consultation to teachers, counselors and supervisors for educationally handicapped minors who come within the provisions of subdivision (c) of Section 6751 but not to exceed the total amount computed for the district or county superintendent of schools in accordance with this section. The total amount computed shall not exceed an amount equal to the product of the

average daily attendance of pupils enrolled in such programs in subdivision (a) of this section and twenty dollars ($20).

18222. There shall be apportioned subject to the provisions of subdivisions (b), (c), (d) and (e) of Section 6762 as a part of the special purpose apportionment to each school district and county superintendent of schools which maintains a program for educationally handicapped minors in accordance with the provisions of Chapter 7.1, Division 6 of this code and the rules and regulations of the State Board of Education adopted pursuant to said chapter, the total amount computed for the district and county superintendent of schools pursuant to Section 18221.

SEC. 8. Section 20807 is added to said code, to read:

20807. The maximum rate of school district tax under Sections 20751 and 20753, inclusive, for any fiscal year is hereby increased by such amount as will provide the amount of the proposed expenditures for programs for educating handicapped minors under Sections 6750 to 6762, inclusive, which are in excess of state apportionments as shown by the budget of the district as finally adopted by the governing board of the district.

If at the end of any fiscal year there remains an unencumbered balance derived from the revenue of the increase in tax rate hereby provided, such balance shall be used exclusively in the following fiscal year for the expenditures of the school district during that year required or authorized by Sections 6750-6762, inclusive, of this code.

SEC. 9. The State Department of Education shall study the operation and results of special educational programs for educationally handicapped minors and shall report its findings upon approval of the State Board of Education to the Governor and to the Legislature at its 1965 and 1967 Regular Sessions.

SEC. 10. Sections 1 to 9, inclusive, of this act, except Education Code Sections 6756, 6757, 6758 and 6761, shall become operative on July 1, 1963.

SEC. 11. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that programs conducted under this act during the school year 1963-1964 may be reimbursed for the excess expenses of programs for educationally handicapped minors during the entire 1963-1964 school term, it is essential that this act become effective immediately.

CHAPTER 2166

An act to amend and renumber Section 456 of, to amend Sections 2160, 4722.1, 4731 5, and 4753.1 of, to add Sections 2020 001 and 4701 1 to, and to repeal Sections 141, 2020.001, and 3043.5 of, the Welfare and Institutions Code, relating to public assistance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 23, 1963 Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 456 of the Welfare and Institutions Code is amended and renumbered to read:

456. If a recipient purchases with cash an essential item, and such purchase under the rules and regulations of the State Social Welfare Board would have entitled him to a special need allowance each month to meet monthly installments on such purchase had he paid for the item in monthly installments, the recipient shall be considered to have purchased the item from his personal property holdings, and shall be allowed to place in his savings, each month, without deduction from his grant, an amount of income equivalent to the special need allowance he would have been granted had he paid for the item on a monthly installment basis, if he reports the purchase to the county welfare department within 90 days after the date on which it was made. The income placed in his savings shall be considered personal property for the purpose of this chapter

The county welfare department, for good and sufficient reason, may extend the period during which a recipient may report a purchase under this section. The State Social Welfare Board, in its rules and regulations, shall indicate what constitutes good and sufficient reason for extending that period.

SEC. 2. Section 141 of said code is repealed.

SEC. 3. Section 2020.001 of said code is repealed.

SEC. 4. Section 2020.001 is added to said code, to read:

2020.001. If the physical or mental condition of a recipient of aid under this chapter is such that he requires the services of a full-time or part-time attendant or other special services, he shall be entitled to an additional grant in an amount sufficient to enable him to pay for those services, but not to exceed three hundred dollars ($300) in any month. The grant payable to a recipient under this section shall not be considered in computing the grant payable to the recipient under Sections 2020 and 2020 002 of this code, and shall not be subject to the monetary limitations set forth in those sections.

SEC. 5. Section 2160 of said code is amended to read:

2160. Aid shall be granted under this chapter to any person who comes within all of the following descriptions:

(a) Who has attained the age of 65 years; provided, that if, when and during such time as the federal government shall

provide or make available to this State grants-in-aid to persons who have attained the age of 60 years, the age contained in this subdivision shall be reduced to 60 years and persons who have attained the age of 60 years and who come within all of the descriptions hereinafter contained shall be eligible for aid under this chapter;

(b) Who resides in the State and has so resided continuously for at least one year immediately preceding the date of application and for at least five years within the nine years immediately preceding the date of application; or, who resides in the State and is, or has been within one year prior to his application under this chapter, receiving aid under Chapter 1 (commencing with Section 3000) or Chapter 3 (commencing with Section 3400) of Part 1 of Division 5 of this code, to which he has become ineligible because of restoration of sight; provided, however, that if, when, and during such time as the federal government shall fix maximum residence requirements, aid shall be paid to any person, otherwise eligible, who meets those requirements;

(c) Who is not cared for under a contract for a period of time exceeding one month; provided, however, that during such times as the federal statutes or rules and regulations of the Federal Security Agency provided for federal sharing, all persons cared for under such a contract may be granted assistance for their personal and incidental expenses not to exceed ten dollars ($10) per month if the contract does not specifically provide for this need; provided further, that during such time as the additional federal funds made available for that purpose by federal legislation enacted in 1952 remain available, all persons cared for under a contract mentioned in the last preceding clause of this subdivision may be granted assistance for their personal and incidental expenses not to exceed fifteen dollars ($15) per month in lieu of the ten-dollar ($10) grant authorized by said last preceding clause, if the contract does not specifically provide for this need.

(d) Who is not receiving adequate support from a husband or wife, or child able and responsible under the laws of this State to furnish such support; free board and lodging supplied to an applicant, because of his necessity, by a friend or relative who is not responsible for his support, shall not be grounds for refusing aid;

(e) Who has not made any voluntary assignment or transfer of property for the purpose of qualifying for such aid.

(f) Who is not a patient in a public institution for tuberculosis or mental disease.

(g) Who is not a patient in a public medical institution as the result of a diagnosis as having tuberculosis or psychosis.

(h) Who is not an inmate of a public institution of a custodial (nonmedical), penal or correctional character.

(i) Who is not an inmate of a federal medical institution.

SEC. 6. Section 3043.5 of said code is repealed.

SEC. 7. Section 4701.1 is added to said code, to read:

4701.1. Whenever the term "hospital" or "nursing home" is used in this chapter it shall be construed as referring to a medical institution as defined for the purposes of securing federal approval of plans for public assistance

SEC. 8. Section 4722.1 of said code is amended to read:

4722.1. (a) Notwithstanding the provisions of Section 4722, payment shall be made for the first 30 days of care if confinement occurs in a county hospital or in a contract hospital or nursing home to which an aged person transfers from a county hospital or contract hospital.

(b) Payment shall be made from the first day of the month following the date on which a person enters a nursing home from his own home or a private hospital.

(c) Payment shall be made within the first 30 days of confinement in any hospital or nursing home whenever the cost of care therein exceeds two thousand dollars ($2,000).

SEC. 9. Section 4731 5 of said code is amended to read:

4731.5. Notwithstanding the provisions of Section 4731, a certificate of eligibility issued to an aged person shall be authorization for payment of any services rendered under this chapter in behalf of the person, for the three months immediately prior to the month in which the application for assistance was made.

If such services were rendered in a county hospital or in a contract hospital or in a hospital or nursing home to which the person is transferred from a county hospital or contract hospital, payment for such services shall be made as provided in Section 4753.1. If the service was otherwise rendered, payment shall be made as provided in Section 4753.

SEC. 10. Section 4753.1 of said code is amended to read:

4753.1. Until the cost of medical assistance exceeds two thousand dollars ($2,000), such assistance provided during the first 30 days in accordance with subdivision (a) of Section 4722.1 of this code, or during the period prior to the date of application as provided in Section 4731.5 of this code, shall be borne by the county, after deducting therefrom such federal funds as are received pursuant to Title I of the Federal Social Security Act.

SEC. 11. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act revises current limitations now existing in public assistance programs, including medical assistance for the aged, and will serve to expedite the administration of such programs. In order that this may take place at the earliest possible time, it is essential that this act take effect immediately.

CHAPTER 2167

An act to add Section 1451.5 to the Health and Safety Code to amend Section 29607 of the Government Code, and to amend Sections 2020 002, 3084.01, 3447,, and 3472.01 of, and to add Section 4726 to the Welfare and Institutions Code, relating to public assistance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 23, 1963 Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1451.5 is added to the Health and Safety Code, to read:

1451.5. The board may authorize payment for care provided, on or after January 1, 1962, to an indigent resident of the county in a hospital or medical facility located in another state, where that care is provided in an emergency or can be secured at a lesser expense than would be the case were the person to be transported to a comparable facility in this State.

SEC. 2. Section 29607 of the Government Code is amended to read:

29607. When authorized by the board of supervisors, expenses incurred by county authorities pursuant to Section 1451.5 of the Health and Safety Code or for temporary, emergency, or extended care or treatment of indigent patients of the county by local hospitals or any hospital maintained and operated by any county, the State, any state college, university, or other institution supported in whole or in part by taxation or exempted in whole or in part from taxation are county charges.

SEC. 3. Section 2020.002 of the Welfare and Institutions Code is amended to read:

2020.002. Any recipient whose need exceeds the amount of the maximum grant payable under Section 2020 shall be entitled to receive an additional amount as necessary to meet his need but in no event shall the sum of his grant and income exceed one hundred seventy dollars ($170) per month plus any adjustment reflecting cost-of-living changes subsequent to January 1, 1962.

The additional grant provided by this section is to provide additional aid to persons with needs arising because of circumstances and situations not common to all recipients and not included or adequately covered by the allowance provided by Section 2020.

In determining the amount of grant payable under this section no consideration shall be given to voluntary contributions or grants from other public sources, private agencies, friends or relatives when such contributions or grants meet the following conditions:

1. The service to be provided is designated by the State Social Welfare Board and is not covered by an assistance allowance under this chapter, and

2. The contribution or grant would not be available for expenditure by or in behalf of the recipient unless it is used in accordance with the conditions imposed by the donor.

SEC. 4. Section 3084.01 of said code is amended to read:

3084.01. Any recipient whose need exceeds the amount of the maximum grant payable under Section 3084 of this code shall be entitled to receive an additional amount as necessary to meet his need but in no event shall the sum of his grant and income exceed one hundred seventy dollars ($170) per month plus any adjustment reflecting cost-of-living changes subsequent to January 1, 1960.

The additional amount granted by this section is intended to provide additional aid to persons with needs arising because of circumstances and situations not common to all recipients, which are not included or not adequately covered by the allowance provided by Section 3084.

In determining the amount of grant payable under this section no consideration shall be given to voluntary contributions or grants from other public sources, private agencies, friends or relatives when such contributions or grants meet the following conditions:

1. The service to be provided is designated by the State Social Welfare Board and is not covered by an assistance allowance under this chapter, and

2. The contribution or grant would not be available for expenditure by or in behalf of the recipient unless it is used in accordance with the conditions imposed by the donor.

SEC. 5. Section 3447 of said code is amended to read:

3447. Aid shall not be denied under the provisions of this chapter to any person who owns, in addition to property authorized by Chapter 6 (commencing with Section 450) of Division 1 of this code, personal or real property, or both, the county assessed valuation of which, less all encumbrances thereon of record, does not exceed five thousand dollars ($5,000). Aid shall not be denied under the provisions of this chapter to any blind person with a plan for achieving self-support on the ground that he owns personal property in addition to that authorized in Chapter 6 (commencing with Section 450) of Division 1 of this code; provided, that such additional property is necessary to implement his plan for achieving self-support; and provided that the county-assessed valuation of such additional personal property does not exceed five thousand dollars ($5,000).

The term "personal property," insofar as applicants or recipients of aid under this chapter are concerned, shall not include a policy or policies of life insurance on the life of the applicant or recipient which has or have been in effect at least five years prior to the date of application, if the value of the

policy or policies at maturity is in an amount not exceeding one thousand dollars ($1,000).

No life insurance policy shall be valued at more than its present surrender value to the applicant or recipient. Premiums paid on life insurance policies shall not be deemed income or resources of the applicant or recipient, whether or not the person by whom the premiums are paid is a responsible relative of the applicant or recipient, and no deduction therefor shall be made from the amount of aid granted to the recipient.

Funds for readers, or an educational scholarship, or both, which have been awarded by a high school, college, or university to any recipient of aid under this chapter while he is regularly attending any public school in this State, the University of California, or any other institution of higher learning in this State, shall not be deemed property, income, or resource of the recipient for any purpose and no deduction therefor shall be made from the recipient's amount of aid.

SEC. 6. Section 3472.01 of said code is amended to read:

3472.01. Any recipient whose need exceeds the amount of the maximum grant payable under Section 3472 of this code shall be entitled to receive an additional amount as necessary to meet his need but in no event shall the sum of his grant and income exceed one hundred seventy dollars ($170) per month plus any adjustment reflecting cost-of-living changes subsequent to January 1, 1960

The additional amount granted by this section is intended to provide additional aid to persons with needs arising because of circumstances and situations not common to all recipients, which are not included or not adequately covered by the allowance provided by Section 3472.

In determining the amount of grant payable under this section no consideration shall be given to voluntary contributions or grants from other public sources, private agencies, friends or relatives when such contributions or grants meet the following conditions:

1. The service to be provided is designated by the State Social Welfare Board and is not covered by an assistance allowance under this chapter, and

2. The contribution or grant would not be available for expenditure by or in behalf of the recipient unless it is used in accordance with the conditions imposed by the donor.

SEC. 7. Section 4726 is added to said code, to read:

4726. The department may provide, by regulation, for the care and treatment, or both, of a recipient, pursuant to the provisions of Part 3 (commencing with Section 4500) or this part, by or in facilities in another state in those cases where out-of-state care or treatment is rendered on an emergency basis or is otherwise in the best interests of the recipient under the circumstances.

SEC 8. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety

within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Section 3447 of the Welfare and Institutions Code was amended by the Legislature at the current session to revise the property qualifications for recipients of aid to the potentially self-supporting blind, and the measure which effected the change (A.B. 58) contained an urgency clause. By inadvertence a change was included in the section that could lead to an interpretation entirely inconsistent with the Legislature's intention. This act will correct the language and clarify the legislative intent, and in order that it may operate to prevent any confusion in the administration of the section, it is essential that this act take effect immediately.

CHAPTER 2168

An act to amend Section 3447 of, and to add Sections 3047.5, 3447.2, 3447.3, and 3447.4 to, the Welfare and Institutions Code, relating to aid to the blind.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 3447 of the Welfare and Institutions Code is amended to read:

3447. Aid shall not be denied under the provisions of this chapter to any person who owns, in addition to property authorized by Chapter 6 (commencing with Section 450) of Division 1 of this code, personal or real property, or both, the county-assessed valuation of which, less all encumbrances thereon of record, does not exceed five thousand dollars ($5,000). Aid shall not be denied under the provisions of this chapter to any blind person with a plan for achieving self-support on the ground that he owns personal property in addition to that authorized in Chapter 6 (commencing with Section 450) of Division 1 of this code; provided, that such additional property is necessary to implement his plan for achieving self-support; and provided, that the county-assessed valuation of such additional personal property does not exceed five thousand dollars ($5,000).

SEC. 2. Section 3447.2 is added to said code, to read:

3447.2. The term "personal property," insofar as applicants or recipients of aid under this chapter are concerned, shall not include a policy or policies of life insurance on the life of the applicant or recipient which has or have been in effect at least five years prior to the date of application, if the value of the policy or policies at maturity is in an amount not exceeding one thousand dollars ($1,000).

SEC. 3. Section 3447.3 is added to said code, to read:

3447.3. No life insurance policy shall be valued at more than its present surrender value to the applicant or recipient. Premiums paid on life insurance policies shall not be deemed income or resources of the applicant or recipient, whether or not the person by whom the premiums are paid is a responsible relative of the applicant or recipient, and no deduction therefor shall be made from the amount of aid granted to the recipient.

SEC. 4. Section 3447.4 is added to said code, to read:

3447.4. Funds for readers, or an educational scholarship, or both, which have been awarded to any recipient of aid under this chapter shall not be deemed property, income, or resource of the recipient for any purpose and no deduction therefor shall be made from the recipient's amount of aid.

SEC. 5. Section 3047.5 is added to said code, to read:

3047.5. For the purposes of Section 3084 and Section 3084.01, earnings or other income of an applicant shall not be considered, and shall not be deducted from the amount of aid to which the applicant would otherwise be entitled. The property of the applicant shall not be considered in determining his eligibility for aid.

This section shall become operative if and when amendments to the federal statutes or rules and regulations of the Federal Security Agency take effect permitting this State to give effect to this section without thereby rendering this State ineligible to receive federal grants-in-aid for assistance or aid to the blind of this State, and to the extent to which those statutes or rules and regulations permit it to be given effect.

CHAPTER 2169

An act to amend Section 3447, and to repeal Sections 3430 and 3431, of and to add Sections 3447.2, 3447.3, and 3447.4 to, the Welfare and Institutions Code, relating to aid to the blind.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 3430 of the Welfare and Institutions Code is repealed.

SEC. 2. Section 3431 of said code is repealed.

SEC. 3. Section 3447 of said code is amended to read:

3447. Aid shall not be received under the provisions of this chapter by any person who owns, in addition to property authorized by Chapter 6 (commencing with Section 450) of Division 1 of this code, personal or real property, or both, the county-assessed valuation of which, less all encumbrances

thereon of record, is in excess of five thousand dollars ($5,000). Aid shall not be denied under the provisions of this chapter to any blind person with a plan for achieving self-support on the ground that he owns personal property in addition to that authorized in Chapter 6 (commencing with Section 450) of Division 1 of this code; provided, that such additional property is necessary to implement his plan for achieving self-support; and provided, that the county-assessed valuation of such additional personal property does not exceed five thousand dollars ($5,000).

SEC. 4. Section 3447.2 is added to said code, to read:

3447.2. The term "personal property" shall not include a policy or policies of life insurance on the life of the applicant or recipient which has or have been in effect at least five years prior to the date of application, if the value of the policy or policies at maturity is in an amount not exceeding one thousand dollars ($1,000).

SEC. 5. Section 3447 3 is added to said code, to read:

3447.3. No life insurance policy shall be valued at more than its present surrender value to the applicant or recipient. Premiums paid on life insurance policies shall not be deemed income or resources of the applicant or recipient, whether or not the person by whom the premiums are paid is a responsible relative of the applicant or recipient, and no deduction therefore shall be made from the amount of aid granted to the recipient.

SEC. 6. Section 3447.4 is added to said code, to read:

3447.4. Funds for readers, or an educational scholarship, or both, which have been awarded to any recipient of aid under this chapter shall not be deemed property, income or resource of the recipient for any purpose and no deduction therefor shall be made from the recipient's amount of aid.

SEC. 7. This act shall become operative January 1, 1964.

CHAPTER 2170

An act to add Sections 13814.1, 13817.1, 13818.1, 14113.1, 14125.1 and 14151.1 to, and to amend Sections 13859, 14151, 14155, 14251, 14355, 14356, 14366 and 14369 of, the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 13814.1 is added to the Education Code, to read:

13814.1. "Shelter contributions" means contributions made in accordance with Section 14113.1.

SEC. 2. Section 13817.1 is added to said code, to read:

13817.1. "Accumulated shelter contributions" means the shelter contributions made by a member and standing to the credit of his account, together with interest credited thereon.

SEC. 3. Section 13818.1 is added to said code, to read:

13818.1. "Shelter annuity" means payments for life derived from the accumulated shelter contributions of a member.

SEC. 4. Section 13859 of said code is amended to read:

13859. In addition to other records and accounts, the board shall keep such records and accounts as are necessary to show at any time:

(a) The total accumulated contributions of members, exclusive of accumulated shelter contributions.

(b) All other accumulated contributions in the Permanent Fund, not required for the future payment of annuities, refunds and death benefits under Section 14258.

(c) The total accumulated annuity deposits of members in the Teachers' Annuity Deposit Fund.

(d) The total accumulated deposits of retired teachers less payments made for annuities for retired teachers.

(e) The contributions of the State to the Retirement Fund.

(f) The total accumulated shelter contributions of members.

SEC. 5. Section 14113.1 is added to said code, to read:

14113.1. Subject to rules prescribed by the board, any member may elect to make shelter contributions for the purpose of providing additional benefits. Shelter contributions may be made only in multiples of twenty-five dollars ($25) per month, but not to exceed in any one year, 10 percent of his compensation composed of payments in cash, made to him by his employer, and upon which his other contributions were determined in part, for that year.

SEC. 6. Section 14125.1 is added to said code, to read:

14125.1. Notwithstanding any provision in preceding sections, commencing with Section 14115, to the contrary, respective employers of members, public officials and public agencies designated in such sections, monthly or at other intervals fixed by the Retirement Board, shall remit to the retirement system, shelter contributions made, and shall file with the Retirement Board, reports of such contributions segregated according to members making them, all in accordance with such rules as may be adopted by the Retirement Board.

SEC. 7. Section 14151 of said code is amended to read:

14151. Upon the termination of a member's employment by any cause other than death or retirement there shall be paid to him, or if no other benefits are payable under this chapter upon the death of a member, there shall be paid to the beneficiary nominated by the deceased member:

(a) The Permanent Fund contributions, without interest, standing to the credit of his individual account, as having been made after July 1, 1935.

(b) The accumulated annuity contributions standing to the credit of his individual account in the Retirement Annuity Fund.

(c) Any moneys standing to the credit of his individual account in the Annuity Deposit Fund pursuant to Section 13906, together with the interest accumulated thereon.

(d) The shelter contributions standing to the credit of his individual account, together with credited interest if he has made such contributions for more than five (5) years, but otherwise without credited interest.

SEC. 8. Section 14151.1 is added to said code, to read:

14151.1. A member, without terminating his membership, may withdraw shelter contributions standing to the credit of his individual account, together with credited interest if he has made such contributions for more than five (5) years, but otherwise without credited interest.

SEC. 9. Section 14155 of said code is amended to read:

14155. If a person whose contributions have been returned re-enters the system he may elect to redeposit the contributions, excluding shelter contributions, returned to him after he has rendered two years of creditable service subsequent to his re-entry. Such redeposit shall include interest at the rates currently being used from time to time to credit interest on contributions to the Retirement Annuity Fund. For time prior to July 1, 1944, the interest shall be at 2½ percent compounded annually. Redeposit may be made in installments in accordance with such rules and regulations as may be established by the Retirement Board.

The election to redeposit withdrawn contributions as provided by this section shall be extended to all persons who withdrew contributions prior to October 1, 1961, and who have not redeposited prior to that date, provided that an election to redeposit such contributions was not available at the time of re-entry to membership.

Upon re-entry to membership the person's rate of contributions shall be the rate applicable to his age on the date of re-entry. If he elects to redeposit contributions, as provided in this section, his rate of contributions on service rendered subsequent to the first of the month following the date such election is received in the retirement office shall be the rate applicable to the age attained by deducting the period from the date of refund to the date of re-entry from the exact age attained at the time of re-entry.

If the member dies after he has rendered six months of service subsequent to his re-entry to membership, and before making an election with respect to the redeposit of the refunded contributions, the service upon which such contributions were based and the service rendered after his re-entry shall be included in the determination of the benefits payable under Sections 14251 and 14256.

SEC. 10. Section 14251 of said code is amended to read:

14251. Except as otherwise provided in Sections 14364, 14365, or 14366, upon receipt of proof of a member's death which occurred before the effective date of his retirement or after said date but before the date upon which the warrant for his first retirement allowance is mailed, including a warrant for an advance payment as permitted by Section 14128, and within four months after the termination of the member's employment in a status requisite for membership in this retirement system, or while the member was physically or mentally incapacitated for performance of his duty, if such incapacity had been continuous from said termination, there shall be paid to such beneficiary as he has nominated by written designation duly filed with the Retirement Board:

(a) The Permanent Fund contributions, without interest, standing to the credit of his individual account, as having been made after July 1, 1935.

(b) The accumulated contributions standing to the credit of his individual account in the Retirement Annuity Fund.

(c) Any moneys standing to the credit of his individual account in the Annuity Deposit Fund pursuant to Section 13906, together with the interest accumulated thereon.

(d) An amount, provided from contributions by the State, and payable from the Retirement Annuity Fund, for each completed year of service as a member, not to exceed six and excluding those years of service with respect to which contributions have been refunded and the member had not elected to redeposit pursuant to Section 14155, equal to one-twelfth of the salary which would have been earned by the member at the rate of salary at which he was last employed preceding death, assuming engagement in duties for the number of school days during the school year in which said employment existed. From the amount determined under the sentence next preceding, there shall be deducted an amount equal to that portion of the benefit payable on account of said death by a local retirement system or the State Employees' Retirement System, which is provided from contributions of the employer, and is in addition to the portion of the benefit payable by said systems which is made up of the accumulated contributions of the member, and independently of any optional election made by said person at the time of his retirement, under which he received a reduced retirement allowance and a benefit was provided at his death.

(e) The accumulated shelter contributions standing to the credit of his account.

SEC. 11. Section 14355 of said code is amended to read:

14355. Upon retirement for service, a retired member shall receive a retirement allowance which shall consist of:

(a) A monthly retirement salary derived from the Permanent Fund, equal to the fraction of an amount which bears the same ratio to fifty dollars ($50) as the number of years of service credited, not to exceed 30 years, bears to 30 years, set

forth in Section 14359, opposite his age at retirement, taken to the preceding completed quarter year, in the column applicable to his sex. The retirement salary shall be subject to the deductions provided in Section 14106, if the member is not credited at the time of retirement with the total Permanent Fund contributions required of each member.

(b) A retirement annuity derived from the Retirement Annuity Fund based upon the number of years of service credited to him, less any service for which he is entitled to receive retirement benefits under a local retirement system, computed pursuant to Section 14359.

(c) An annuity which shall be the actuarial equivalent of the accumulated annuity deposits standing to the credit of his individual account at the time of his retirement.

Such retirement allowance, prior to modification under options in Section 14363, and exclusive of the annuity derived from accumulated annuity deposits, shall be at least an amount, by increase in the annuity under the Retirement Annuity Fund, based on service rendered prior to July 1, 1944, which, when added to the retirement allowance, prior to optional modification, the person is entitled to receive from a local retirement system, shall equal the retirement allowance prior to optional modification, to which the person would be entitled under this system if he were not entitled to any allowance from a local retirement system, minus one-half the retirement annuity on account of service rendered after June 30, 1944, to which the person would be so entitled, but for which he did not make annuity contributions. However, no amount shall be paid under this paragraph to any retired person who has the right to receive a retirement allowance from a local retirement system upon his subsequent attainment of a minimum age after the retired person attains that minimum age unless he affirmatively exercises his right to receive the retirement allowance from the local retirement system, and if such a retired person does so exercise his right, only if some amount is then payable under this paragraph.

(d) A "shelter annuity" which shall be the actuarial equivalent of the accumulated shelter contributions standing to the credit of his individual account at the time of his retirement.

SEC. 12. Section 14356 of said code is amended to read:

14356. The retirement allowance in Section 14355, exclusive of the annuities in subdivisions (c) and (d) of that section, but when added to the retirement allowance, prior to optional modification, the person is entitled to receive from a local retirement system, shall be, by increase in the annuity under the retirement annuity fund, at least seventy dollars ($70) per year, multiplied by the member's years of service, not to exceed forty (40); provided, the retired member is at least 60 years of age at the time of retirement. If retirement is at an age less than 60 years, the minimum retirement allowance under this section is an amount equal to a fraction of the minimum retirement allowance calculated under

the preceding sentence, said fraction being that set forth in Section 14359 opposite the member's age at retirement, taken to the preceding completed quarter-year, in the column applicable to the member's sex. For any member under retirement who re-enters membership in the retirement system and subsequently retires, the lesser age to be taken to the preceding quarter year, in the next preceding sentence, for calculating the minimum retirement allowance under this section, shall be determined by deducting from the member's age at the subsequent retirement, the aggregate time during which the member was under retirement prior to re-entry into membership in the system; provided, however, that the fraction to be taken at such adjusted lesser age shall not be less than nine-tenths if the subsequent and prior retirements were for disability. No retirement allowance shall be increased under this section to exceed, annually, 75 percent of the final compensation of the retired member.

SEC. 13. Section 14366 of said code is amended to read:

14366. Upon the death before retirement of a member who is qualified for service retirement under subsection (a) of Section 14301, and on account of whose death the benefit provided by Section 14251 is otherwise payable, or who could have qualified for service retirement under subsection (b) of Section 14301 at the time of his death, a monthly allowance equal to one-half of the monthly retirement allowance prior to modification under options in Section 14363, which the member would have been entitled to receive if he had retired for service on the date of his death, shall be payable:

(a) To the member's widow, or to the member's widower who was receiving at least one-half of his support from the member at the time of the member's death, and with respect to both widow and widower, who was married to such member prior to the occurrence of the injury or onset of the illness which resulted in death; provided, such widow or widower does not qualify for an allowance under Section 14365; or

(b) If there is no qualifying surviving spouse, or if such spouse dies or remarries, to unmarried children, including stepchildren, of the member, who are under 18 years of age.

The allowances payable under this section shall be in lieu of the death benefit provided by Section 14251 or by Section 14151, except for the accumulated annuity deposits and accumulated shelter contributions included therein, but a person qualifying for the allowance or such person's guardian may elect, before the first payment on account of it, to receive such death benefit in lieu of the allowance. The member's accumulated annuity deposits and accumulated shelter contributions shall be paid to the person qualifying for the allowance, and the remainder of the accumulated contributions of the member shall be applied toward providing the allowance, and the balance not so provided shall be payable from state contributions.

If the guardian of one or more children otherwise eligible to receive the allowance elects that such death benefit be paid in lieu thereof, there shall be paid to each such child an amount equal to what said child would have received as an allowance hereunder had the election not been made (disregarding interest and the probability of death or marriage), and under the assumption that each monthly allowance would have been divided equally among such unmarried children then under age 18, said amounts to be reduced proportionally if their total would otherwise be in excess of the amount of such death benefit. Any balance of such death benefit remaining after such payments have been made shall be paid to the surviving spouse of the member, or if none, to the surviving children of the member, share and share alike.

SEC. 14. Section 14369 of said code is amended to read:

14369. Upon retirement for disability, a member shall receive a retirement allowance which shall consist of:

(a) A retirement salary derived from the Permanent Fund, payable monthly, equal to the retirement salary calculated under subdivision (a) of Section 14355 if the member has attained the age 60 years at the effective date of his retirement; or if the member has not attained such age, a retirement salary payable monthly equal to ninety percent (90%) of an amount which bears the same ratio to fifty dollars ($50) as the number of years of service credited, not to exceed thirty (30) years, bears to 30 years. The retirement salary shall be subject to the deductions provided in Section 14106, if the member is not credited at the time of retirement with the total Permanent Fund contributions required of each member.

(b) A disability annuity, derived from the Retirement Annuity Fund, computed pursuant to Section 14370.

(c) An annuity which shall be the actuarial equivalent of the accumulated annuity deposits standing to the credit of his individual account at the time of his retirement.

Such retirement allowance, prior to modification under options in Section 14363, and exclusive of the annuity derived from accumulated annuity deposits, shall be at least an amount, by increase in the annuity under the Retirement Annuity Fund, which, when added to the retirement allowance, prior to optional modification, the person is entitled to receive from a local retirement system, shall equal the retirement allowance, prior to optional modification, to which the person would be entitled under this system if he were not entitled to any allowance from a local retirement system, minus one-half the retirement annuity on account of service rendered after June 30, 1944, to which the person would be so entitled, but for which he did not make annuity contributions. However, no amount shall be paid under this paragraph to any retired person who has the right to receive a retirement allowance from a local retirement system upon his subsequent attainment of a minimum age after the retired person attains that minimum age unless he affirmatively exercises his right to receive

the retirement allowance from the local retirement system, and if such a retired person does so exercise his right, only if some amount is then payable under this paragraph.

(d) A shelter annuity which shall be the actuarial equivalent of the accumulated shelter contributions standing to the credit of his individual account at the time of his retirement.

CHAPTER 2171

An act to add Section 14351.1 to, and to amend Section 14356 of, the Education Code, relating to the State Teachers' Retirement System, and making an appropriation therefor.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 14351.1 is added to the Education Code, to read:

14351.1. If the amount of any retirement allowance, before reduction under an option described in Section 14363 and exclusive of any annuity under the annuity deposit fund, payable to a person whose effective date of retirement is prior to January 1, 1964, is less than the amount it would have been had the provisions of Section 14356 as they exist on January 1, 1964, been in effect on July 1, 1956, or later effective date of his retirement, but not subject to the limit of 75 percent of final compensation if this effective date of retirement was prior to July 1, 1956, then his retirement allowance before reduction under such an option, shall be increased to said amount. The amount of increase for such person, shall be added to the amount of his monthly retirement allowance which was payable on December 31, 1963, and the increased allowance shall be payable for time commencing on January 1, 1964; provided, however, that if such person had elected either Option 2 or 3 described in Section 14363, and the beneficiary nominated thereunder is living on January 1, 1964, then the amount of increase, before being so added, shall be reduced under such option on the basis of ages on January 1, 1964, and mortality tables and interest rate in use under the system on January 1, 1964.

This section does not authorize any decrease in any retirement allowance, nor does this section give any retired member, or his successors in interest, any claim against the State for any increase in any retirement allowance paid or payable for time prior to January 1, 1964.

SEC. 2. Section 14356 of said code is amended to read:

14356. The retirement allowance in Section 14355, exclusive of the annuity in subdivision (c) of that section, but when added to the retirement allowance, prior to optional modification, the person is entitled to receive from a local retirement

system, shall be, by increase in the annuity under the retirement annuity fund, at least eighty dollars ($80) per year, multiplied by the member's years of service, not to exceed forty (40); provided, the retired member is at least 60 years of age at the time of retirement. If retirement is at an age less than 60 years, the minimum retirement allowance under this section is an amount equal to a fraction of the minimum retirement allowance calculated under the preceding sentence, said fraction being the fraction set forth in Section 14359 opposite the member's age at retirement, taken to the preceding completed quarter year, in the column applicable to the member's sex or as it may have been adjusted by the board in accordance with the provisions of said section, provided that if the fraction so taken is not less than .90, it shall also apply if retirement is for disability. For any member under retirement who re-enters membership in the retirement system and subsequently retires, the lesser age to be taken to the preceding quarter year, in the next preceding sentence, for calculating the minimum retirement allowance under this section, shall be determined by deducting from the member's age at the subsequent retirement, the aggregate time during which the member was under retirement prior to re-entry into membership in the system; provided, however, that the fraction to be taken at such adjusted lesser age shall not be less than nine-tenths if the subsequent and prior retirements were for disability. No retirement allowance shall be increased under this section to exceed, annually, 75 percent of the final compensation of the retired member.

SEC. 3. For the purposes of this act during the 1963-64 fiscal year there is appropriated nine hundred thirty-nine thousand dollars ($939,000) from the General Fund for transfer by the State Controller, upon order of the Department of Finance, to the Teachers' Retirement Fund for the State Teachers' Retirement System.

SEC. 4. This act shall become operative on January 1, 1964.

CHAPTER 2172

An act to amend Section 1090 of the Government Code, relating to public officers and employees.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1090 of the Government Code is amended to read:

1090. Members of the Legislature, state, county, special district, judicial district, and city officers or employees shall not be financially interested in any contract made by them in

their official capacity, or by any body or board of which they are members. Nor shall state, county, special district, judicial district, and city officers or employees be purchasers at any sale or vendors at any purchase made by them in their official capacity.

CHAPTER 2173

An act to add Section 444 to, and to amend Section 425 of, the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 425 of the Welfare and Institutions Code is amended to read:

425. Unless otherwise stated, the provisions of this chapter shall apply to any public assistance program established by this code for which federal funds are received by this State, and shall also apply to the aid to the potentially self-supporting blind program established under Chapter 3 (commencing with Section 3400) of Part 1 of Division 5 of this code. The terms "applicant" and "recipient," as used in this chapter, refer to any person applying for or receiving aid under any such public assistance program.

Sections 433 through 437 and Section 444 do not apply to medical assistance for the aged as provided for in Chapter 1 (commencing with Section 4700) of Part 4 of Division 5 of this code.

SEC. 1.5. Section 444 is added to said code, to read:

444. In determining the amount of grants payable under a public assistance program, no consideration shall be given to voluntary contributions or grants from other public sources, private agencies, friends or relatives when such contributions or grants meet the following conditions:

1. The service to be provided is designated by the State Social Welfare Board and is not covered by an assistance allowance under the particular program, and

2. The contribution or grant would not be available for expenditure by or in behalf of the recipient unless it is used in accordance with the conditions imposed by the donor.

CHAPTER 2174

An act to amend Section 9359.1 and to amend and renumber Section 9306.8 as added by Assembly Bill No. 577 at the 1963 Regular Session of the Legislature, of the Government Code, relating to members of the Legislators' Retirement System.

[Approved by Governor July 23, 1963 Filed with Secretary of State July 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 9359.1 of the Government Code is amended to read:

9359.1. (a) The retirement allowance for a member all of whose credited service was rendered as a Member of the Senate or Assembly except as provided in subdivision (d) is an annual amount equal to five percent (5%) of the compensation payable, at the time payments of the allowance fall due, to incumbent Members of the Senate or Assembly, multiplied by the number of years of service with which the member is entitled to be credited at the time of his retirement, not to exceed fifteen (15) years. In no event shall any retirement allowance payable under this chapter to any such member exceed the compensation payable to Members of the Legislature at the time the payment of the allowance is made, except that the retirement allowance of any such member who serves more than 15 years shall be increased by an amount equal to 3 percent of the compensation payable, at the time payment of the allowance falls due, to incumbent members of the Senate or Assembly for each year or fraction of a year in excess of 15 years.

(b) The retirement allowance for a member all of whose credited service was rendered as an elective officer of the State whose office is provided for by the Constitution other than a judge (and other than a Member of the Senate or Assembly) is an annual amount equal to five percent (5%) of the compensation payable at the time payments of the allowance fall due, to the officer holding the office which the retired member last held prior to his retirement, or five percent (5%) of the highest compensation fixed for such office during the member's last term or any subsequent term prior to his retirement, whichever is greater, multiplied by the number of years of service with which the member is entitled to be credited at the time of his retirement, not to exceed eight (8) years.

(c) The retirement allowance for a member part of whose credited service was rendered as a Member of the Senate or Assembly and part of whose credited service was rendered as an elective officer of the State whose office is provided for by the Constitution, other than a judge (and other than a Member of the Senate or Assembly) is an annual amount equal to five percent (5%) of all the compensation, at the time payment

of the allowance falls due, to the officer holding the highest salaried office which the member held at any time during his service prior to retirement, multiplied by the number of years of service with which the member is entitled to be credited at the time of his retirement, not to exceed eight (8) years. If, however, the member would be entitled to receive a greater allowance under subdivision (a), (b), or (d) of this section if all of his credited service had been rendered as a Member of the Senate or Assembly or as an elective officer of the State whose office is provided for by the Constitution other than a judge (and other than a Member of the Senate or Assembly), then all of his credited service shall be deemed to have been rendered as a Member of the Senate or Assembly or as such other elective officer, and he shall receive a retirement allowance computed under subdivision (a), (b), or (d) of this section, whichever is greater.

(d) The retirement allowance for a member, all of whose service was rendered as a Member of the Senate or Assembly, who is the surviving widow of a deceased Member of the Senate or Assembly and who becomes the immediate successor in office of such deceased Member of the Senate or Assembly is an annual amount equal to five percent (5%) of the compensation payable, at the time the payments of the allowance fall due, to incumbent Members of the Senate or Assembly, multiplied by the number of years of service with which the member is entitled to be credited at the time of retirement plus the number of years of service as a Member of the Senate or Assembly rendered by the member's deceased husband, not to exceed fifteen (15) years. In no event shall any retirement allowance payable under this chapter to any such member exceed the compensation payable to Members of the Legislature at the time the payment of the allowance is made, except that the retirement allowance of any such member, whose total service creditable under this subdivision is in excess of fifteen (15) years, shall be increased by an amount equal to 2 percent of the compensation payable, at the time payment of the allowance falls due, to incumbent Members of the Senate or Assembly for each year or fraction of a year in excess of fifteen (15) years This same computation of total service creditable shall be used as a basis in determining eligibility for retirement, under Sections 9359 and 9359.16, of a member described in this subdivision. Any member to whom this subdivision applies shall redeposit an amount equal to the contributions which were required to be contributed by her deceased spouse while he was a member of the system for his service, computed on the basis of the salary and rate of contribution in effect at the time such service was rendered, in the Legislators' Retirement Fund on account of the service of her deceased husband in order to use such service for the purposes of this section and Sections 9359 and 9359.16.

SEC. 2. Section 9360.8, as added to said code by Assembly Bill No. 577 at the 1963 Regular Session of the Legislature, is amended and renumbered to read:

9360.9. Notwithstanding any other provisions of this chapter the provisions of this section shall be applicable to all allowances granted by this chapter commencing with each installment paid or payable on or after January 1, 1964

On or before January 1, 1964, the board shall adjust the amount of the allowances payable during the 1964 calendar year to reflect any increase in cost of living occurring between the 1963 calendar year and the 1955 calendar year, inclusive, and any increase resulting from such adjustment shall be payable commencing with each installment of allowances paid or payable on or after January 1, 1964. On or before January 15, 1965, and, on or before January 15 of each year thereafter, the amount of the allowances provided by this chapter shall be adjusted by the board to reflect any increase in cost of living occurring after January 1 of the immediately preceding calendar year. The average of the separate indices of the cost of living for Los Angeles and San Francisco, as published by the United States Bureau of Labor Statistics shall be used as the basis for determining the changes in the cost of living. The cost of living increase shall equal or exceed 1 percent before any adjustment is made in the allowance. The calendar year 1954 shall be used as the base year in computing any annual adjustment. The annual adjustment made on or before January 15, 1965 and made on or before January 15 of each calendar year thereafter shall correspond to the average annual change in the calendar year immediately preceding the year during which the adjustment shall be effective. The adjustment made on or before January 1, 1964, shall correspond to the total of the average annual changes in each calendar year from the 1955 calendar year to the 1963 calendar year, inclusive.

The adjustment provided by this section shall be made only if it operates to effect an increase over the allowance payable for the calendar year immediately preceding.

CHAPTER 2175

An act to amend Section 8211 of the Government Code, relating to notary public fees.

[Approved by Governor July 23, 1963. Filed with Secretary of State July 25, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 8211 of the Government Code is amended to read:

8211. The fees of a notary public are:

(a) For every protest for the nonpayment of a promissory note or for the nonpayment or nonacceptance of a bill of exchange, draft, or check, two dollars ($2).

(b) For serving every notice of nonpayment of a promissory note or of nonpayment or nonacceptance of a bill of exchange, order, draft, or check, one dollar ($1).

(c) For recording every protest, one dollar ($1).

(d) For copying an affidavit, or other paper for which provision is not made herein, ten cents ($0.10) for each folio.

(e) For all services rendered in connection with the taking of any deposition, the sum of five dollars ($5), and in addition thereto, the sum of one dollar ($1) for administering the oath to the witness and the sum of one dollar ($1) for the certificate to such deposition.

The fees herein provided for are exclusive of any fees for services rendered either by a notary public or another in connection with the reporting or transcription of depositions.

For his services transcribing a deposition the reporter shall receive from the party purchasing the original forty-five cents ($0.45) per 100 words, and for each copy made at the same time ten cents ($0.10) per 100 words; from all other parties purchasing the same the reporter shall receive for each copy made at the same time as the original fifteen cents ($0.15) per 100 words for the first copy, and ten cents ($0.10) per 100 words for additional copies.

(f) For taking an acknowledgment or proof of a deed, or other instrument, to include the seal and the writing of the certificate, for the first two signatures, one dollar ($1) each, and for each additional signature, fifty cents ($0.50).

(g) For administering an oath or affirmation, fifty cents ($0.50).

(h) For every certificate, to include writing the same, and the seal, one dollar ($1).

CHAPTER 2176

An act to amend Section 69599.5 of the Government Code, relating to superior court judges.

[Approved by Governor July 26, 1963. Filed with Secretary of State July 26, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 69599.5 of the Government Code is amended to read:

69599.5. In the County of Santa Barbara there shall be five judges of the superior court.

CHAPTER 2177

An act to amend Section 73911 of the Government Code, relating to municipal courts.

[Approved by Governor July 26, 1963. Filed with Secretary of State July 26, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 73911 of the Government Code is amended to read:

73911. There shall be one judge. On and after July 1, 1964 there shall be two judges.

CHAPTER 2178

An act to amend Section 69600 of the Government Code, relating to the number of superior court judges in Santa Clara County.

[Approved by Governor July 26, 1963. Filed with Secretary of State July 26, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 69600 of the Government Code is amended to read:

69600. In the County of Santa Clara there shall be 17 judges of the superior court.

CHAPTER 2179

An act to add Section 459 to the Elections Code, relating to information pertaining to voters.

[Approved by Governor July 26, 1963. Filed with Secretary of State July 26, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 459 is added to the Elections Code, to read:

459. If the county clerk maintains tabulating cards containing the information set forth in the affidavits of registration of voters, or sets forth that information on electronic data-processing tape, he shall provide, not less than 30 days prior to the general election, one set of those cards or a copy of the tape, applicable to voters of a political party, to the county central committee of that party for all voters allowed to participate in the subsequent general election, if the committee has requested the same at least six months prior to the

close of registration for the general election. The cards or tape shall be provided without charge.

The county clerk, upon demand of the chairman of a county central committee, and under the conditions set forth in the preceding paragraph, shall sell to the committee a set of cards or a copy of the tape applicable to voters of a political party other than the party represented by the committee for all voters prior to the subsequent general election. The charge made for the cards or tape shall be an amount sufficient to reimburse the county for the expense incurred in preparing and furnishing the cards or tape.

This section shall apply only to counties with a population of 5,000,000 or more.

CHAPTER 2180

An act to amend Sections 20004 and 20007 of, and to add Section 20006.5 to, the Education Code, relating to the Junior College Tax Relief Act, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 26, 1963. Filed with Secretary of State July 26, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 20004 of the Education Code is amended to read:

20004. A junior college district eligible for a tax relief grant may file with the State Department of Education one or more applications for a grant before January 1, 1965. The form of the application shall be prescribed by the Superintendent of Public Instruction. The Superintendent of Public Instruction shall examine and approve by March 1, 1965 all applications of junior college districts eligible for a tax relief grant under this chapter.

SEC. 2. Section 20006.5 is added to said code, to read:

20006.5. Notwithstanding any provision of this chapter to the contrary, an entitlement computed for a junior college district under Section 20006 may be transferred upon request of that district by the Superintendent of Public Instruction to another district which is either:

(a) A high school district the boundaries of which are coterminous with those of a junior college district which was effective for all purposes on July 1, 1961, provided that all of the following factors exist:

(1) Prior to the said date the high school district maintained a junior college.

(2) The high school district has bonds outstanding which were issued for junior college purposes and the proceeds of which have been expended by the high school district for such junior college purposes.

(3) The bonds have not been assumed by the junior college district.

(b) A junior college district which was formed subsequent to the computation of entitlements under Section 20006 and which includes all of the territory of the district requesting the transfer.

Subject to the particular conditions set forth in this section the benefits of this chapter shall apply in all respects to a high school district which no longer maintains a junior college at the time of any transfer of an entitlement or any application for an entitlement by any such high school district prior to the date prescribed by Section 20004.

SEC. 3. Section 20007 of said code is amended to read:

20007. Upon approving an application for a tax relief grant, the Superintendent of Public Instruction shall certify to the State Controller the amount of the tax relief grant approved for the junior college pursuant to this chapter. The State Controller shall thereupon draw his warrant on the State Treasurer in favor of the county treasurer of the county having jurisdiction over the district in accordance with the terms of the approved application. The warrant shall be paid from the General Fund in the State Treasury. All money received by the treasurer of any county pursuant to this section shall be immediately credited by the county treasurer to the interest and sinking fund, the special reserve fund, or the general fund of the junior college district or the high school district, whichever fund the Superintendent of Public Instruction shall specify in approving the application.

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Certain junior college districts whose architectural plans for future construction are not quite complete are threatened with loss of their tax relief grant unless the time for approval of their applications is extended. Extension of the time would continue the availability of the relief until the districts' amended applications could be filed and approved. It is especially important also, to extend the time for approval of applications to provide relief for high school districts which have been operating junior colleges and have incurred bonded indebtedness for those purposes which have not been assumed by districts which have assumed the junior college operations. It is therefore necessary that this act take effect immediately.

CHAPTER 2181

An act to add Section 5703.5 to the Labor Code, relating to workmen's compensation.

[Approved by Governor July 26, 1963. Filed with Secretary of State July 26, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 5703.5 is added to the Labor Code, to read:

5703.5. The commission may at any time after an application is filed and prior to the expiration of its jurisdiction, upon the agreement of a party to pay the cost, direct the injured employee to be examined by a doctor selected by the commission or agreed upon by the parties to report upon any medical question pertinent to any matter then at issue before the commission.

CONCURRENT AND JOINT RESOLUTIONS

AND

CONSTITUTIONAL AMENDMENTS

REGULAR SESSION

1963

CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS

ADOPTED AT THE 1963 REGULAR SESSION OF THE LEGISLATURE

CHAPTER 1

Assembly Concurrent Resolution No. 2—Approving a certain amendment to the Charter of the City of Oakland, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the fifth day of June, 1962.

[Filed with Secretary of State January 14, 1963.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment hereinafter set forth, to the Charter of the City of Oakland, a municipal corporation in the County of Alameda, State of California, as set out in the certificate of the mayor and city clerk of said city, as follows, to wit:

State of California
County of Alameda } ss.
City of Oakland

We the undersigned, John C. Houlihan, Mayor of the City of Oakland, State of California, and Gladys H. Murphy, City Clerk of said City, do hereby certify and declare as follows:

That the City of Oakland, a municipal corporation in the County of Alameda, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred inhabitants, and has been ever since the first day of July, 1911, and is now, organized, existing and acting under a Freeholders' Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at an election held for that purpose on the eighth day of December, 1910, and approved by the Legislature of the State of California, by Senate Concurrent Resolution filed with the Secretary of State on the fifteenth day of February, 1911 (Statutes of 1911, p. 1551).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of Oakland, being the legislative body of said City, on its own motion by its Resolution No. 41838 C.M.S. passed April 3, 1962, duly and regularly proposed and submitted to the qualified electors of said City, a certain proposal designated as Proposition F, for amending the Charter of said City, to be voted upon by said qualified electors at a special municipal election called and held for that purpose in said City on the 5th day of June, 1962. That said special election was duly and regularly called, authorized and provided for by said Council of said City of Oakland by said aforementioned Resolution No. 41838 C.M.S., and that by said resolution said Council consolidated said special municipal election with the Direct Primary Election to be held in said City on the 5th day of June, 1962, requested the Board of Supervisors of the County of Alameda to adopt an order for the consolidation of said special municipal election and said Direct Primary Election in conformity with the provisions of law authorizing such consolidations, and authorized said Board of Supervisors to canvass the returns of such special municipal election and declare the results and make a return thereof to said Council.

That the Board of Supervisors of the County of Alameda, on the 12th day of April, 1962, duly adopted and made its resolution and order, being Resolution No. 99965 of said Board consolidating said elections hereinabove mentioned, and ordered that the Board of Supervisors canvass the returns of said special municipal election.

That said consolidated special municipal election was duly and regularly held in said City in accordance with the provisions of the Charter of the City of Oakland and in the manner provided by law, after due notice given and published, with the said Direct Primary Election on the 5th day of June, 1962, which said day was not less than forty nor more than sixty days after the completion of the publication and advertisement of the aforementioned proposed amendment in the "Oakland Tribune", the official newspaper of said City.

That such proposed amendment was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and in accordance with the provisions of the Charter of the City of Oakland, on the 25th day of April, 1962, in the "Oakland Tribune", a daily newspaper of general circulation published in said City of Oakland and the official newspaper of said City, and in each edition thereof, during the day of publication.

That copies of said proposed amendment were printed in convenient pamphlet form, and in type of not less than ten point, and a copy thereof was mailed to each of the qualified electors in said City, in accordance with the Constitution of the State of California and the Charter of the City of Oakland; and an advertisement that copies thereof could be had upon application therefor at the office of the City Clerk of the

City of Oakland was published in said "Oakland Tribune", a newspaper of general circulation published in said City, on the 25th day of April, 1962, and on each day thereafter to and including the 5th day of June, 1962, the date of said election, all as required by Section 8 of Article XI of the Constitution of the State of California.

That in accordance with the provisions of the Charter of the City of Oakland, the Council of said City provided for the formulation and printing of a statement not exceeding five hundred words in length, descriptive of and explaining the nature or purpose of said proposal to amend the Charter of said City; that a copy of said printed statement was mailed and distributed by the County Clerk of said County of Alameda to each voter of the City of Oakland, in connection with the sample ballots and the aforementioned printed copies of said proposed amendment.

That as to the said amendment to the Charter of the City of Oakland hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith, and that all provisions of law and of the Charter of the City of Oakland, applicable thereto, have been fully conformed to and complied with.

That in accordance with the provisions of the Charter of the City of Oakland, and with the law in such cases made and provided, and with the authorization and direction of the Board of Supervisors of the County of Alameda, State of California, set forth in its Resolution No. 100216, the County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Alameda, State of California, did duly and regularly canvass the returns of said election, and of said special municipal election, and thereafter upon July 3, 1962, said Board of Supervisors of Alameda County by its Resolution No. 100658 did approve and adopt the Clerk's statement as the result of said election and did declare the result of said election to be as set forth in said statement, and thereafter upon July 3, 1962, said Board of Supervisors by its Resolution No. 100659 did find, determine and declare the result of said special municipal election, as determined from the canvass of the returns thereof, to be that a majority of the qualified electors of said City voting on said Charter Amendment hereinafter set forth and designated as Proposition F had voted for and adopted said Amendment, and said Board ordered entry thereof in its Minutes and the same was so entered upon Reel No. 3, Images Nos. 605 and 606.

That the proposed amendment to the Charter of the City of Oakland, which was so ratified by a majority of the electors of said City, is in words and figures as follows:

PROPOSITION NO. (F)

Add Sections 55.1, 55.2, 55.3 and 55.4 to the Charter to read as follows:

SEC. 55.1. Wherever in this Article the words or phrases "Museum", "Museums", "Public Museums", "Public Art Gallery", "Art Galleries", "art objects" and "scientific and other objects suitable for museums" shall appear prior to the adoption of this Charter amendment, they shall be deleted. It is the purpose hereof to remove from the management and control of the Library and Museums Commission all Museums, of every kind and character, including but not limited to Art Galleries, natural science museums and anthropology-history-technology museums.

SEC. 55.2. Wherever in this Article X prior to the adoption of this Charter amendment the title "Board of Library Directors" or "Library and Museums Commission" appears, it shall be changed to the substituted title "Library Commission".

SEC. 55.3. All museums maintained by the City of Oakland, of every kind or character, including but not limited to art galleries, natural science museums and anthropology-history-technology museums, shall be under the exclusive control and management, unless otherwise specifically limited in this Charter, of the Museums Commission, which is hereby created. The Museums Commission shall have power to borrow, lend, exchange, sell or otherwise dispose of museum articles, subject to the limitations, if any, in the terms of any agreement of acquisition.

SEC. 55.4. All of the provisions of this Article appertaining to the Library Commission shall, so far as applicable, govern and control the appointment and removal of Museums Commissioners, and the organization, powers and duties of said Commission, except as hereinafter provided:

(a) The Commission shall appoint an officer or employee of the department to act as its official secretary.

(b) It shall not be required that admission to or use of the museums and galleries provided for in Section 55.3 or ancillary facilities, be at all times free.

(c) A Museums Fund shall be created in the City Treasury.

And we further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of Oakland with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full, true and correct copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the said City of Oakland to be affixed hereto this 20th day of November, 1962.

JOHN C. HOULIHAN
(SEAL) Mayor of the City of Oakland
GLADYS H. MURPHY
City Clerk of the City of Oakland

WHEREAS, The said proposed amendment as ratified as hereinabove set forth has been and is now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the Charter of the City of Oakland as proposed to, and adopted and ratified by the electors of the said city as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to and as part of the Charter of the City of Oakland.

CHAPTER 2

Assembly Concurrent Resolution No. 3—Approving amendments to the Charter of the City of Berkeley, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election consolidated with the primary election held therein on the fifth day of June, 1962.

[Filed with Secretary of State January 14, 1963]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of amendments hereinafter set forth to the Charter of the City of Berkeley, a municipal corporation in the County of Alameda, State of California, as set out in the certificate of the mayor and city clerk of the said city as follows, to wit:

State of California }
County of Alameda } ss.

We, the undersigned, Claude B. Hutchison, Mayor of the City of Berkeley, State of California, and Naomi E. Hess, City Clerk of said City, do hereby certify as follows:

That the City of Berkeley, a municipal corporation in the County of Alameda, State of California, now is and at all times herein mentioned, was a City containing a population of more than 3,500 inhabitants, and has been ever since the 1st day of July, 1909, and now is organized and existing and acting under a freeholder's charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City at an election duly held for that purpose on the 30th day of January, 1909, and approved by the Legislature of the State of California by Assembly Con-

current Resolution filed with the Secretary of State on the 4th day of March, 1909 (Statutes 1909, pg. 1208).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on its own motion, the Council of the City of Berkeley, being the legislative body of said City, duly and regularly submitted to the qualified electors of said City certain proposals designated as "Charter Amendments" to amend the Charter of said City and to be voted upon by said qualified electors at a special municipal election consolidated with the primary election held in said City on the 5th day of June, 1962.

That said proposed amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 10th day of April, 1962, in the Berkeley Daily Gazette, a daily newspaper of general circulation published in said City of Berkeley and the official newspaper of said City, and in each edition thereof during the day of publication.

That copies of said proposed amendments were printed in convenient pamphlet form and in type of not less than ten point, and copies thereof were mailed to each of the qualified electors in said City in accordance with the Constitution of the State of California and the Charter of the City of Berkeley; and an advertisement that copies thereof could be had by the application therefor at the office of the City Clerk of the City of Berkeley was published in said Berkeley Daily Gazette, a newspaper of general circulation published in said City on the 11th day of April, 1962, and on each day thereafter to and including the 4th day of June, 1962, all as required by Section 8 of Article XI of the Constitution of the State of California.

That copies of said pamphlet containing said proposed Charter Amendments could be had upon application therefor at the office of the City Clerk of said City to and including the 5th day of June, 1962, the date fixed for said election.

That said special municipal election consolidated with the primary election was duly and regularly held in said City of Berkeley, after due notice given and published, on the 5th day of June, 1962, which day was not less than forty (40) days, nor more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed Charter Amendments in the Berkeley Daily Gazette, the official newspaper of said City.

That the returns of said election were in accordance with the law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers thereunto duly and properly authorized, that all of the amendments to the Charter of the City of Berkeley hereinafter set forth were ratified by a majority of the electors of said City voting thereon.

That as to said Charter Amendments, this certificate shall be taken as a full and complete certification as to the regu-

larity of all proceedings had and done in connection therewith.

That said Amendments to the Charter of the City of Berkeley so ratified by the electors of said City are in the words and figures as follows, to-wit:

CHARTER AMENDMENT No. 1

That Subdivisions (1), (4) and (5) of Section 5 of Article III of the Charter of the City of Berkeley be amended to read as follows:

(1) Procedure for holding elections.

Except as otherwise provided in this Charter, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, for the holding of elections in general law cities.

(4) Withdrawal of candidate.

Any person who has been nominated as a candidate may, not later than fifty days before the day of election, cause his name to be withdrawn from nomination by filing with the City Clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot. If upon such withdrawal the number of remaining candidates for any office does not equal the number to be elected for that office, then other nominations for such office may be made by filing nomination papers therefor not later than forty-five days prior to such election.

(5) Designation on ballot.

On the ballot, immediately under the name of each candidate and not separated therefrom by any line, one of the following designations may appear:

1. The word "incumbent," if he be the incumbent, or

2. Not more than three words designating the profession, vocation or occupation of the candidate. The profession, vocation or occupation designated shall be the same as appears in the affidavit of registration of the candidate. If upon checking the nomination paper, the officer in charge of the election finds the wording to be different than that upon the registration affidavit, he shall notify the candidate by registered mail, return receipt requested. The candidate, within three days from the date of mailing, shall appear before the officer and reregister to conform with the request for the designation that appears on his nomination paper. If the candidate does not appear within three days, the officer shall leave the designation under his name blank (no designation). No candidate shall indicate employment by or affiliation with any named business, partisan, religious or other private organization, or belief in or adherence to any political persuasion, or assume a designation which would mislead the voters.

The designation on the candidate's affidavit shall be in accordance with the above provisions.

That Subdivisions (7), (8) and (9) of Section 5 of Article III of the Charter of the City of Berkeley be repealed.

CHARTER AMENDMENT No. 2

That Sections 13 and 16 of Article V of the Charter of the City of Berkeley be amended to read as follows:

Section 13. Vacancy in office of School Director.

If a vacancy shall occur in the office of School Director, the Board of Education shall appoint a person to fill such vacancy. If at any municipal election a School Director be not elected by reason of a tie vote among any of the candidates therefor, then the Board of Education, after the qualification of the persons, if any, elected thereto at such election, shall appoint one of the persons receiving such tie vote, to fill such office as in case of a vacancy therein. In each case the person so appointed shall hold office, subject to the provisions of the Recall, to and including the April 30th following the next general municipal election.

Section 16. School Director's term of office.

The School Directors shall hold office for a term of four (4) years from and after the first day of May after their election and until their successors are duly elected and qualified, provided, however, that the School Directors first elected under this Charter amendment shall be elected as follows: one (1) School Director shall be elected at the general municipal election in April, 1963, to serve for a term of three (3) years and ten (10) months commencing July 1, 1963, and ending April 30, 1967; two (2) School Directors shall be elected at the general municipal election in April, 1965, to serve for terms of three (3) years and ten (10) months each, commencing July 1, 1965, and ending April 30, 1969; and three (3) School Directors shall be elected at the general municipal election in April, 1967, two (2) to serve for a term of three (3) years and ten (10) months commencing July 1, 1967, and ending April 30, 1971, and one (1) to serve for a term of four (4) years commencing May 1, 1967, and ending April 30, 1971.

At the general municipal election in April, 1969, and at each second general municipal election thereafter, two (2) School Directors shall be elected; and at the general municipal election in April, 1971, and at each second general municipal election thereafter, three (3) School Directors shall be elected.

CHARTER AMENDMENT No. 3

That Subdivision (38) of Section 49 of Article IX of the Charter of the City of Berkeley be amended to read as follows:

(38) Lease of lands owned by the City.

To provide for the lease of any lands now or hereafter owned by the City. Leases may be made in such manner as the Council in the exercise of its discretion deems to be in the best interests of the City. If a lease is made at public auction, it shall

be let to the highest responsible bidder, after publication of notice thereof for at least one week, stating explicitly the terms and conditions of the proposed lease; provided, that the Council may in its discretion reject any and all bids.

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Berkeley with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full, true, correct and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Berkeley to be affixed hereto, this 6th day of August, 1962.

CLAUDE B. HUTCHISON
(SEAL) Mayor of the City of Berkeley
NAOMI E. HESS
City Clerk of the City of Berkeley

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of Berkeley as presented to, and adopted and ratified by the electors of the said city and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as a part of the Charter of said City of Berkeley.

CHAPTER 3

Assembly Concurrent Resolution No. 4—Approving the Charter of the City of Modesto, County of Stanislaus, State of California, ratified by the qualified electors of the city at an election held therein on the sixth day of November, 1962.

[Filed with Secretary of State January 14, 1963]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of the Charter of the City of Modesto, a municipal corporation in the County of Stanislaus, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF PROCEEDINGS HAD AND TAKEN BY THE CITY OF MODESTO IN FRAMING A CHARTER FOR ITS OWN GOVERNMENT

State of California
County of Stanislaus } ss.
City of Modesto

We, the undersigned, Don D. Hammond, Mayor of the City of Modesto, County of Stanislaus, State of California, and Rex E. Gailfus, City Clerk of said City and ex-officio Clerk of the City Council of said City, do hereby certify and declare as follows:

That the undersigned, said Rex E. Gailfus, was at all the times herein mentioned, the Clerk of the Legislative body of the City and City Clerk of said City of Modesto; that heretofore and prior to the 27th day of August, 1962, the said City Council of the City of Modesto did cause to be framed a proposed charter for its own government, and on the 27th day of August, 1962, at a regular meeting of said City Council of said City, said City Council by Resolution No. 62-396 ordered said City Clerk to place the proposition of the adoption of said proposed charter on the ballot at a special municipal election ordered in the City of Modesto for the 6th day of November, 1962, for the purpose of submitting said proposition to the electors of said City of Modesto; that said proposed charter of the City of Modesto, consisting of Pages 1 to 25, was filed in the office of the City Clerk in the City Hall at Modesto, on the 27th day of August, 1962, and said resolution further ordered that the adoption of the charter should be submitted to the electors at said special municipal election held on the 6th day of November, 1962, and directed that said City Clerk publish said proposed charter in the "Modesto Tribune", a newspaper of general circulation, printed and published in the City of Modesto; that notice was given by the said City Clerk to inform the electors that copies of the Charter could be secured at the City Hall;

That said proposed charter was published pursuant to said order in said newspaper and in each edition thereof during the publication on the 13th day of September, 1962, said newspaper being of general circulation in said City of Modesto; that the date set for the submission to the electors of said proposed charter, to-wit: November 6, 1962, was not less than forty (40) days nor more than sixty (60) days after the completion of the advertising in said official paper, as aforesaid;

That until the day fixed for the election there was advertised in the "Modesto Tribune", a newspaper of general circulation printed and published in the City of Modesto, a notice that copies of said charter were available in the office of the City Clerk of the City of Modesto and could be secured upon application therefor at said office; that such copies were so available;

That the population of said City of Modesto is more than three thousand five hundred (3,500) and less than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States;

That said election was duly and regularly called and held on the 6th day of November, 1962;

That at said election a majority of the qualified voters voting hereon voted in favor of said proposed charter and for the ratification and adoption thereof;

That said City Council of the City of Modesto at a meeting held on November 19, 1962, at the time and in the manner provided by law and in accordance with the law in such cases made and provided, duly canvassed the returns of said election, and duly found, determined and declared that a majority of said electors voting thereon had voted in favor of said proposed charter and for the ratification and adoption thereof, and that the same was adopted and ratified by more than the majority of the qualified voters of the City of Modesto voting thereon, as follows, to-wit:

Votes in favor of the adoption and ratification of said proposed charter	9,622
Votes against the adoption and ratification of said proposed charter	2,879

That said election was held in accordance with the existing Charter of the City of Modesto and in accordance with the laws of the State of California where applicable;

That in all matters and in all things pertaining to said Charter, all of the provisions of Section 8, Article XI of the Constitution of the State of California and the laws of said State, have been fully complied with in each and every particular.

That said Charter so prepared, proposed, submitted, ratified and adopted is in the words and figures following, to-wit:

THE CHARTER OF THE CITY OF MODESTO

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THE CHARTER OF THE CITY OF MODESTO

We, the people of the City of Modesto, State of California, do ordain and establish this Charter as the organic law of said City under the Constitution of said State.

Article I
Incorporation and Succession

Section 100. Name of the City. The municipal corporation now existing and known as the City of Modesto shall remain and continue a body politic and corporate in name and in fact, by the name of the City of Modesto.

Section 101. Boundaries. The boundaries of the City of Modesto shall continue as now established until changed in the manner authorized by law.

Section 102. Rights and Liabilities. The City of Modesto shall remain vested with, and continue to have, hold, and enjoy, all property, rights of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality.

Section 103. Ordinances. All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force at the time this Charter takes effect and not in conflict with or inconsistent herewith, are hereby continued in force until the same have been duly repealed, amended, changed or superseded by proper authority.

Section 104. Continuance of Contracts and Public Improvements. All contracts entered into by the City, or for its benefit prior to the effective date of this Charter, shall continue in full force and effect. Public improvements for which proceedings have been instituted under laws existing at the time this Charter takes effect, in the discretion of the City Council, may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws or may be continued or perfected under this Charter.

Section 105. Pending Actions and Proceedings. No action or proceeding, civil or criminal, pending at the time when this Charter takes effect, brought by or against the City or any

officer, office, department or agency thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained, but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any officer, office, department or agency a party thereto, may be assigned or transferred by or under this Charter to another officer, office, department or agency, but in that event the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Charter.

Section 106. Continuance of Present Officers and Employees The members of the City Council in office at the time of the approval of this Charter by the Legislature shall continue to hold office and discharge their duties for the balance of the term for which they were elected, or until their successors are elected and qualified. All appointive officials, officers and employees of the City now in office or employed at the time of the approval of this Charter by the Legislature, shall continue to hold their office or employment until they are reappointed or their successors are appointed in their place in accordance with the provisions of this Charter.

Section 107. Emergency Powers. Notwithstanding any general or special provision of this Charter, the Council, in order to insure continuity of governmental operations in periods of emergency resulting from disasters of whatever nature, shall have the power and immediate duty:

(a) To provide for prompt and temporary succession to the powers and duties of all City officers, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and

(b) To adopt such other measures as may be necessary and proper for insuring the continuity of City operations, including, but not limited to, the financing thereof. In the exercise of the powers hereby conferred, the Council in all respects shall conform to the requirements of this Charter except to the extent that in the judgment of the Council so to do would be impractical or would admit of an undue delay.

Article II
Powers of the City

Section 200. General Powers. The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State of California. It shall also have the power to exercise any and all rights, powers and privileges heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution of the State of California.

The City shall have the power to expend such sum as the Council shall deem proper not to exceed five per cent (5%) of the property tax levy in any one fiscal year for music, publicity and promotion.

The enumeration in this Charter of any particular power shall not be held to be exclusive of, or any limitation upon, this general grant of power.

Section 201. Procedures. The City shall have the power and may act pursuant to any procedure established by any law of the State, unless a different procedure is established by this Charter, or by ordinance.

Article III
Elections

Section 300. General Municipal Elections. General Municipal Elections for the election of officers and for such other purposes as the Council may prescribe shall be held biannually on the third Tuesday in April of each odd-numbered year commencing with the year 1963.

Section 301. Special Municipal Elections. All other municipal elections that may be held by authority of this Charter, or of general law, or by ordinance, shall be known as special municipal elections.

Section 302. Procedure for Holding Elections. Unless otherwise provided by ordinances hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, for the holding of elections in general law cities, insofar as the same are not in conflict with this Charter.

Section 303. The Initiative, Referendum and Recall. Except insofar as is otherwise provided by ordinances hereinafter enacted, the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, governing the initiative, the referendum and the recall of municipal officers shall apply to the use thereof in the City insofar as the same are not in conflict with this Charter.

Article IV
Form of Government

Section 400. Council-Manager Form of Government. The municipal government provided by this Charter shall be known as the "Council-Manager" form of government.

Article V
The Elective Officers

Section 500. Enumeration. The elective officers of the City of Modesto shall be a Mayor and six (6) Councilmen.

The Council shall consist of the Mayor and six (6) Councilmen, each of whom, including the Mayor, shall have the right to vote on all questions coming before the Council.

Section 501. Elected at Large. The Mayor and Councilmen shall be elected at the general municipal election on a general ticket from the City at large.

Section 502. Council Vacancies. The provisions of Section 1770 of the Government Code of the State of California as they now exist or many hereafter be amended shall govern the existence of a vacancy.

Article VI
The Mayor

Section 600. Term of Office. The Mayor shall hold office for a term of four (4) years from and after the first Tuesday following his election and until his successor is qualified and elected.

Section 601. Powers and Duties. The Mayor shall be President of the City Council and shall preside at all its meetings and perform such other duties consistent with his office as may be imposed by the Council or by vote of the people. He shall be entitled to, and must vote, but shall possess no veto power. He shall be recognized as the official head of the City for all ceremonial purposes, by the Courts for the purpose of serving civil processes and by the Governor for military purposes. In time of public danger or emergency, he may, with the consent of the Council, take command of the police, maintain order and enforce laws.

Section 602. Additional Duties. The Mayor shall exercise such other powers and perform such other duties as may be prescribed by law or ordinance or by resolution of the Council, except as limited by this Charter.

Section 603. Vice Mayor. At the second meeting of the Council following the election or appointment of a member to the Council, the Council shall elect one of its members as Vice Mayor who shall act as Mayor during the absence or inability of the Mayor to act. In the case of the temporary absence or disability of both the Mayor and the Vice Mayor, the Council shall elect one of its members to act as Mayor Pro Tempore.

Article VII
The Council

Section 700. Councilmen. Term of Office. Except as otherwise provided in this Charter, the members of the Council shall hold office for a term of four (4) years from and after the first Tuesday following their election. The members of the Council in office at the time this Charter takes effect shall continue in office until the expiration of their terms or until their successors are elected and qualified.

Three (3) Councilmen shall be elected at the general municipal election in 1963 and at each general municipal election thereafter.

A Mayor shall be elected at the general municipal election in 1963 and at each alternate general municipal election thereafter.

Ties in voting among candidates for any office shall be settled by the drawing of lots, the procedure for which shall be determined by the Council. Each member of the Council shall have the right to vote on all matters coming before the Council.

Each elective office shall be deemed a separate office to be filled at any election. The City Clerk shall designate each such elective office by an appropriate descriptive designation. No candidate shall file for more than one elective office; and no incumbent member of the Council shall run for a seat other than that which he holds except that any incumbent member of the Council may run for the seat of Mayor, and an incumbent Mayor may run for the seat of Mayor or for any other seat on the Council. Such designation shall be used on all nomination papers, certificates of election and all election papers referring to the office. The person receiving the highest number of votes for each designated office shall be declared elected. After election, the designation shall have no further significance except for the purpose of designating incumbency.

Section 701. Eligibility. No person shall be eligible to be nominated for or to hold office as a member of the Council or as Mayor unless he is and shall have been for at least three (3) years preceding his election or appointment a resident and registered elector of the City of Modesto or of territory annexed thereto.

Section 702. Vacancies. If a vacancy shall occur in the office of Mayor or Councilman, the Council shall forthwith appoint a person to fill such vacancy. Said appointee shall possess such qualifications for eligibility as are set forth in Section 701 of this Article and shall hold office until his successor is duly elected and qualified. Such successor shall be chosen at the next general municipal election, or as otherwise may be required by recall proceedings instituted involving the office of Mayor or a Councilman.

In the event that the Council shall fail to fill a vacancy by appointment within thirty (30) days after such office shall have become vacant, it shall forthwith cause an election to be held to fill such vacancy.

Section 703. Compensation. The Mayor and Councilmen shall receive no compensation for their services as such except to the extent heretofore or hereafter approved by the electorate, but the Mayor and members of the Council shall receive reimbursement for traveling and other expenses incurred in the performance of their official duties.

Section 704. Councilman to Hold No Other Office. No member of the Council shall hold any other municipal office

or hold any office or employment the compensation of which is paid out of the municipal moneys; nor be elected or appointed to any office created or the compensation of which is increased by the Council, while he is a member thereof, until one year after the expiration of the term for which he was elected.

Section 705. Administering Oaths. Subpoenas Each member of the Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the Council. The Council shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it. Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoena or the refusal to testify (upon other than constitutional grounds), shall be deemed contempt and shall be punishable as provided by the general laws of this State.

Section 706. Governing Body. All powers herein granted to and vested in the City of Modesto shall, except as herein otherwise provided, be exercised by a Council to be designated the Council of the City of Modesto. Said Council shall be the governing body of the City and, subject to the express limitations of this Charter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government consistent with the Constitution of the State.

Section 707. Meetings of the Council. The Council shall provide for the time, place and manner of holding its meetings by ordinance, not inconsistent with the provisions of this section. Copies of such ordinances shall be kept on file in the office of the City Clerk where they shall be available for public inspection. Except as is otherwise provided by the laws of this State, all meetings of the Council shall be open to the public, and all persons shall be permitted to attend any meeting thereof. The Council shall hold at least one regular meeting each month.

Section 708. Special Meetings. A special meeting may be ordered at any time by the Mayor whenever in his opinion the public business may require it, or upon the written request of any four (4) members of the Council. Whenever a special meeting shall be called, the City Clerk shall cause written notice of such meeting to be given to each member of the Council and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered personally or must be deposited in the United States mail, postage prepaid, at least twenty-four (24) hours before the time of such meeting as specified in the notice. The notice and order shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the Council.

Written notice to each member of the Council may be dispensed with as to any member of the Council, who, at or prior

to the time the meeting convenes, files with the City Clerk a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member of the Council who is actually present at the meeting at the time it convenes.

Section 709. Quorum. A majority of the Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and postpone the consideration of pending business.

Section 710. Rules of Proceedings. The Council shall determine its own rules of procedure, may punish its members for disorderly conduct and compel their attendance at the Council meetings.

Section 711. Ordinances and Resolutions. Method of Action. Legislative action shall be taken by the Council only by means of an ordinance or resolution.

Section 712. Ayes and Noes. The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the Council. Upon the request of any member, the ayes and noes shall be taken and recorded on any vote. All members, when present, must vote.

Section 713. Majority Vote of Council. No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least four (4) members of the Council.

Section 714. Title. Every ordinance shall be preceded by a brief title which shall indicate the subject and purport thereof.

Section 715. Enacting Clause of Ordinances. The ordaining clause of all ordinances adopted by the Council shall be substantially as follows: "The Council of the City of Modesto does ordain as follows", and the ordaining clause of all ordinances adopted by the people shall be, "The People of the City of Modesto do ordain as follows".

Section 716. Requirements of Ordinances. Emergency Ordinances. With the sole exception of ordinances which take effect upon adoption referred to in this Article, no ordinance shall be passed by the Council on the day of its introduction nor within five (5) days thereafter nor at any other time than at a regular meeting, nor until its publication at least once in full in the official newspaper of the City of Modesto at least three (3) days before its adoption; and in case of amendment being made thereto before the final adoption of the ordinance, it must in like manner be republished in full as amended at least one day before its adoption as amended. The correction of typographical or clerical errors shall not constitute an amendment within the meaning of the foregoing sentence.

Emergency Ordinances. Any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing a statement of reasons for its urgency may be introduced and

adopted at one and the same meeting if passed by at least five (5) affirmative votes.

Section 717. Ordinances. When Required. Each legislative act of the Council establishing a fine or penalty, imposing a new or additional tax, or granting a franchise, or when so provided by this Charter, shall be by ordinance.

Section 718. Reconsideration. When any ordinance is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the Council, held not less than one week after the meeting at which such motion was made.

Section 719. Signing and Attesting. All ordinances shall be signed by the Mayor and attested by the City Clerk.

Section 720. Revision and Amendment. No ordinance shall be revised, re-enacted or amended by reference to its title only; but the ordinance to be revised or re-enacted, or the section or subsection thereof to be amended, or the new section or subsection to be added thereto, shall be set forth and adopted in the method provided in this section for the adoption of ordinances.

Section 721. Repeal. No ordinance or any part thereof shall be repealed except by an ordinance adopted in the manner provided in this Charter.

Section 722. Ordinances. Effective Date. No ordinance adopted by the Council shall become effective until thirty (30) days from and after the date of its adoption, except the following which shall take effect upon adoption:

(a) An ordinance calling or otherwise relating to an election;

(b) An improvement proceeding ordinance adopted under some law or procedural ordinance;

(c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation, or levying the annual tax upon property;

(d) An emergency ordinance adopted in the manner provided for in this Article;

(e) An ordinance annexing areas to the City; or

(f) An ordinance providing for a tax levy or appropriation for the usual current expenses of the City.

Section 723. Record of City Ordinances. A true and correct copy of all ordinances shall be kept and certified to by the City Clerk in a book marked "City Ordinances". Such record copy, with such certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the City Clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

Section 724. Codification of Ordinances. Any or all ordinances of the City which have been enacted and published in

the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed and arranged as a comprehensive ordinance code, and such code may be adopted by reference with the same effect as an ordinance by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three (3) copies thereof shall be filed for use and examination by the public in the office of the City Clerk prior to the adoption thereof. Ordinances codified shall be repealed as of the effective date of the code. Subsequent amendments to sections of the code shall be enacted in the same manner as herein required for the amendment of ordinances generally.

Detailed regulations pertaining to any subject such as the construction of buildings, plumbing, wiring or other subjects which require extensive regulations, when arranged as a comprehensive code, may likewise be adopted by reference in the manner provided in this section.

Article VIII
The City Manager

Section 800. City Manager. There shall be a City Manager who shall be the chief executive officer and head of the administrative branch of the City government. He shall be chosen on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of accepted practices with respect to the duties of his office as hereinafter set forth. No member of the Council shall be eligible for appointment to the office of City Manager during the term for which he shall have been elected or appointed, nor within one year thereafter. He need not be a resident of the City or State at the time of his appointment, but during his tenure of office, he shall reside within the City.

The Council shall appoint the City Manager for an indefinite term and may remove him by a majority vote of its members provided, however, that the City Manager shall not be removed from office during or within a period of ninety (90) days next succeeding the election of a member of the Council. The purpose of this provision is to allow any newly elected member of the Council to observe the actions and ability of the City Manager in the performance of powers and duties of his office.

Section 801. Powers and Duties. The City Manager shall be head of the Administrative Branch of the City government. He shall be responsible to the Council for the proper administration of all affairs of the City and to that end, subject to the personnel provisions of this Charter, he shall have power and shall be required to:

(a) Appoint and, when necessary for the good of the service, discipline and remove all officers and employees of the City except as otherwise provided by this Charter, and except as he may authorize the head of any department or office to appoint or remove subordinates in such department or office.

(b) Prepare the budget annually and submit it to the Council and be responsible for its administration after its adoption.

(c) Prepare and submit to the Council as of the end of the fiscal year, a complete report on the finances and administrative activities of the City for the preceding year.

(d) Review procedures relating to the assessment, levy and collection of ad valorem property taxes and make recommendations regarding the same to the Council if deemed appropriate.

(e) Establish a centralized purchasing system for all City offices, departments and agencies.

(f) Establish and enforce specifications for supplies, materials and equipment required by the City.

(g) Cause all supplies purchased by the City to be inspected and a determination made that the same comply with specifications.

(h) Prepare rules and regulations governing the contracting for, purchasing, storing inventory, distribution or disposal of all supplies, materials and equipment required by any office, department or agency of the City government and recommend them to the Council for its adoption by ordinance. Preference shall be given to the purchase of supplies, materials and equipment from local merchants, quality and price being equal.

(i) Enforce the laws of the State pertaining to the City, the provisions of this Charter and the ordinances, franchises and rights of the City.

(j) Keep the Council advised of the financial conditions and future needs of the City and make such recommendations on any matter as may to him seem desirable.

(k) Make and execute contracts on behalf of the City involving budgeted or appropriated expenditures of $2,500.00, or less.

(*l*) Appoint advisory boards, without compensation, to assist him in the performance of his duty, if he deems it necessary.

(m) Interchange employees between or among departments if he deems it proper so to do.

(n) Immediately upon taking office, and annually thereafter, inventory and place a value on all real estate, buildings, furniture and fixtures, supplies and movable property of every kind and nature belonging to the City; and to require each officer or department head to inventory the same or any portion thereof. One copy of such inventory shall be filed with the Council and one with the Auditor.

(o) Be responsible for the custody and control of all City property, the custody and control of which has not otherwise been provided for by this Charter.

(p) Perform such other duties as may be prescribed by this Charter or required of him by the Council not inconsistent with this Charter.

The City Manager shall have the authority to transfer equipment and supplies between departments, and with the approval of the Council, sell obsolete, unused or surplus personal property of the City.

The City Manager shall be accorded a seat at the Council table and shall be entitled to participate in the deliberations of the Council, but shall not have a vote. The Council shall appoint one of the other officers of the City to serve as Manager Pro Tempore during any absence or disability of the City Manager.

The Council shall have the right to instruct the City Manager in matters of policy and any action, determination or omission of the City Manager shall be subject to review by the Council, but no such action, determination or omission shall be overruled or modified by a vote of less than four-sevenths (4/7) of the members of such Council.

Article IX
Officers and Employees

Section 900. Officers and Employees. General. The officers of the City of Modesto shall consist of a Mayor, the Council, a City Manager, a City Attorney, a City Clerk, a City Auditor and such other or subordinate officers, assistants, deputies and employees as the Council may deem necessary to provide by ordinance or resolution.

The City Attorney, the City Clerk, and the City Auditor shall be appointed by and may be removed by the affirmative votes of four (4) members of the Council, provided, however, that neither the City Attorney, the City Clerk nor the City Auditor shall be removed from office during or within a period of ninety (90) days next succeeding the election of a member of the Council. The purpose of this provision is to allow any newly elected member of the Council to observe the actions and abilities of these officers in the performance of the powers and duties of the respective offices.

The City Manager shall be appointed and removed as provided by Section 800 of this Charter. Except as otherwise provided in this section all other officers and department heads of the City shall be appointed by the City Manager and shall serve at the pleasure of the City Manager.

Section 901. Office of the City Clerk. The office of the City Clerk is hereby established. It shall be the duty of the City Clerk to:

(a) Attend all meetings of the Council and be responsible for the recording and maintaining of a record of all the actions of the Council;

(b) Keep all ordinances and resolutions of the Council in such manner that the information contained therein will be readily accessible and open to the public He shall attach to the original copy of each ordinance a certificate which will state the date that the ordinance was adopted, and as to an

ordinance requiring publication, that the same has been published in accordance with the Charter;

(c) Keep all records of the Council and of his office in such manner that the information contained therein will be readily accessible and open to the public until such time as any of the records may be destroyed, or reproduced and the original thereof destroyed, in accordance with State law;

(d) Be the custodian of the seal of the City;

(e) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of the official records;

(f) Have charge of all City elections;

(g) Be responsible for the publication of all official advertising of the City; and

(h) Perform such other duties consistent with this Charter as may be required of him by the Council.

Section 902. Office of the City Attorney. The Office of the City Attorney is hereby established. The City Attorney shall be an attorney at law, and shall be licensed to practice his profession in the State of California. In addition, he should have had at least five (5) years' experience in the practice of law prior to his appointment. The City Attorney shall have the power and duty to:

(a) Represent and appear for the City, its Council, boards and commissions in all actions or proceedings in which they are concerned or are a party; and represent and appear for a City officer or employee, or a former City officer or employee, in all actions or proceedings in which such officer or employee is a party-defendant due to the performance of his official duties, provided such representation and appearance, in the opinion of the City Attorney will not conflict with the City Attorney's duties to the City and will not adversely affect the interests of the City;

(b) Advise the Council and all City officers in all matters of law pertaining to their offices;

(c) Attend all meetings of the Council, except when excused or disabled, and give his advice or opinion on the legality of all matters under consideration by the Council or by any of the boards, commissions or officers of the City;

(d) Prepare ordinances, formal resolutions, contracts and other legal instruments as shall be required or as may be deemed necessary by him for the proper conduct of the business of the City, and approve the form of such contracts and the form of all bonds given to the City;

(e) Upon direction of the Council prosecute on behalf of the people all criminal cases for violation of City ordinances;

(f) Perform such other legal duties as may be required by the Council.

The Council may retain or employ other attorneys to take charge of any litigation or legal matter or to assist the City Attorney therein.

Section 903. Duties of Officers and Employees. After obtaining and considering the recommendations of the City Manager, the Council shall provide by ordinance or resolution, not inconsistent with this Charter, for the powers and duties of all officers and employees of the City.

Where the positions are not incompatible, the Council may combine in one person the powers and duties of two (2) or more offices created or provided for in the Charter. No office provided herein to be filled by appointment by the City Manager may be combined with an office provided herein to be filled by appointment by the Council.

Notwithstanding the foregoing, the Council may transfer or consolidate functions of the City government to or with appropriate functions of the State or County government, or may make use of such functions of the State or County government, and in case of any such transfer or consolidation, the provisions of this Charter providing for the function of the City government so transferred or consolidated shall be deemed suspended during the continuance of such transfer or consolidation, to the extent that such suspension is made necessary or convenient and is set forth in the ordinance or resolution establishing such transfer or consolidation. Any such transfer or consolidation may be repealed in like manner.

Section 904. Compensation of Officers and Employees. The compensation of all City officers and employees, except as otherwise provided in this Charter, shall be by salary to be fixed by ordinance or resolution. No officer or employee shall be allowed any fees, perquisites, emoluments, rewards or compensation, aside from the salary or compensation as fixed by the Council, but all fees received by him in connection with his official duties shall be paid by him into the City Treasury.

Section 905. Oath of Office. Every officer of the City, before entering upon the duties of his office, shall take the oath of office as provided for in the Constitution of this State, and shall file the same with the City Clerk.

Section 906. Official Bonds. The Council shall fix by ordinance the amounts and terms of the official bonds of all officials or employees who are required by ordinance to give such bonds. All bonds shall be executed by responsible corporate surety, shall be approved as to form by the City Attorney and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City.

There shall be no personal liability upon, or any right to recover against, a superior officer, or his bond, for any wrongful act or omission of his subordinate, unless such superior officer was a party to, or conspired in such wrongful act or omission.

Section 907. Financial Interest Prohibited. The provisions of Article 4, Chapter 1, Division 4, Title I of the Government Code of the State of California, as the same now exist or hereafter may be amended, relating to prohibitions appli-

cable to specified officers, are hereby adopted by reference and shall apply to the City of Modesto

Section 908. Nepotism. The Council shall not appoint to a salaried position under the City government any person who is a relative by blood or marriage within the second degree of any one or more of the members of such Council and neither shall any department head or other officer having appointive power appoint any relative within such degree to any such position.

Section 909. Political and Religious Tests. Except as otherwise provided by the general laws of this State heretofore or hereafter enacted, no appointment to any position under the City government shall be made or be withheld by reason of any religious or political opinions or affiliations or political services, and no appointment to or selection for or removal from any office or employment and no transfer, promotion, reduction, reward or punishment shall be in any manner affected by such opinions, affiliations or service.

Article X.
Executive and Administrative Departments

Section 1000. Assignment of Powers. Organization. After obtaining and considering the recommendations of the City Manager, the Council shall provide by ordinance, not inconsistent with this Charter, for the organization, functions, conduct and operation of the several offices and departments of the City, and may provide for the creation of additional departments, divisions, offices and agencies, and for their consolidation, alteration or abolition. It may further provide by ordinance or resolution for the assignment and reassignment of divisions, offices and agencies to departments, and for the number, titles, qualifications, powers, duties and compensation of all officers and employees.

Article XI.
Appointive Boards and Commissions

Section 1100. In General. There shall be the boards and commissions enumerated in this Article which shall have the powers and duties as provided herein. Except as otherwise provided in this Article the number of members to comprise any board or commission shall be determined by ordinance No member of any board or commission shall hold any paid office or employment in the City government. Except as otherwise provided in this Article, in order to be eligible for appointment or to hold office as a member of any board or commission, a person shall be a registered elector of the City. In addition to the boards and commissions enumerated in this Article, the Council may create by ordinance such boards or commissions as in its judgment are required and may grant to

them such powers and duties as are consistent with the provisions of this Charter.

Section 1101. Appropriations. The Council shall include in the annual budget such appropriations of funds as in its opinion shall be sufficient for the efficient and proper functioning of such boards and commissions.

Section 1102. Appointments. Terms. The members of each of such boards or commissions shall be appointed by the Council. They shall be subject to removal, by resolution of the Council adopted by at least four (4) affirmative votes. The members thereof shall serve for a term of four (4) years and until their respective successors are appointed and qualified.

The members first appointed to such boards and commissions shall so classify themselves by lot that each succeeding January 1st the term of one of their number shall expire. If the total number of members of a board or commission to be appointed exceeds four (4), the classification by lot shall provide for the grouping of terms to such an extent as is necessary in order that the term of at least one member shall expire on each succeeding January 1st, and that the number of terms expiring in any year does not exceed by more than one the number expiring in any other year.

Section 1103. Existing Boards. The members of the boards and commissions holding office when this Charter takes effect shall continue to hold office thereafter until their respective terms of office shall expire and until their successors shall be appointed and qualified. The successors of such members shall be appointed for terms of such duration, not exceeding four (4) years, as will carry into effect the plan for staggered terms prescribed in the preceding section.

Section 1104 Meetings. Chairmen. As soon as practicable following the first day of January of each year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission. Whenever a special meeting of any board or commission shall be called, the secretary shall cause written notice of such meeting to be given to each member of such board or commission and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered personally or must be deposited in the United States mail, postage prepaid, at least twenty-four (24) hours before the time of such meeting as specified in the notice. The notice and order shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by said boards or commissions.

Written notice to each member of any board or commission may be dispensed with as to any member of any board or commission who, at or prior to the time the meeting convenes, files with the Secretary of such board or commission a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member

of any board or commission who is actually present at the meeting at the time it convenes.

The affirmative or negative vote of a majority of the entire membership of such board or commission shall be necessary for it to take action.

Unless otherwise provided by the Council, or by this Charter, the City Manager shall provide a secretary for the recording of the minutes of each of such boards and commissions who shall keep a record of its proceedings and transactions. Each board and commission shall prepare and submit to the Council an annual report of its activities. Such report shall be made on the fiscal year basis and shall be submitted on or before September 1st of each year. Each board or commission shall prescribe its own procedural rules and regulations which shall be consistent with this Charter and copies of which shall be kept on file in the office of the City Clerk where they shall be available for public inspection.

Section 1105. Compensation. Vacancies. The members of boards and commissions shall serve without compensation for their services as such, but may receive reimbursement for necessary traveling and other expenses incurred in the performance of their official duties.

Any vacancies in any board or commission, from whatever cause arising, shall be filled by appointment by the Council. Upon a vacancy occurring, leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. If a member of a board or commission absents himself from three (3) regular meetings of such board or commission, consecutively, unless by permission of such board or commission, expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, his office shall become vacant and shall be so declared by the Council.

Section 1106. Oaths Affirmations. Each member of any such board or commission shall have the power to administer oaths and affirmations in any investigation or proceeding pending before such board or commission.

Section 1107. Planning Commission. There shall be a Planning Commission. The Planning Commission shall have the power and duty to:

(a) Recommend to the Council, after a public hearing thereon, the adoption, amendment or repeal of a General Plan or any part thereof for the physical development of the City; and

(b) Exercise such functions with respect to land subdivisions, planning and zoning as may be prescribed by ordinance or resolution.

(c) Perform such other duties relating to planning and zoning as the Council may require by ordinance or resolution.

Section 1108. Personnel Commission. There shall be a Personnel Commission, none of the members of which shall hold any salaried City office or employment while a member of the Commission nor for a period of one year after he has ceased

for any reason to be a member, be eligible for appointment to any salaried office or employment in the services of the City nor to any City elective office.

Section 1109. Personnel Commission, Powers and Duties. The Personnel Commission shall have power and be required to:

(a) Act in an advisory capacity to the Council and the City Manager on personnel administration;

(b) Recommend to the Council after a public hearing thereon, the adoption, amendment or repeal of personnel rules and regulations;

(c) Hear appeals of any person in the classified service relative to any suspension, demotion or dismissal;

(d) Make any investigation which it may consider desirable concerning the administration of personnel in the municipal service and report its findings to the Council and the City Manager;

(e) Perform such other duties with reference to personnel administration not inconsistent with this Charter as the Council may require by ordinance or resolution.

Section 1110. Library and Culture Commission. There shall be a Library and Culture Commission consisting of seven (7) members, five (5) of whom shall be registered electors of the City, and two (2) of whom shall live outside the City but shall be registered electors of the Modesto High School District of Stanislaus County. The Commission shall have the power and duty to:

(a) Act in an advisory capacity to the Council and the City Manager in all matters pertaining to art, literature, music and other cultural activities;

(b) Formulate and recommend annually to the Council a program relating to art, literature, music and other cultural activities;

(c) Promote the preservation of historic sites, landmarks, documents, paintings and other objects associated with the history of the City and its area, and develop educational interest in all such historical matters;

(d) Act in an advisory capacity to the Council, City Manager and Director of any Museum or Cultural Center that may be established by the Council; and

(e) Act in an advisory capacity to the Council, City Manager and the head of the Public Library system providing library services for the inhabitants of the City.

Article XII.
Personnel System

Section 1200. Personnel System. Merit Principle. Appointments and promotions in the Classified Service of the City shall be made according to merit and fitness and from eligible lists to be established in accordance with personnel rules and regulations adopted in the manner provided in this Charter.

Section 1201. Unclassified and Classified Service. The administrative service of the City shall be divided into Unclassified and Classified Service.

(a) The Unclassified Service shall comprise the following officers and positions:

(1) All elected officers.

(2) City Manager, Deputy City Manager, City Attorney, City Clerk, City Auditor, and all heads of departments.

(3) All members of boards and commissions.

(4) Persons employed as unskilled laborers.

(5) Positions in any class or grade created for a special or temporary purpose for a period of not longer than 90 days in any one fiscal year.

(6) Persons employed to render professional, scientific, technical or expert services of any occasional or exceptional character.

(7) Part-time employees paid on an hourly or per diem basis.

(b) The Classified Service shall comprise all positions not specifically included by this section in the Unclassified Service.

Section 1202. Rules and Regulations. The Personnel System provided by this Article shall be implemented by such rules and regulations governing the administration thereof as are adopted by the Council upon the recommendation of the City Manager.

Section 1203. Political Activities Prohibited. No person holding any position in the Classified Service, or on an eligible list, shall take an active part in any municipal political campaign or contribute thereto in behalf of any candidates, nor shall such person seek signatures to any petition seeking to advance the candidacy of any person for any municipal office. Nothing in this section shall be construed to prevent any such person from seeking election or appointment to public office. Upon becoming a candidate for public office any such person shall request and be granted a leave of absence, without pay, to remain in effect during the period of time such person is a candidate.

Except as otherwise provided by the general laws of this State heretofore or hereafter enacted, no person in the Classified Service, or seeking admission thereto, shall be employed, promoted, demoted or discharged or in any way favored or discriminated against because of political opinions or affiliations or because of race or religious belief.

No officer or employee of the City and no candidate for any City Office shall, directly or indirectly, solicit any assessment, subscription or contribution, whether voluntary or involuntary, for any municipal political purpose whatever, from anyone on the eligible lists or holding any position in the Classified Service.

Section 1204. Contract for Performance of Administrative Functions. The Council may contract with the governing body of a city, or county within this State, or with a State depart-

ment or other public or private agency for the preparation or conducting of competitive examinations for positions in the City service or for the performance of any other personnel administration service.

Article XIII.
Fiscal Administration

Section 1300. The Fiscal Year The fiscal year of the City shall commence upon the first day of July of each year, or at such other time as may be fixed by ordinance.

Section 1301. Tax System. The Council shall by ordinance provide a system for the assessment, levy and collection of City taxes upon property.

Section 1302. Annual Budget On such date in each year as shall be fixed by the Council, the City Manager shall send to the Council a careful estimate, in writing, of the amounts, specifying in detail the objects thereof required for the business and proper conduct of the various departments, offices, boards and commissions of the City, over which he has control, during the next ensuing year. The City Manager shall also at said time submit to the Council an estimate of the amount of income from fines, licenses, and other sources of revenue, exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

Section 1303. Public Hearing on the Budget. After reviewing the proposed budget as submitted by the City Manager and making such revisions as it may deem advisable, the Council shall determine the time for holding of a public hearing upon, and shall cause a notice thereof to be published not less than ten (10) days prior to said hearing by at least one insertion in the official newspaper of the City.

Copies of the proposed budget shall be available for inspection by the public at the office of the City Clerk at least ten (10) days prior to said hearing.

At the time so advertised or at any time to which such public hearing from time to time be adjourned, the Council shall hold a public hearing on the proposed budget at which interested persons desiring to be heard shall be given such opportunity.

Section 1304. Adoption of the Budget. After the conclusion of the public hearing the Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and thereafter it shall adopt the budget with revisions, if any. Upon final adoption, the budget shall be in effect for the ensuing fiscal year.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the various departments or activities therein described. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

At any meeting after the adoption of the budget, the Council may amend or supplement the budget by resolution.

Section 1305. Tax Limit. (a) General. The Council shall not levy a property tax for municipal purposes for any fiscal year in excess of $1.25 on each $100.00 of assessed value of the taxable property in the City, except as otherwise provided in this section, unless authorized by the affirmative votes of the majority of the electorate voting on a proposition to increase such levy at any election at which the question of such additional levy for municipal purposes is submitted to the electors. The number of years that such additional levy is to be made shall be specified in such proposition.

(b) Under County Tax System. For the fiscal year in which the City avails itself of the general laws relative to the assessment and collection of City taxes by County Officials, and for each succeeding fiscal year, the City Council may levy a rate of tax for any purpose for which a maximum rate is specified by this section up to an amount that exceeds such maximum rate in the proportion that the total assessed valuation of the entire City roll used in the fiscal year immediately preceding the year for which the City availed itself of the County tax assessing and collection services exceeded the total assessed valuation of the property within the City on the entire County roll for the same year.

(c) Additional Taxes. There shall be levied and collected at the time and in the same manner as other property taxes for municipal purposes are levied and collected, as additional taxes, if no other provisions for the payment thereof is made:

(1) A tax sufficient to meet all obligations of the City for principal and interest of all bonds or judgments due and unpaid or to become due during the ensuing fiscal year which constitute the general obligations of the City;

(2) A tax sufficient to meet all obligations of the City to the State Employees' Retirement System for retirement of the City employees, if any, due and unpaid or to become due during the ensuing fiscal year.

(d) Special Levies. Special levies in addition to the above may be made annually in amounts not to exceed the limits hereinafter enumerated in this section, respectively, on each $100.00 of the assessed value of the taxable property in the City:

(1) For the support and maintenance of free public libraries and reading rooms, Twenty cents (20¢).

The proceeds of any such special levy shall be used solely for the respective purposes for which it is levied.

Section 1306. Independent Audit. The Council shall employ, at the beginning of each fiscal year, an independent certified public accountant who, at such time or times as may be specified by the Council, at least annually, shall examine the books, records, inventories, and reports of all officers and employees who receive, handle or disburse public funds and all

such other officers and employees and departments as the Council may direct.

As soon as practicable after the end of the fiscal year, a final audit and report shall be submitted by such accountant to the Council, one copy thereof to be distributed to each member, one to the City Auditor, one to the City Manager and one to the City Attorney respectively, and three (3) additional copies to be placed on file in the office of the City Clerk, where they shall be available for inspection by the general public.

Section 1307. Public Work to be Done by Contract. Every project involving an expenditure of City moneys of more than the amount specified in Section 37902 of the Government Code of the State of California, as the same now exists or may hereafter be amended for the construction or improvement of public buildings, works, drains, sewers, utilities, parks, playgrounds, and streets (exclusive of projects for resurfacing, maintenance and repair of streets) shall be let by contract to the lowest responsible bidder after notice by publication in the official newspaper by one or more insertions, the first of which shall be at least seven (7) days before the time for opening bids.

All bids shall be accompanied by either a certified, or cashier's check, or a bidder's bond executed by a corporate surety authorized to engage in such business in California, made payable to the City. Such security shall be in an amount not less than that specified in the notice inviting bids or in the specifications referred to therein, or if no amount be so specified then in an amount not less than ten per cent (10%) of the aggregate amount of the bid. If the successful bidder neglects or refuses to enter into the contract, within the time specified in the notice inviting bids or specifications referred to therein. the amount of his bidder's security shall be declared forfeited to the City and shall be collected and paid into its general fund and all bonds so forfeited shall be prosecuted and the amount thereof collected and paid into such fund.

The Council may reject any and all bids presented and may readvertise in its discretion.

The Council after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, based on estimates approved by the City Manager the work in question may be performed better or more economically by the City with its own employees and after the adoption of a resolution to this effect by at least five (5) affirmative votes of the Council may proceed to have said work done in the manner stated, without further observance of the provisions of this section. Such contracts likewise may be let without advertising for bids, if such work shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property and shall be authorized by resolution passed by at least five (5) affirmative votes of the Council and containing a declaration of the facts constituting such urgency.

Nothing in this section shall be construed to apply to the acquisition or purchase of electricity, electric power or electric energy by the City for any use or purpose.

Section 1308. Collusion with Bidder. Any officer of the City, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, materials or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information, or who shall wilfully mislead any bidder in regard to the character of the materials or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kind of materials or supplies than has been actually received shall be deemed guilty of malfeasance and shall be removed from office.

Section 1309. Collusion by Bidder. If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and the Council shall advertise for a new contract for said works, or provide for such public work to be done by the City.

Section 1310. Demands Against the City. Moneys shall be drawn from the City Treasury only in the manner prescribed by ordinance of the Council.

Section 1311. Contracts for Official Advertising. The Council shall let annually contracts for the official advertising for the ensuing fiscal year. In the event there is more than one newspaper of general circulation published and circulated in the City, the Council shall advertise for one day, setting forth distinctly and specifically the work contemplated to be done, and asking for sealed proposals therefor. The proposals shall specify the type and spacing to be used at the rate or rates named in the bids. The Council shall let the contracts for such official advertising to the lowest responsible bidder publishing a newspaper in the City which is a newspaper of general circulation and has been in existence at the time of the awarding of the contract at least one year; provided, that the Council may reject any or all bids and advertise for new bids.

Section 1312. Filing of Claims. Except as otherwise provided by the provisions of State law applicable to chartered cities, claims against the City shall be filed as prescribed by ordinance.

Section 1313. Purchase of Supplies and Equipment. The Council, by ordinance, within one year following the adoption of this section, shall adopt policies and procedures, including bidding regulations, governing purchases of supplies and equipment by the City. Said policies and procedures may include provisions authorizing joint purchasing with other local

governmental agencies. Following the adoption of such policies and procedures, purchases of supplies and equipment by the City shall be made in accordance therewith.

Article XIV.
Franchises

Section 1400. Franchises to Operate. No person, firm or corporation shall exercise any franchise, right or privilege mentioned in this Article in the City except insofar as he or it may be entitled to do so by direct authority of the Constitution of the State of California or of the United States, unless he or it shall have obtained a grant therefor in accordance with the provisions of this Charter and in accordance with the procedure prescribed by ordinance. Nothing contained in the Article shall be construed to invalidate any lawful franchise heretofore granted nor to necessitate the obtaining of a new franchise for a use for which a franchise holder shall have a valid unexpired franchise.

Section 1401. Authority to Grant Franchises. The Council is empowered to grant by ordinance a franchise to any person, firm or corporation, whether operating under an existing franchise or not, to furnish the City and its inhabitants with transportation, communication, terminal facilities, water, light, heat, power, refrigeration, storage or any other public utility or service, or to use the public streets, ways, alleys and places, as the same may now or may hereafter exist, in connection therewith.

Section 1402. Franchise Terms, Conditions and Procedures. The Council shall, by ordinance, prescribe the terms and conditions under which franchises will be granted, subject to the provisions of this Charter, and the procedure for granting franchises; provided, however, that such procedural ordinance or ordinances shall make provisions for the giving of notice of franchise applications, for protests against the granting of such franchises and for public hearings on such applications.

The Council, in granting franchises, shall prescribe the terms and conditions of such franchises in accordance with the applicable provisions of this Charter and any ordinance adopted pursuant thereto, and may in such franchise impose such other and additional terms and conditions not in conflict with said Charter or ordinances, whether governmental or contractual in character, as in the judgment of said Council are in the public interest or as the people, by initiative, indicate they desire to have so imposed.

Section 1403. Method of Granting Franchise. The Council may grant a franchise without calling for bids or may, in its discretion, advertise for bids for the sale of a franchise upon a basis, not in conflict with the provisions of this Article, to be set out in the advertisement for bids and notice of sale.

Section 1404. Term of Franchise. Every franchise shall be either a fixed term not to exceed twenty (20) years, or for

an indeterminate period. If for a fixed term, the franchise shall state the terms for which it is granted; if indeterminate, it shall set forth the terms and conditions under which it may be terminated.

Section 1405. Purchase or Condemnation by City. No franchise grant shall in any way or to any extent impair or affect the right of the City now or hereafter conferred upon it by law to acquire the property of the grantee thereof either by purchase or through the exercise of the right of eminent domain, and nothing herein contained shall be construed to contract away or to modify or to abridge either for a term or in perpetuity the City's right of eminent domain with respect to any public utility.

Section 1406. Minimum Compensation. No new franchise or the renewal of an existing franchise shall be granted without reserving to the City just and adequate compensation.

Section 1407. Article Not Applicable to Certain Cases. Nothing in this Article shall be construed as applying to or requiring the operators of refrigeration or storage utilities or the carriers of freight or passengers not operating over a fixed route, or other public utilities or services not specifically described in this Article, to obtain a franchise to operate within the City unless required so to do by ordinance of the City of Modesto.

Section 1408 Exercising Right Without Franchise. The exercise by any person, firm or corporation of any privilege for which a franchise is required without procuring such franchise shall be a misdemeanor, and each such day that such condition continues shall constitute a separate violation.

Article XV.
School System

Section 1500. Board of Education. The control, management and administration of the public schools of the City of Modesto, and the territory that is now or may hereafter be annexed thereto for school purposes, in accordance with the Constitution and general laws of the State of California, are hereby vested in a Board of Education. In all matters not specifically provided for in this Article, the Board shall be governed by the provisions of the general law relating to such matters and shall be vested with all the powers and charged with all the duties provided by the laws of the State for city boards of education. The Board of Education shall be the governing body of the Modesto City School District of Stanislaus County, the Modesto High School District of Stanislaus County, and the Modesto Junior College District of Stanislaus County. The Board of Education shall consist of five (5) members who shall serve without compensation. The members of the Board of Education shall be elected at large from the territory within the boundaries of the school district or

districts which are under the jurisdiction of the Board. The members of the Board of Education shall hold office for a period of four (4) years from and after the first Tuesday following their election and continuing until their successors are elected and have qualified. No person shall be eligible to be nominated for or to hold office as a member of the Board of Education unless he is and shall have been for at least three (3) years preceding his election or appointment a resident and registered elector of the school district or districts which are under the jurisdiction of the Board of Education.

If a vacancy shall occur on the Board of Education, the Board shall forthwith appoint a person to fill such vacancy. Said appointee shall hold office until his successor is duly elected at the next general municipal election and has qualified. The members of the Board of Education shall be subject to recall as provided in this Charter.

All territory included within the limits of any school district or districts which are under the jurisdiction of the Board of Education, but not within the City limits, shall be deemed a part of the City for the purpose of holding municipal elections and shall constitute one or more separate election precincts, and the qualified electors therein shall vote only for members of the Board of Education and on questions submitted to a vote of the people at special or general elections pertaining to school matters.

The members of the Board of Education in office at the time this Charter takes effect shall continue in office until the expiration of their terms. Their successors shall be elected for a term of four (4) years at the general municipal election to be held during the year each of said respective terms expires, it being the intention of this section that the terms of the five (5) members shall be staggered, three (3) members being elected at the General Municipal Election to be held in 1963, and two (2) members being elected at the General Municipal Election to be held in 1965, and staggered accordingly successively thereafter at each General Municipal Election.

Article XVI.
Miscellaneous

Section 1600. Effective Date of Charter. The provisions of this Charter shall become effective immediately when the concurrent resolution of the Legislature approving this Charter is filed with the Secretary of State.

Section 1601. Validity of Charter. Severability. If any provision of this Charter, or the application thereof to any person or circumstances is held invalid, the remainder of the Charter and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 1602. Violation of Charter and Ordinances. The violation of any provision of this Charter or of any ordinance of the City shall be deemed a misdemeanor, and may be prose-

cuted by the authorities of the City in the name of the people of the State of California, or may be redressed by civil action, at the option of said authorities. The maximum penalty upon conviction for the violation of any provision of this Charter, or of any ordinance of the City, shall be by a fine of not exceeding $1000 or by imprisonment for a term of not exceeding one year or by both such fine and imprisonment. Any person sentenced to imprisonment for the violation of a provision of this Charter or of any ordinance may be imprisoned in the City jail, or, if the Council by ordinance shall so prescribe, in the county jail of the county in which the City of Modesto is situated, or any road camp established in Stanislaus County, in which case the expense of such imprisonment shall be a charge in favor of such county against the City of Modesto.

Section 1603. Definitions. Unless the provisions or the context otherwise require, as used in this Charter:

(a) "Shall" is mandatory and "may" is permissive;

(b) "City" is the City of Modesto and "department", "board", "commission", "agency", "officer", or "employee", is a department, board, commission, agency, officer or employee, as the case may be of the City of Modesto;

(c) "Council" is the Council of the City of Modesto;

(d) A "member of the Council" means any one of the seven (7) members of the Council, including the Mayor;

(e) A "Councilman" means any one of the members of the Council other than the Mayor;

(f) "County" is the County of Stanislaus;

(g) "State" is the State of California;

(h) "Newspaper of general circulation within the City" is as defined by Section 6000 of the Government Code of the State of California;

(i) "Public Utility or Service" as used in this Charter means the supply by the City to its inhabitants, or any portion thereof, with water, light, heat, power, transportation service or telephone, telegraph or wireless communication service, except that said term shall not include furnishing of sewer or sewage disposal services, drainage service, airport services or taxicab services; and

(j) "Election" is the day of the election.

In witness whereof, we have hereunto set our hands and hereto affixed the seal of said City of Modesto this 27th day of November, 1962.

	DON D. HAMMOND
(SEAL)	Mayor of the City of Modesto, California
	REX E. GAILFUS
Attest:	City Clerk of the City of Modesto, California

WHEREAS, The proposed charter, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or

rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the Charter of the City of Modesto, as presented to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, is hereby approved as a whole, without alteration or amendment, as the Charter of the City of Modesto.

CHAPTER 4

Assembly Concurrent Resolution No. 6—Approving certain amendments to the Charter of the City of Pasadena, State of California, ratified by the qualified electors of said city at a special municipal election held therein on November 6, 1962.

[Filed with Secretary of State January 14, 1963]

WHEREAS, The City of Pasadena, a municipal corporation in the County of Los Angeles, State of California, contains a population of over 50,000 inhabitants, and has been, ever since the year 1901, and now is, organized, existing and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 8, Article XI, of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 20th day of November, 1900, and approved by the Legislature of the State of California, on the 29th day of January, 1901 (Statutes of 1901, page 884), and amendments thereto duly ratified by the qualified voters of said city and approved by resolutions of said Legislature as set out in the certificate of the Chairman of the Board of Directors and City Clerk of said City of Pasadena, hereinafter set forth; and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of seven amendments to the Charter of said City of Pasadena, as set out in the certificate of the Chairman of the Board of Directors and City Clerk of said City of Pasadena, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF PASADENA OF SEVEN CHARTER AMENDMENTS

State of California
County of Los Angeles } ss
City of Pasadena

We, the undersigned, C. Lewis Edwards, Chairman of the Board of Directors of the City of Pasadena, State of California, and Jacqueline L. Schoeppe, City Clerk of said city, do hereby certify and declare as follows:

That the City of Pasadena, a municipal corporation in the County of Los Angeles, State of California, now is and at all times herein mentioned was a city containing a population of more than 3,500 inhabitants, and now has a population of over 50,000 inhabitants, and ever since the year 1901 has been and now is organized, existing and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 20th day of November, 1900, and approved by the Legislature of the State of California, on the 29th day of January, 1901 (Statutes of 1901, page 884), and amendments thereto duly ratified by the qualified voters of said city and approved by the Legislature.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Board of Directors of the City of Pasadena, being the legislative body thereof, on its own motion, by Ordinances Nos. 4593 and 4594 adopted by said board on the 21st day of August, 1962, duly and regularly proposed that there be submitted to the qualified electors of the City of Pasadena seven proposals for the amendment of the Charter of said city, designated as Propositions "P" through "V", to be voted upon by said qualified electors at a special election called and held for that purpose in said city on the 6th day of November, 1962. That said election was duly and regularly called, authorized and provided for by said Board of Directors by Ordinance No. 4595, adopted on the 4th day of September, 1962, which said ordinance called said special election, for the submission of said amendments, to be held in said city on the 6th day of November, 1962, and that by said ordinance the said special election was by said Board of Directors duly and regularly consolidated with the general state election to be held on said date. That said election was duly and regularly called and held on said 6th day of November, 1962, which day was not less than forty, and not more than sixty days after the completion of the publication and advertising of the proposed amendments aforesaid in the official newspaper.

That said proposed amendments were published and advertised in accordance with Section 8 of Article XI of the Constitution of the State of California, and in accordance with the provisions of the Charter of the City of Pasadena in the Star-News, a daily newspaper of general circulation, published in said City of Pasadena, and the official newspaper of said city, and in each edition thereof during the day of publication.

That copies of said proposed amendments were printed in convenient pamphlet form and in type of not less than ten

point, and until the day fixed for the said election, and as required by Section 8 of Article XI of the Constitution and by the Charter of the City of Pasadena, a notice was advertised and published in the Star-News, the same being a newspaper of general circulation in said city, that copies thereof might be had upon application therefor at the office of the City Clerk of the City of Pasadena.

That such copies could be had upon application therefor at the office of the City Clerk of said city until the day fixed for said election. That a copy thereof was mailed to each of the qualified electors of said city as required by law.

That in accordance with the provisions of Section 8 of Article XI of the Constitution and of the Charter of said City of Pasadena and said ordinances of the legislative body thereof, said special election was held in the said City of Pasadena on the 6th day of November, 1962, and that pursuant to the provisions of Section 8 of Article XI of the Constitution and of said Charter and said ordinances the said proposed Charter amendments were submitted to the qualified electors of said city for their ratification at said election, and that at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify each of said proposed amendments to the Charter of said city hereinafter set forth.

That, in accordance with law, the Registrar of Voters of the County of Los Angeles, State of California, did duly and regularly canvass the returns of said election and on the 4th day of December, 1962, did certify to the Board of Directors of the City of Pasadena the result of such canvass; that said Board of Directors on the 11th day of December, 1962, did duly find, determine and declare the result of said special election as determined from the canvass of the returns thereof aforesaid to be that a majority of the qualified electors of said city voting on said proposed amendments had voted for, ratified and adopted said amendments.

That the said amendments to the Charter so ratified by the electors of the City of Pasadena are in words and figures as follows:

PROPOSITION "P"

That the Charter of the City of Pasadena be amended by amending Sections 1 and 2 of Article 16 thereof to read as follows:

"Section 1. The control, management and administration of the public schools of the City of Pasadena and the territory that is now or may hereafter be annexed thereto for school purposes, in accordance with the Constitution and general laws of the State of California is hereby vested in a Board of Education consisting of five members respectively holding office numbers 1, 2, 3, 4, and 5. The three members of the Board of Education whose terms expire in 1965 shall be considered as holding office numbers 1, 3 and 5; the remaining offices shall

be known as office numbers 2 and 4. Within fifteen days after the effective date of this charter amendment, the offices held by each member of the Board of Education shall be determined by lot at a regular meeting of said Board. The Board of Education is hereby vested with all the powers and charged with all the duties provided by the laws of the State for city boards of education."

"Section 2 (a). The members of the Board of Education shall hold office for the term of four years, and until their successors are elected and have duly qualified.

(b) Elections shall be primary nominating and general. Members of the Board of Education shall be elected from the school district(s) at large on the first Tuesday in June in odd-numbered years, unless elected by a majority of votes at the primary nominating election. Two members shall be elected in June 1963, three in June 1965, and thereafter two and three members shall be alternately elected. Candidates to be voted on at the general election shall be residents and qualified voters of a Pasadena school district, and shall be nominated at a primary nominating election, held on the third Tuesday preceding the date fixed for the Board of Education general election. No person shall become a candidate for more than one of the numbered offices to be filled at such election. No names shall be printed upon the ballot in the general election for a member or members of the Board of Education other than those selected in the manner hereinafter prescribed.

So far as possible, the same officers of election shall be appointed for the primary nominating election and for the general election, utilizing, so far as possible, the same polling places. The officers of the elections shall be compensated for their services as provided by the general laws of the State governing school elections; such compensation and any other expense incurred in the conduct of said elections shall be a charge upon the school district(s) and not upon the city.

(c) Any person desiring to become a candidate for one of the numbered offices of the Board of Education to be filled at such election, shall file, or have filed, with the Secretary of the Board of Education, on or before the forty-sixth day prior to the primary nominating election, a written statement signed by him, specifying for which of the numbered offices he is a candidate, in substantially the following form:

State of California }
County of Los Angeles } ss

I, _____, being duly sworn, say that I reside at _____ , _____; that I am a candidate for nomination for Office No. ___ on the Board of Education of the Pasadena school district(s) to be voted on at the primary nominating election to be held on _____, 19___, and am legally qualified to fill said office, and I hereby request that my name be printed

upon the primary ballots for nomination at such primary election for such office.

Signed_____
Subscribed and sworn to before me this _____ day of _____, 19___.

_____
Notary Public in and for said
County and State

At the same time such person shall file therewith a petition bearing the signatures of at least one hundred (100) qualified voters from such district(s), requesting such candidacy, and accompanied by a filing fee of $25.00. The filing fee shall be divided equally between the Pasadena school districts and deposited by the Secretary of the Board of Education in the respective general funds thereof. Each petition shall be verified by one or more persons who are qualified voters of such district(s), as to the qualifications and residence, with street number of each of the persons so signing the said petition. The said petition shall be substantially in the following form:

PETITION ACCOMPANYING NOMINATING STATEMENT

The undersigned, duly qualified voters residing in a Pasadena school district, residing at the places set opposite our respective names, do hereby request that the name of _____ (name of candidate) be placed on the ballot as a candidate for nomination to Office No. ___ of the Board of Education at the primary nominating election on _____, 19___. We further state that we know him (her) to be a qualified voter of said school district(s), residing within said district(s), and a person of good moral character and qualified, in our judgment, for the duties of such office.

Names of Qualified Voters	Number	Street	City
_____	____	_____	_____
_____	____	_____	_____

The qualified voters signing any petition for the nomination of any person to the office of member of the Board of Education shall be residents of a Pasadena school district. The names of voters not residents of a Pasadena school district shall not be counted in determining the sufficiency of such petition.

(d) The Secretary of the Board of Education shall cause ballots to be printed and numbered and bound. Each ballot shall contain:

1. the following caption,

PRIMARY NOMINATING ELECTION

(Insert name or names of Pasadena school district or districts)
(Insert date thereof)

2. the following instruction,

To vote, stamp a cross opposite the name of the candidate, except when the name of the candidate is written in by the voter.

3. the list of candidates and the respective numbered offices.
4 a blank space underneath the printed names of candidates for each office wherein the voter can write the name of any candidate whose name is not printed on the ballot, and for whom he wishes to vote.

(e) For the purpose of the primary nominating election and the general election each numbered office of a member of the Board of Education shall be deemed to be a separate office, and shall appear on the ballot in numerical sequence, and the names of the candidates for each office shall be arranged on the ballot in alphabetical order, except that the name of an incumbent shall appear first.

(f) The two candidates for each of the numbered offices of the Board of Education receiving the highest number of votes at the primary nominating election shall be the candidates and the only candidates for such office whose names shall be printed on the ballots to be used at the general election; provided that any candidate who at a primary nominating election shall receive a majority of all the votes cast for candidates for said office, shall be elected to said office The ballots at such general election shall be in the same general form as for such primary nominating election, so far as applicable.

(g) No election, whether primary nominating or general, shall be set aside for any error, irregularity or defect in the proceedings leading up to or in said election, when the provisions of law governing the same are substantially complied with and where a fair expression of the will of the electorate is secured.

(h) On the first Tuesday after the primary nominating election and at their usual time and place of meeting, the Board of Education shall meet and canvass the returns and declare the result. In the event any absentee ballot has not been returned to the Board of Education for the purpose of voting, not later than the time set for canvassing the returns of any primary nominating election, any such absentee ballot not so returned shall not be counted.

(i) In all other matters, the election for members of the Board of Education shall, as to the primary nominating and as to the general election, be governed by the applicable general laws of the State relating to city boards of education."

PROPOSITION "Q"

That the Charter of the City of Pasadena be amended by amending Section 7 of Article 2 thereof to read as follows:

"Section 7. No officer of the city shall be interested in any contract in which the city is a party, except to the extent permitted by state law as now or hereafter provided."

PROPOSITION "R"

That the Charter of the City of Pasadena be amended by amending Section 12 of Article 11 thereof to read as follows:

"Section 12. (a) No suit shall be brought upon any claim for money or damages, against the City of Pasadena, or any officer, employee, board or department thereof, until a claim or demand for the same has been presented as provided herein or in any ordinance herein authorized.

(b) Subject to the provisions of subsection (e) of this Section, and except in those cases where a different period of time is otherwise specified by law, all claims or demands which are based on a cause of action accruing from and after the effective date of this amendment, against the city, or any board or department thereof, or any officer or employee thereof for an act or omission during the course of his service or employment, shall be presented within one year after the accrual of the cause of action.

(c) For the purpose of computing the time limit prescribed by this Section, the date of the accrual of a cause of action to which a claim relates is the date upon which the cause of action accrued within the meaning of the applicable statute of limitations.

(d) Any claim rejected in whole or in part by any officer of the City whose approval may be required, may be presented to the legislative body of the city within thirty (30) days after such rejection, and must be so presented before the bringing of any suit against said city or any officer, employee, board or department thereof in his or its official capacity, and suit on any claim shall be brought within six months after the rejection of such claim in whole or in part by such legislative body. When any claim is in part allowed and in part rejected by said legislative body, the claimant may refuse to accept such partial allowance and bring suit for the entire amount of such claim, but if any such partial allowance is accepted, no suit shall be brought or maintained upon such claim.

(e) To the extent that the laws of the State of California set forth a procedure applicable to claims specified therein against local public entities and public officers and employees thereof, such state laws shall, from and after the effective date of this amendment, govern such claims to the exclusion of the provisions of this charter and all ordinances of this city."

PROPOSITION "S"

That the Charter of the City of Pasadena be amended by amending Section 3(b) of Article 19 thereof to read as follows:

"Section 3(b). Any voter, residing within a district who desires to become a candidate for office of member of the Board of Directors from said district to be filled at such general election, on or before the thirtieth day prior to the primary election shall file with the City Clerk a statement of such candidacy in substantially the following form:

State of California
County of Los Angeles } ss
City of Pasadena

I, _____ being duly sworn, say that I reside at _____ Street in the City of Pasadena, County of Los Angeles, State of California; that I am a candidate for nomination for the office of member of Board of Directors from the _____ district to be voted upon at the primary election to be held on the _____ Thursday of _____, 19___, that I am a qualified voter of said district, and am legally qualified to fill said office, and I hereby request that my name be printed upon the primary ballots for nomination at such primary election for such office.

Signed _____

Subscribed and sworn to before me
this _____ day of _____, 19___.

_____
(City Clerk of Pasadena or Notary Public)

At the same time such person shall file therewith a petition of at least twenty-five qualified voters of such district, requesting such candidacy and accompanied by a filing fee of $25.00. Each petition shall be verified by one or more persons who are qualified voters of such district, as to the qualifications and residence, with street number of each of the persons so signing the said petition; and the said petition shall be in substantially the following form:

PETITION ACCOMPANYING NOMINATING STATEMENT

The undersigned, duly qualified voters residing in the _____ district of the City of Pasadena, residing at the places set opposite our respective names, do hereby request that the name of _____ (name of candidate) be placed on the ballot as a candidate for nomination for member of the Board of Directors from the _____ district of said city at the primary election of _____, 19___. We further state

that we know him to be a qualified voter of said district and residing therein, and a man of good moral character, and qualified, in our judgment, for the duties of such office.

Names of Qualified Voters	Number	Street

The voters signing any petition for the nomination of any person to the office of member of the Board of Directors shall be residents and voters of the district from which such person seeks to be elected as member of the Board of Directors. The names of no voters not residents of such district shall be counted in determining the sufficiency of any such petitions.

Immediately upon the expiration of the time for filing the statements and petitions for candidates, the City Clerk shall cause to be published at least once in a daily newspaper, published and circulated in the City, the names of the offices to be filled and of the persons as they are to appear upon the Primary ballots."

PROPOSITION "T"

That the Charter of the City of Pasadena be by amending Section 3(e) of Article 19 thereof to read as follows:

"Section 3(e). The two candidates receiving the highest number of votes for the office of member of the Board of Directors from each district at the primary nominating election shall be the candidates and the only candidates for such office whose names shall be printed upon the ballots to be used at the general municipal election; provided that any candidate who at the primary nominating election shall receive a majority of all the votes cast for candidates for said office, shall be elected to said office as such member of the Board of Directors."

PROPOSITION "U"

That the Charter of the City of Pasadena be amended by repealing all of Article 14 entitled "Alcoholic Liquors".

PROPOSITION "V"

That the Charter of the City of Pasadena be amended by repealing all of Article 15 entitled "Judicial Department"; by deleting from Section 2 of Article 2 the words "Judge of the Police Court" and by deleting from Section 6 of Article 2 the words "Judge or Judges of the Police Court".

That we have compared the foregoing amendment with the original proposals proposed by said Ordinances Nos. 4593 and 4594 to be submitted to the electors of said city, and find that the foregoing is a full, true, correct and exact copy thereof.

That as to said amendments this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused the seal of the said City of Pasadena to be affixed hereto this 26 day of December, 1962.

C. LEWIS EDWARDS
(SEAL) Chairman of the Board of Directors of the City of Pasadena
JACQUELINE L. SCHOEPPE
City Clerk

and

WHEREAS, Said proposed amendments to the Charter of the City of Pasadena, ratified by the electors of said city, as aforesaid, have been, and are now, submitted to the Legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of Pasadena, as proposed to, adopted and ratified by the qualified electors of said City of Pasadena, as hereinabove fully set forth, be and the same are hereby approved as a whole without amendments or alteration, for and as amendments to and as parts of the Charter of the City of Pasadena.

CHAPTER 5

Assembly Concurrent Resolution No. 7—Approving amendments to the Charter of the City of Redwood City, a municipal corporation in the County of San Mateo, State of California, voted for and ratified by the qualified electors of said city at a special municipal election consolidated with the statewide election held therein on November 6, 1962.

[Filed with Secretary of State January 14, 1963]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of amendments hereinafter set forth to the Charter of the City of Redwood City, a municipal corporation in the County of San Mateo, State of California, as set out in the certificate of the mayor and city clerk of said city as follows, to wit:

State of California }
County of San Mateo } ss.

We, the undersigned, John S. Rosselli, Mayor of the City of Redwood City, State of California, and Helen C. Moore, City Clerk of said City, do hereby certify as follows:

That the City of Redwood City, a municipal corporation of the County of San Mateo, State of California, now is and at all times herein mentioned, was a city containing a population of more than 3,500 inhabitants, and has been and now is organized and existing and acting under a freeholder's charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City and approved by the Legislature of the State of California.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on its own motion, the Council of Redwood City, being the legislative body of said City, duly and regularly submitted to the qualified electors of said City certain proposals designated as "Charter Amendments" to amend the charter of said City and to be voted upon by said qualified electors at a special municipal election consolidated with a Statewide election held in said City on November 6, 1962.

That said proposed amendments were duly and regularly submitted to the qualified electors of the City of Redwood City in the manner provided in Section 8 of Article XI of the Constitution of the State of California, and that said municipal election was duly and regularly held in the City of Redwood City after due notice given and published on November 6, 1962, which day was not less than forty (40) days, nor more than sixty (60) days after the completion of the publication and advertisement of the proposed charter amendments in the manner required by Section 8 of Article XI of the Constitution of the State of California.

That the returns of said election were duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers thereunto duly and properly authorized that all of the amendments to the charter of the City of Redwood City hereinafter set forth were ratified by a majority of the electors of said City voting thereon; that the Council of said City did by its Resolution No. 3849 duly declare the results of said election as determined by the canvass of the returns thereof.

That as to said charter amendments, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That said charter amendments to the charter of the City of Redwood City so ratified by the electors of said City are in words and figures as follows, to wit:

Charter Amendment No. 1

The Charter of the City of Redwood City is hereby amended by adding thereto Section 53.5, to read as follows:

"Section 53.5. Transfer of Functions:

"Notwithstanding any provisions of this Charter to the contrary, the Council may, by ordinance, provide for the trans-

fer of those municipal functions and those duties of City officers which relate to the assessment of property, including special assessments thereon, the equalization and correction of assessments, the collection, payment and enforcement of current and delinquent taxes, and the redemption of property, to the County of San Mateo or to such County officers as the Council determines appropriate. The provisions of this section shall supersede and control all other provisions of this Charter in conflict herewith."

CHARTER AMENDMENT NO. 2

Section 56 of the Charter of the City of Redwood City is hereby amended to read as follows:

"Section 56. Limit of Tax Levy:

"The tax levy authorized by the Council to meet the municipal expenses for each fiscal year shall not exceed the rate of two dollars on each one hundred dollars of the assessed valuation of the real and personal property within the City, except as in this Charter otherwise provided, when the assessed valuation is that as fixed and established by the County of San Mateo; provided, however, that if the assessed valuation is that as established by the City of Redwood City the tax levy authorized by the Council to meet the municipal expenses for each fiscal year shall not exceed the rate of one dollar on each one hundred dollars of such assessed valuation. The moneys collected from such levy shall be placed in the general fund of the City, and may be apportioned as determined by the Council.

"The foregoing limitation shall not apply in the event of any major catastrophe, in which case it may be temporarily suspended; provided, that no increase over said limit, except as herein prescribed shall be made in any fiscal year, unless authorized by ordinance adopted by the vote of the electors of the City."

And we further certify that the foregoing proposed and ratified amendments to the charter of the City of Redwood City are a full, true and correct copy of the charter amendments approved by the voters of the City of Redwood City.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Redwood City to be affixed hereto this 19th day of December, 1962.

JOHN S. ROSSELLI
Mayor of the City of Redwood City
HELEN C. MOORE
City Clerk of the City of Redwood City

WHEREAS, The said proposed amendments, as ratified, as hereinbefore set forth, have been and now are duly presented and submitted to the Legislature of the State of California

for approval or rejection, as a whole, without power of alteration, in accordance with Section 8 of Article XI of the Constitution of the State of California;

Now, therefore, be it resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of Redwood City as presented to and adopted and ratified by the electors of the said city and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to, and as a part of, the Charter of the said City of Redwood City.

CHAPTER 6

Assembly Concurrent Resolution No. 9—Approving an amendment to the Charter of the City of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein November 6th, 1962.

[Filed with Secretary of State January 14, 1963.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of an amendment to the Charter of the City of Long Beach, as set out in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF LONG BEACH AT A SPECIAL MUNICIPAL ELECTION HELD THEREIN NOVEMBER 6TH, 1962, OF AN AMENDMENT TO THE CHARTER OF THE CITY OF LONG BEACH, STATE OF CALIFORNIA.

State of California
County of Los Angeles } ss.
City of Long Beach

We, Edwin W. Wade, Mayor of the City of Long Beach, and Margaret L. Heartwell, City Clerk of the City of Long Beach, do hereby certify as follows:

That said City of Long Beach, in the County of Los Angeles, State of California, is now, and was at all of the times herein mentioned, a city containing a population of more than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Long Beach is now, and was at all of the times herein mentioned, organized and existing under a freeholders' charter adopted under the provisions of Section 8, Article XI, of the Constitution of the State of California, which charter was duly ratified by a majority of the electors

of said City at a special election held therein on the 14th day of April, 1921, and approved by the Legislature of the State of California and filed with the Secretary of State of the State of California on the 26th day of April, 1921, (Statutes of 1921, page 2054); and

That the legislative body of said City, namely, the City Council thereof, did, by motions duly adopted and pursuant to the provisions of Section 8, Article XI, of the Constitution of the State of California, duly vote to submit to the qualified electors of said City of Long Beach one amendment to the Charter of said City and ordered that said proposed amendment be submitted to said qualified electors of said City at a Special Municipal Election to be held in said City on the 6th day of November, 1962; and

That said proposed amendment to be so submitted November 6, 1962, was designated as Proposition Y and was duly published the 21st day of September, 1962, in the Long Beach Independent, and in each edition thereof during said date of publication; and

That said Long Beach Independent was, upon the date of said publication, and at all times since has been, and now is, a daily newspaper of general circulation within said City of Long Beach, and was, upon the date of the publication of said proposed amendment, and at all times since has been, and now is, published in said City and said newspaper was, upon the date of the publication of said proposed amendment, and at all times since has been and now is, the official newspaper of said City, and was the newspaper designated by said City Council for the publication of said proposed amendment; and

That said proposed amendment was duly and regularly printed in convenient pamphlet form and, at and during the time and in the manner provided by law, a notice was published in said Long Beach Independent that such copies of said proposed amendment could be had upon application therefor in the office of the City Clerk of said City, and said proposed amendment so printed in convenient pamphlet form was duly and regularly distributed in the manner provided by law; and

That said City Council did, by an ordinance designated as Ordinance No. C-4298, order the holding of said Special Municipal Election in said City of Long Beach on November 6, 1962, which date was not less than forty nor more than sixty days after the completion of the publication of said proposed amendment, as aforesaid, and that said ordinance was published at least three times in said Long Beach Independent ten days prior to the date of said election, to wit: October 24, 1962, October 25, 1962, and October 26, 1962; and

That said Special Municipal Election was held in said City of Long Beach on November 6, 1962, which day was not less than forty days nor more than sixty days after the completion of the publication of said proposed amendment once in said Long Beach Independent as aforesaid; and

That the City Council did, by resolution adopted on the 18th day of December, 1962, duly declare the results of said Special Municipal Election and did duly find, determine and declare that a majority of the qualified voters of said City of Long Beach voting thereon had voted in favor of and had ratified said proposed amendment; and

That said proposed amendment to the Charter of the City of Long Beach, so ratified by the voters of said City as aforesaid, is in words and figures as follows, to wit:

PROPOSITION Y—CHARTER AMENDMENT

That the Charter of the City of Long Beach be amended by adding Section 240 to Article XXIII thereof to read:

Sec. 240. The City Council of Long Beach is hereby authorized to establish a fund to be known as the "Transportation Fund." The City Council may annually levy and collect a special tax on all taxable property in the City of Long Beach for the purposes of depositing in said fund an amount not to exceed five cents (5¢) on each One Hundred Dollars ($100.00) of the assessed value of all real and personal property in the City assessed for City purposes. Said fund shall be used to meet any obligations undertaken by the City to acquire, develop, operate, or maintain a public transportation system or to provide for, or to assist a nonprofit corporation to provide, such a system. The provisions of this Charter relating to public utilities and franchises shall not limit the powers conferred upon the City Council by this section.

That the foregoing is a full, true and correct copy of said proposed amendment to the Charter of the City of Long Beach, ratified by the electors of said City, as aforesaid, on file in the office of the City Clerk of said City of Long Beach.

In witness whereof, Edwin W. Wade, Mayor, as aforesaid, and Margaret L. Heartwell, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Long Beach to be thereunto duly affixed on this 20th day of December, 1962.

EDWIN W. WADE
(SEAL) Mayor of the City of Long Beach
MARGARET L. HEARTWELL
City Clerk of the City of Long Beach

WHEREAS, Said proposed amendment to the Charter of the City of Long Beach, ratified by the electors of said city, as aforesaid, has been, and is now, submitted to the Legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with Section 8, Article XI, of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the Charter of the City of Long Beach, as proposed to, adopted and ratified by the qualified electors of said City of Long Beach, as hereinabove fully set forth, be and the same is hereby approved as a whole without amendment or alteration, for and as an amendment to and as part of the Charter of the City of Long Beach.

CHAPTER 7

Assembly Concurrent Resolution No. 10—Relative to the selection of the Legislative Counsel of California.

[Filed with Secretary of State January 14, 1963.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That pursuant to Section 10201 of the Government Code, Angus C. Morrison is selected Legislative Counsel of California.

CHAPTER 8

Senate Concurrent Resolution No. 4—Approving amendments to the Charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at a general election held therein on the sixth day of November, 1962

[Filed with Secretary of State January 14, 1963.]

WHEREAS, The City and County of San Francisco, State of California, contains a population of over 500,000 inhabitants, and has been ever since the eighth day of January, in the year 1932, and is now organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the 26th day of March, 1931, and approved by the Legislature of the State of California and filed in the office of the Secretary of State on the fifth day of May, 1931 (Statutes of 1931, page 2973); and

WHEREAS, The legislative authority of said city and county, namely, the board of supervisors thereof, duly proposed to the qualified electors of the city and county ten (10) amendments to said charter; and

WHEREAS, Said legislative authority, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, did cause said ten (10) proposed

amendments to said charter to be published, once in the official newspaper of the said City and County of San Francisco and each edition thereof issued or published on the date of said publication, to wit, in the "San Francisco Examiner," a newspaper of general circulation in the City and County of San Francisco and the official newspaper of said city and county; and

WHEREAS, Said legislative body caused copies of said charter amendments to be printed in convenient pamphlet form and in type of not less than 10 point, and caused copies thereof to be mailed to each of the qualified electors of said City and County of San Francisco, and until the day fixed for the election upon said charter amendments, advertised in said "San Francisco Examiner," a newspaper of general circulation in the City and County of San Francisco, a notice that copies of said charter amendments could be had upon application therefor at the office of the board of supervisors; and

WHEREAS, The said legislative authority of said city and county ordered placed upon the ballot at a general election to be held in the City and County of San Francisco on the sixth day of November, 1962, the said ten (10) several proposals to amend the charter of the City and County of San Francisco; and

WHEREAS, Said general election was held in said City and County of San Francisco on the sixth day of November, 1962, which day was more than 40 days and less than 60 days from the completion of the publication of said proposed charter amendments for one day in said "San Francisco Examiner," and each edition thereof as hereinbefore set forth; and

WHEREAS, The registrar of voters did, in the manner provided by law, duly and regularly canvass the returns of said election, and on the 28th day of November, 1962, duly certify to the board of supervisors the results of said general election as determined from the canvass of the returns thereof; and

WHEREAS, At said general election so held on the sixth day of November, 1962, eight (8) of said proposed amendments were ratified by a majority of the electors of said city and county voting thereon, to wit, charter amendments designated as Propositions B, C, D, E, F, G, H and J, and two (2) other charter amendments submitted at said general election, to wit, charter amendments designated as Propositions I and K received less than a majority of the votes of the electors voting thereon and were not ratified; and

WHEREAS, The said charter amendments so ratified by the electors of the City and County of San Francisco are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and are in words and figures as follows:

PROPOSITION B

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by adding Section 156.1 thereto, relating to the transfer of permanent civil service employees because of technological advances, automation, or installation of new equipment.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 6, 1962, a proposal to amend the charter of said city and county by adding Section 156.1 thereto, reading as follows:

TRANSFER OF PERMANENT CIVIL SERVICE EMPLOYEES BECAUSE OF TECHNOLOGICAL ADVANCES, AUTOMATION, OR INSTALLATION OF NEW EQUIPMENT

Section 156.1. When, because of technological advances, automation, or the installation of new equipment a surplus of employees is created and a permanent civil service employee who has completed his probationary period is to be laid off, the civil service commission may transfer such employee to a position within his capacities to perform, whether or not within the classification for which he qualified for appointment. The civil service commission may administer any examination which the commission deems advisable to test the capacity of such employee, and shall be the judge of the ability of the employee to perform the duties in the position to which transfer is to be made. An employee transferred under the provisions of this section shall serve a new probationary period. The position to which transfer is to be made shall not be in a classification having a higher compensation schedule than the one from which he is transferred, and compensation in the position to which transferred shall be governed by the provisions of the salary standardization ordinance and the salary ordinance. Employees transferred under the provisions of this section may, with the approval of the civil service commission and the appointing officer involved, be returned to a vacancy in his former classification. The civil service commission shall adopt rules to carry out the intent of this section, and such rules shall govern all transfers made under the provisions of this section.

PROPOSITION C

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Section 73 thereof, relating to the Annual Salary Ordinance.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held there on November 6, 1962,

a proposal to amend the charter of said city and county by amending Section 73 thereof, so that the same shall read as follows:

ANNUAL SALARY ORDINANCE

Section 73. The number and rates of compensation for all positions continued or created by the supervisors in adopting each annual budget, and each annual or supplemental appropriation ordinance, shall be established and enumerated in an ordinance continuing and creating positions in city and county departments and offices, and providing the rates of compensation therefor, which ordinance shall be passed or amended at the same time as the annual or supplemental appropriation ordinance is passed. Such ordinance shall be subdivided for each department or office and each organization subdivision thereof. The number of positions enumerated therein shall be segregated by classes according to the civil service classification of employments and the positions in any department or office under any such class shall not be listed individually or subdivided, except where necessary to show varying rates of pay for employments included in any such class. Rates of compensation enumerated shall be those established by salary standardization schedules, and shall not be listed for individuals or individual positions, except where the compensation of incumbents is higher than the rate fixed by salary standardization, which compensation shall not be reduced so long as the incumbents legally hold such positions. Notwithstanding the provisions of Section 13 of this charter with respect to amendment of sections of ordinances any change in the number of positions allowed for any department or office, and seniority or other compensation increases authorized as provided elsewhere in this charter for officers or employees, may be covered by amendment of the appropriate item or items of the ordinance herein referred to. The said ordinance shall constitute the legal basis for check by the civil service commission or the controller as to the legality of the creation of any position in the city and county service and the rate of compensation fixed therefor.

PROPOSITION D

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by adding Section 85.1 thereto, relating to the payment of salaries and wages.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 6, 1962, a proposal to amend the charter of said city and county by adding Section 85.1 thereto so that the same shall read as follows:

Section 85.1. The Board of Supervisors shall have power by ordinance to provide the periods when salaries and wages earned shall be paid, provided that until such an ordinance becomes effective, all wages and salaries earned shall be paid semimonthly as provided in Section 85. Upon the effective date of an ordinance adopted in accordance with this section the provisions of Section 85 relating to the payment of wages and salaries semimonthly shall become inoperative as to employees referred to in said ordinance.

Proposition E

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Section 122 thereof, relating to utility departments and bureaus.

The Board of Supervisors of the City and County of San Francisco hereby submit to the qualified electors of said city and county at an election to be held therein on November 6, 1962, a proposal to amend the charter of said city and county by amending Section 122 thereof, so that the same shall read as follows:

Utility Departments and Bureaus

Section 122. The San Francisco municipal railway, the San Francisco water department, the Hetch Hetchy project until the completion thereof when it shall be merged with the water department, or until any time prior to completion that the commission shall, with the approval of the board of supervisors by a two-thirds vote, declare the project merged with the water department, the airport, and any other public utility hereafter acquired, shall each be designated as a department under the commission, and, in addition, the commission may create a bureau of engineering and such other bureaus as it may deem necessary for the handling of matters that do not pertain exclusively to any one utility or department. The salaries and general expenses of the commission or bureaus thereof not chargeable to a specific utility shall be apportioned fairly among the utilities under the control of the commission in such manner as the commission may deem appropriate, and such apportionment shall be shown as expenses of such utilities. The Hetch Hetchy project shall not be deemed completed until a specific finding of completion thereof has been made by the commission and approved by the board of supervisors by a two-thirds vote.

Proposition F

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending section 155 thereof, relating to the police and fire departments.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 6, 1962, a proposal to amend the charter of said city and county by amending section 155 thereof, so that the same shall read as follows:

FIRE AND POLICE DISCIPLINARY PROCEDURE

Section 155. Members of the fire or the police department guilty of any offense or violation of the rules and regulations of their respective departments, shall be liable to be punished by reprimand, or by fine not exceeding one month's salary for any offense, or by suspension for not to exceed three months, or by dismissal, after trial and hearing by the commissioners of their respective departments; provided, however, that the chief of each respective department for disciplinary purposes may suspend a member for a period not to exceed ten days for violation of the rules and regulations of his department. Any member so suspended shall have the right to appeal such suspension to the fire commission or to the police commission, as the case may be, and have a trial and hearing on such suspension. Written notice of appeal must be filed within 10 days after such suspension and the hearing of said appeal must be held within 30 days after the filing of said notice of appeal. If the commission shall reverse or alter the finding of the chief, it shall in the case of a reversal and in other cases it may in its discretion, order that the member affected be paid salary for the time of his suspension. In the event the chief should exercise such power of suspension, the member involved shall not be subject to any further disciplinary action for the same offense.

Subject to the foregoing members of either department shall not be subject to dismissal, nor to punishment for any breach of duty or misconduct, except for cause, nor until after a fair and impartial trial before the commissioners of their respective departments, upon a verified complaint filed with such commission setting forth specifically the acts complained of, and after such reasonable notice to them as to time and place of hearings as such commission may, by rule, prescribe. The accused shall be entitled, upon hearing, to appear personally and by counsel; to have a public trial; and to secure and enforce, free of expense, the attendance of all witnesses necessary for his defense.

PROPOSITION G

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said city and county by adding Section 158.4 thereto relating to the inclusion in the Retirement System of

certain officers and employees of the Parking Authority of the City and County of San Francisco.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held November 6, 1962, a proposal to amend the Charter of said city and county by adding Section 158.4 to read as follows:

Section 158.4. Officers and employees of the Parking Authority of the city and county shall become members of the San Francisco City and County Employees' Retirement System under Section 165.2 on the effective date of this section, hereby declared to be the first day of the month next following its ratification by the Legislature, and thereupon shall be subject to all of the conditions applying to other members under that section inclusive of the provisions of Section 165.6 of the charter, except as herein otherwise provided; provided, however, that Members of such Authority are excluded from the San Francisco City and County Employees' Retirement System.

Service rendered to the said Parking Authority by persons prior to becoming members under this section on the effective date of this section, shall be credited under the Retirement System to such persons, subject to the terms and conditions provided herein. Said service shall only be credited to each of such persons if he elect, by written notice, on a form provided by the retirement system and filed in the office of the retirement board of said system prior to July 1, 1963, to receive credit for said service, and to pay into the retirement fund, at times and in the manner fixed by the Retirement Board, the following amounts: (1) an amount equal to the normal contributions he would have contributed, had he been a member of the retirement system under section 165.2, during the period in which said service was rendered, on the basis of compensation paid to him by the city and county on account of said service, and (2) an amount equal to the interest which would have been credited to his account on account of such contributions from the date upon which they would have been made, to the date of payment of such contributions to the retirement system; provided that any balance remaining unpaid at his retirement shall become due and payable forthwith. If any such person shall not so elect to receive credit for said service and to pay such amounts of contributions and interest, or having so elected, subsequently does not pay into the retirement fund such amounts at times and in the manner herein provided, and prior to the effective date of his retirement, he shall enter as a new member without credit for any of said service, any moneys theretofore received from him as payment on such amounts together with accumulated interest thereon shall be refunded to him, and the rate of his contribution shall be the normal rate provided in subsection (H) of Section 165.2 at his age on the effective date of this section, otherwise his

rate of contribution shall be the rate provided in said subsection (H) of Section 165.2 based on his age at the earliest date in the period for which said service is credited. Benefits, not provided by such amounts, granted to said persons on account of said service rendered prior to the effective date of membership under this section, shall be provided by contributions of the city and county.

Notwithstanding the foregoing provisions, any such officer or employee not already a member of the system and who is such an officer or employee on the effective date of this amendment, shall not become a member of the retirement system, unless he elects to be a member of said system, in writing, on a form provided by the retirement system and filed in the office of the retirement system prior to July 1, 1963; if he does not so elect he shall not be a member of the retirement system, and shall not be prevented from continuing in such employment by reason of the provisions of this section.

Proposition H

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Sections 135.1 and 142 thereof, relating to part-time services.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 6, 1962, a proposal to amend the charter of said city and county by amending Sections 135.1 and 142 thereof, so that the same shall read as follows:

Non-Certificated Employees, in Public School Cafeterias, With Certain Exceptions, Subject to Civil Service.

Section 135.1. All non-certificated public school cafeteria employees of the San Francisco Unified School District, except those holding part-time positions, which are within the limitations as set forth in Section 142 (2) of this charter shall be governed by and shall be subject to the civil service and other provisions of this charter.

Positions

Section 142. All positions in all departments and offices of the city and county, including positions created by laws of the State of California, where the compensation is paid by the city and county, shall be included in the classified civil service of the city and county, and shall be filled from lists of eligibles prepared by the civil service commission, excepting (1) positions in which attorneys and physicians are employed in their professional capacity to perform only duties included in their professions, but exclusive of any administrative or

executive positions for which such professional status constitutes only part of the qualifications therefor; (2) inmate help or student nurses, or part-time services, where the compensation including the value of any allowances in addition thereto does not exceed one hundred fifty dollars ($150) per month.

Provided that for each fiscal year following the fiscal year in which this amendment becomes effective, the civil service commission shall adjust the one hundred fifty dollar ($150) maximum for part-time service as provided herein, in accordance with the average percentage increase or decrease approved for all classifications under the provisions of section 151 and 151.1 of this charter, and such adjusted rate shall be included in the annual salary ordinance.

Provided further that such part-time positions shall not be exempted from being filled from appropriate lists of civil service eligibles, except upon the recommendation of the appointing officer, who shall set forth the schedule of operations showing that the operations involved require the service of employees for not more than seventy (70) hours per month and approval of the civil service commission, including a certification that such part-time positions cannot practically be filled from existing eligible lists.

Provided further that any occupant of a part-time position on the effective date of this amendment who is occupying such position under certification from the appropriate list of civil service eligibles shall be continued in such position subject to the conditions of his current appointment.

These provisions shall not be used to split or divide any position into two or more units for the purpose of evading the provisions of this section.

(3) Persons employed in positions outside the city and county upon construction work being performed by the city and county when such positions are exempted from said classified civil service by an order of the civil service commission; and (4) persons employed in positions in any department for expert professional temporary services, and when such positions are exempted from said classified civil service for a specified period of said temporary service, by order of the civil service commission; and (5) such positions as, by other provisions in this charter, are specifically exempted from, or where the appointment is designated as exclusive of, the civil service provisions of this charter.

The civil service rights, acquired by persons under the provisions of the charter superseded by this charter, shall continue under this charter.

Where existing positions that have heretofore been exempt from civil service examinations are now made subject to examination by this charter, the incumbents of such positions who have held such positions for a period of one year continuously next preceding the time that this charter shall go into effect, shall be continued in their positions as if appointed

thereto after examination and certification from a list of eligibles and shall be governed thereafter by the provisions of this charter, provided, however, the provisions of this paragraph shall not apply to positions heretofore defined and classified by the civil service commission as "institutional help."

Any person holding a salaried office under the city and county, whether by election or appointment, who shall, during his term of office, hold or retain any other salaried office under the government of the United States, or of this state, or who shall hold any other salaried office connected with the government of the city and county, or who shall become a member of the legislature, shall be deemed to have thereby vacated the office held by him under the city and county.

Proposition J

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Sections 35.3 and 35.5 thereof, and adding Section 35.5.4 thereto, relating to the police department.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at the election to be held therein on November 6, 1962, a proposal to amend the charter of said city and county by amending Sections 35.3 and 35 5 thereof, and by adding Section 35 5 4 thereto, so that the same shall read as follows:

Section 35.3. The chief of police may appoint members of the department holding ranks of police officer and sergeant to the rank of assistant inspector for performance of duty in the bureau of inspectors, the juvenile bureau, the accident investigation bureau, the bureau of special services, and the intelligence unit. Assistant inspectors shall serve at the pleasure of the chief of police during their first year of service as assistant inspectors, and thereafter may only be removed and returned to their civil service rank in the manner provided herein for inspectors. An appointment as inspector or as assistant inspector shall not be subject to competitive examination. In case of vacancy in said rank of inspector in the bureau of inspectors, the appointment shall be made by the chief of police from among those holding the rank of assistant inspector who have actually served with the bureau of inspectors for at least two years prior to such appointment. The chief of police may appoint inspectors in the juvenile bureau, the accident investigation bureau, the bureau of special services, and the intelligence unit; such appointments shall be made from among those holding the rank of assistant inspector who have actually served in the bureau or unit in which the appointment is made for at least two (2) years prior to such appointment. The number of inspectors at any one time in the juvenile bureau, the accident investigation bureau, the

bureau of special services, and the intelligence unit shall not be greater than a total of twenty-five (25) inspectors.

The chief of police may detail from time to time members of the department for performance of duty, without change in rank, in the bureau of inspectors, the juvenile bureau, the accident investigation bureau, the bureau of special services and the intelligence unit

Inspectors and assistant inspectors shall have the same rights as other members of the department to take competitive examinations from their respective civil service ranks. An inspector or assistant inspector guilty of any offense or violation of the rules and regulations of the police department shall be subject to punishment as provided in section 155 of this charter; provided, however, that in addition to the punishments set forth in section 155, an inspector may be demoted to his civil service rank for any offense or violation set forth in said section and after trial and hearing before the police commission as set forth therein. The chief of police, in addition to the inspectors above provided for, shall detail any member of the department to serve as inspector of school traffic patrols who shall have rank and pay of inspector, subject to the provisions of this section.

Section 35.5. The police force of the city and county shall not exceed one police officer for each five hundred inhabitants thereof. The several ranks in the department shall be as follows: chief of police, deputy chief of police, director of traffic, chief of inspectors, supervising captain of districts, department secretary, captain of inspectors, captain of traffic, director of bureau of personnel, director of bureau of criminal information, captains, criminologist, lieutenants, director of bureau of special services, inspectors, sergeants, assistant inspectors, photographer, police surgeon, police officers, police patrol drivers and women protective officers. The compensation for these ranks shall be determined as provided in section 35.5.1 and section 35.5 2 of this charter.

In determining years of service necessary for a police officer, woman protective officer and police patrol driver to receive the annual compensation as provided for herein, service rendered prior to the effective date of this amendment shall be given full credit and allowed.

The absence of any police officer, woman protective officer, or police patrol driver on military leave, as defined by section 153 of this charter, shall be reckoned a part of his service under the city and county, for the purpose of computing years of service in gaining added compensation as provided for herein.

Section 35.5 4. Notwithstanding the provisions of section 35.5.1 or of any other provisions of this charter, and effective on the first day of the month immediately following the date of ratification of this amendment by the state legislature, the monthly rate of compensation for the rank of assistant in-

spector in the police department for the balance of the fiscal year 1962-1963 shall be $697.00.

For the fiscal year 1963-1964, and subsequent fiscal years, the rate of compensation for assistant inspector shall be fixed in accordance with the provisions of section 35.5.1 of the charter.

The board of supervisors shall have the power, and it shall be its duty, without reference or amendment to the annual budget, to amend the annual appropriation ordinance and the annual salary ordinance for the fiscal year 1962-1963 to include the provisions necessary for paying the rate of compensation for the rank of assistant inspector herein provided.

Provided, however, if any member of the department appointed as an assistant inspector is a sergeant at the time of the appointment or is appointed a sergeant thereafter, he shall receive the rate of compensation attached to the rank of sergeant.

State of California
City and County of } ss.
San Francisco

This is to certify that we, Peter Tamaras, President of the Board of Supervisors of the City and County of San Francisco, and Robert J. Dolan, Clerk of the Board of Supervisors of said city and county, have compared the foregoing proposed and ratified amendments to the Charter of said City and County of San Francisco with the original proposals which were submitted to the electors of said city and county at a general election held on Tuesday, the sixth day of November, One Thousand Nine Hundred and Sixty-Two; and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of the City and County of San Francisco, this seventeenth day of December, One Thousand Nine Hundred and Sixty-Two.

PETER TAMARAS
(SEAL) President of the Board of Supervisors
of the City and County of San Francisco
ROBERT J. DOLAN
Clerk of the Board of Supervisors
of the City and County of San Francisco
Approved as to form:
THOMAS M. O'CONNOR
City Attorney

Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected

to each house voting therefor and concurring therein, That said amendments to the charter of the City and County of San Francisco, as proposed to, and adopted and ratified by the electors of said city and county, and as hereinbefore fully set forth, be and the same are hereby approved as a whole without amendment or alteration, for and as amendments to, and as a part of the charter of the City and County of San Francisco.

CHAPTER 9

Assembly Concurrent Resolution No. 15—Approving certain amendments to the Charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, voted for and ratified by the qualified electors of said city at the special municipal election held therein on November 6, 1962.

[Filed with Secretary of State January 21, 1963]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments hereinafter set forth to the Charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, as set out in the certificate of the mayor and city clerk of the said city as follows, to wit:

State of California }
County of San Diego } ss.

We, the undersigned, Charles C. Dail, Mayor of The City of San Diego, and Phillip Acker, City Clerk of said City do hereby certify and declare as follows:

The City of San Diego, a municipal corporation, is now and since the year 1931 has been organized and existing under and pursuant to the provisions of a freeholders' charter adopted in accordance with and by virtue of the provisions of Section 8 Article XI of the Constitution of the State of California.

That pursuant to and in accordance with the provisions of Section 8 Article XI of the Constitution of the State of California, the City Council of said City, being the legislative body thereof, on its own motion proposed to the qualified electors of The City of San Diego certain amendments to the Charter of the said City, which amendments were designated as Propositions F, G, H and J, and submitted said propositions to the qualified electors of The City of San Diego at the special municipal election held on November 6, 1962.

That said proposed charter amendments were published and advertised in the San Diego Union, a daily newspaper of general circulation published in the City of San Diego and the official newspaper of said city, and in each edition thereof during the day of publication, to wit: September 20, 1962.

That copies of said proposed charter amendments were printed in convenient pamphlet form and in type of not less than ten point, and were mailed to each of the qualified electors of said city, and that until the date fixed for the election herein described a notice was advertised and published in the San Diego Union, a daily newspaper of general circulation published in the City of San Diego, and the official newspaper of said city, that copies of said proposed charter amendments could be had upon application therefor at the office of the City Clerk of The City of San Diego.

That such copies of said proposed charter amendments could be had upon application therefor at the office of the City Clerk of said city until the date fixed for said election.

That said proposed amendments were submitted to the qualified electors of said city at said special municipal election held in said city.

That at said election on the said proposed amendments to the Charter of The City of San Diego, a majority of the qualified voters of the City voting on said proposed amendments voted in favor of Proposition F, Proposition G, Proposition H and Proposition J, and said proposed amendments were ratified by a majority of the qualified electors of said city voting thereon.

That all of said proceedings were duly and regularly had and taken in accordance with said Section 8 of Article XI of the Constitution of the State of California and the Charter of The City of San Diego and the laws of the State of California.

That as to the amendments to the Charter of The City of San Diego hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That the proposed amendments to the Charter of The City of San Diego which were so ratified by a majority of the electors of said City, are in words and figures as follows:

PROPOSITION F

Amend Sections 69, 71, second paragraph 77, 91, 92 and 93 of the Charter of The City of San Diego to read as follows:

"Section 69. Fiscal Year and Manager's Estimate. The fiscal year of the City shall begin with the first day of July and shall end with the next succeeding 30th day of June. On or before the first meeting in May of each year the Manager shall prepare and submit to the Council a budget of the expense of conducting the affairs of the City for the ensuing fiscal year. Departments not under the Manager shall submit their annual budget estimates to the Manager, or to such official as he may designate, and in such form as he shall require on or before April 15th for transmittal in proper form by the Manager to the Council. The budget shall include a summary outline of the fiscal policy of the City for the budget year, describing in connection therewith the important fea-

tures of the budget plan; a general budget summary setting forth the aggregate figures of the budget in such manner as to show the balanced relations between the total proposed expenditures and the total anticipated income and other means of financing the budget for the ensuing year, contrasted with the corresponding figures for the current year. The classification of the estimate shall be as nearly uniform as possible for the main divisions of all Departments and shall furnish necessary detailed fiscal information.

The Council shall provide for printing a reasonable number of copies of the estimate thus prepared, for distribution to citizens at least fifteen days before final passage. Copies shall also be furnished to the newspapers of the City and to each library thereof which is open to the public.

"Section 71. Preparation and Passage of Annual Appropriation Ordinance. Upon receipt of the Manager's estimate the Council shall prepare an appropriation ordinance using such estimate as a basis. The form, arrangement and itemization of the appropriation ordinance shall be determined and prescribed by the Auditor and Comptroller, and City Attorney. Provision shall be made by the Council for public hearings upon the appropriation ordinance either before a Committee of the Council or before the Council sitting as a committee of the whole. Following the public hearings the appropriation ordinances shall take the same course in the Council as other ordinances but shall not be passed before the first meeting of the Council in July. The Council may reduce or eliminate any item, may increase any amount or add any new item for personal services, contractual services, materials, supplies, and equipment for any Department. Upon final passage, the appropriation ordinance shall be published in the manner provided for the publication of other ordinances.

"Section 77. Capital Outlays Fund.

* * * * * * *

(Second paragraph) The moneys in the Capital Outlay Fund shall be used exclusively for the acquisition, construction and completion of permanent public improvements, including public buildings and the initial furnishing and equipping thereof, real property, water and sewer mains and extensions, and other improvements of permanent character, and also the replacement or reconstruction of the same, but not the repair or maintenance thereof, and shall not be used for any other purpose or transferred from said fund, except with the consent of two-thirds of the qualified electors of said City, voting at a general or special election.

* * * * * * *

"Section 91. General Reserve Fund. The Council shall create and maintain a permanent revolving fund, to be known

as the General Reserve Fund, for the purpose of keeping the payment of the running expenses of the City on a cash basis. Said fund shall be maintained in an amount sufficient to meet all legal demands against the treasury for the first four months or other necessary period of each fiscal year prior to the collection of taxes. This fund may be expended only in the event of a public emergency when it shall be determined by the affirmative vote of at least two-thirds of the members elected to the Council that such expenditures are necessary in order to insure the safety and lives and property of the City or its inhabitants.

"Section 92. Borrowing Money on Short Term Notes. If there is not sufficient cash reserve to meet current obligations, bonds or notes may be issued in anticipation of the collection of special assessments, and bonds, notes, or registered warrants on the treasury may be issued in anticipation of the collection of taxes, as authorized by the City Council by ordinance and shall not be deemed the creation of debt within the meaning of Section 90 of this Article. Bonds, notes, or registered warrants on the treasury issued in anticipation of the collection of the taxes of any fiscal year shall be issued only during the first four months or other necessary period of each fiscal year and each such bond, note, or warrant shall specify that it is payable solely out of the first taxes of the fiscal year in which issued, and before the close of such year, and shall not bear a higher rate of interest than five (5) per cent per annum, and the total amount of such bonds, notes or warrants, authorized and issued in any fiscal year shall not, in the aggregate, be more than twenty-five (25) per cent of the total appropriations of the City for such year. Nothing herein contained shall be construed to authorize the incurring of an obligation against the municipality in excess of that authorized to be incurred by the constitution of the State of California.

"Section 93. Loans and Advances. The City Council may from time to time authorize the advance of moneys in the treasury as a temporary loan to any tax-supported fund, which loan shall be repaid from the first property taxes received thereafter; provided, however, that such temporary loans shall not exceed the current property taxes receivable. It shall be lawful from time to time to advance money in the General Fund to any bond fund or to use any money in the General Fund for any purpose for which a loan shall have been authorized and bonds actually voted but not yet issued and sold, and the City officials need not sell said bonds until it is necessary to repay the General Fund advances or to replenish such loan fund or funds. The credit of the City shall not be given or loaned to or in aid of any individual, association or corporation; except that suitable provision may be made for the aid and support of the poor."

PROPOSITION G

Amend first, second, third and fifth paragraphs Section 10, *second paragraph* 12, *second paragraph* 13, 25 and 212 of the Charter of The City of San Diego to read as follows:

(First paragraph) "Section 10. Elections. The regular municipal primary election shall be held on the third Tuesday in September in each odd-numbered year, and the general municipal election shall be held on the first Tuesday after the first Monday in November of the same year, or, if either of these days falls on a legal holiday, then the election shall be held on the next succeeding day which is not a legal holiday. All other municipal elections which may be held under this charter shall be known as special municipal elections.

(Second paragraph) At the municipal primary election there shall be chosen by the electors of each Council District two candidates for the office of any councilman from a district whose term expires the succeeding December.

(Third paragraph) There shall be chosen by all of the electors of the City not more than twice the number of candidates necessary to fill any office of any other officer whose term expires the succeeding December.

* * * * * * *

(Fifth paragraph) At the general municipal election the electors of the whole City shall select from among the candidates chosen at the primary election in each district one candidate for the office of the Councilman whose term expires the succeeding December, and there shall be chosen by all of the electors of the whole City from among the candidates chosen at the primary one candidate to succeed any other elective officer whose term expires in December succeeding the election.

* * * * * * *

"Section 12. The Council.

* * * * * * *

(Second paragraph) Councilmen, including the Mayor, shall be elected at a general municipal election held in the odd numbered years and, except as hereinafter provided, shall hold office for the term of four years from and after the first Monday after the first day of December next succeeding their election and until their successors are elected and qualified.

* * * * * * *

"Section 13. Meetings of the Council.

* * * * * * *

(Second paragraph) All legislative action shall be by ordinance except where otherwise required by the Constitution or laws of the State of California. The Council shall keep a journal of its proceedings which shall be a public record. On the passage of every ordinance the vote shall be taken by yeas and nays and entered upon the journal and no ordinance shall be passed without concurrence of a majority of the members elected to the Council. The proceedings of the Council shall be public and citizens shall have a reasonable opportunity to be heard. The first meeting of the Council shall be held at ten o'clock A.M. on the first Monday after the first day in December following its election.

* * * * * * *

"Section 25. Vice-Mayor. The Council shall annually in the month of December select one of its members who shall be the Vice-Mayor. The Vice-Mayor shall perform all the duties of the Mayor as prescribed by this Charter or by ordinance when the Mayor is absent or unable to perform his duties.

"Section 212. Continuance of Present Officers. All persons holding office at the time the provisions of this Charter or any amendments thereto shall take effect shall continue in office and in the performance of their duties until provisions shall have been made in accordance therewith for the performance of such duties or the discontinuance of such office. The regular Municipal elections shall be held in the odd-numbered years, as in Article II provided. The terms of all elective officers who are in office at the time this Charter or any amendments thereto become effective shall terminate on the first Monday after the first day of December following the holding of such election except as in this Charter otherwise provided.

The powers conferred and the duties imposed upon any Officer, Commission, Board, Committee or Department of the City by the laws of the State and by this Charter or ordinance shall be thereafter exercised and discharged by the Officer, Board, Committee or Department designated by this Charter or by ordinances passed by the Council, unless otherwise provided herein. The members of the Legislative body of The City of San Diego in office at the time the State Legislature ratifies and approves this Charter or any amendments thereto shall take the necessary action and do everything necessary or incidental for the purpose of holding the first election at which municipal officers are elected pursuant to the terms and provisions of this Charter or any amendments thereto."

PROPOSITION H

Amend fourth paragraph Section 10 and Section 66 of the Charter of The City of San Diego to read as follows, and repeal Section 65:

"Section 10. Elections.

* * * * * * *

(Fourth paragraph) In the event that any candidate, other than council candidates, for nomination to any office for which only one person is to be elected, shall receive a majority of the votes cast for all the candidates for nomination to such office at such primary election, the candidate so receiving such majority of all votes shall be deemed to be, and declared by the Council to be, elected to such office.

"Section 66. Board of Education. The government of the San Diego Unified School District shall be vested in a Board of Education, composed of five members who shall be nominated and elected at the regular municipal primary elections and the general municipal elections at the same time and under the same procedure as the election of councilmen. Each candidate for the Board of Education shall have been a qualified voter of the San Diego Unified School District at least three years next preceding his election or appointment and shall have been an actual resident of the election district from which he was nominated for one year immediately preceding his election or appointment. The members shall serve for a term of four years, or until their successors are elected and qualified, except as herein provided. The present members of the Board shall serve out their unexpired terms. Any vacancy in the Board shall be filled by the Board of Education until the next municipal primary and general election, when a member shall be elected to fill the unexpired term. Each member shall receive a compensation of $1,200.00 per annum, which compensation shall be paid by the San Diego Unified School District.

For the purpose of electing members of the Board of Education, the San Diego Unified School District shall be divided into five (5) districts as nearly equal in registered voter population as practicable. For the first primary and regular election held under this section, as amended, the boundaries of such election districts shall be established by the Board of Education as such Board existed on the effective date of the amendment to this section. Thereafter, the boundaries of such election districts shall be subject to alteration and change under the provisions of this section. The Board of Education, by resolution, may change and alter the boundaries of the election districts and in the resolution may describe the new boundaries by reference to a map on file in the office of the City Clerk; a metes and bounds description of the new boundaries need not be contained in said resolution.

~~"Section 65. SCHOOL SYSTEM. The School System of The City of San Diego shall include all Kindergarten, Elementary and Secondary Schools, and such Evening Schools, Technical Schools, Parental Schools and other Schools as are now established or that may hereafter be established by the Board of Education of the City in the San Diego School District under the general laws of the State of California. The boundaries of the San Diego School District shall be those now established or that may hereafter be established under the general laws of the State of California."~~

PROPOSITION J

Amend first, fifth, eighth and ninth paragraphs Section 40 of the Charter of The City of San Diego to read as follows:

(First paragraph) "Section 40. City Attorney. At the municipal primary and general election in 1963, a City Attorney shall be elected by the people for a term of six years. A City Attorney shall thereafter be elected for a term of four years; provided that the election of the City Attorney to a regular term of office of four years shall not occur at the same time that the Mayor is being elected to a regular term of office of four years. The City Attorney shall be the chief legal adviser of, and attorney for the City and all Departments and offices thereof in matters relating to their official powers and duties. The attorney and his deputies shall devote their full time to the duties of the office and shall not engage in private legal practice during the term for which they are employed by the City, except to carry to a conclusion any matters for which they have been retained prior to taking office.

* * * * * * *

(Fifth paragraph) He shall apply, upon order of the Council, in the name of the City, to a court of competent jurisdiction for an order or injunction to restrain the misapplication of funds of the City or the abuse of corporate powers, or the execution or performance of any contract made in behalf of the City which may be in contravention of the law or ordinances governing it, or which was procured by fraud or corruption. He shall apply, upon order of the Council, to a court of competent jurisdiction for a writ of mandamus to compel the performance of duties of any officer or commission which fails to perform any duty expressly enjoined by law or ordinance.

* * * * * * *

(Eighth paragraph) The salary of the City Attorney shall be fixed by the Council and set forth in the annual appropriation ordinance, provided that the salary of the City Attorney may not be decreased during his term of office, but in no event shall said salary be less than $15,000.00 per year.

(Ninth paragraph) In the event of a vacancy occurring in the office of the City Attorney by reason of any cause, the Council shall have authority to fill such vacancy, which said authority shall be exercised within thirty (30) days after the vacancy occurs. Any person appointed to fill such vacancy shall hold office until the next regular municipal election, at which time a person shall be elected to serve the unexpired term. Said appointee shall remain in office until his successor is elected and qualified."

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of The City of San Diego with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full, true and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said The City of San Diego to be affixed hereto this 4th day of December, 1962.

(SEAL)

CHARLES C. DAIL
Mayor of The City of
San Diego, California
PHILLIP ACKER
City Clerk of The City of
San Diego, California

and

WHEREAS, Said proposed charter amendments are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of San Diego, herein set forth, as submitted to and adopted and ratified by the qualified electors of said city, be, and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the Charter of said the City of San Diego.

CHAPTER 10

Senate Concurrent Resolution No. 9—Approving 11 certain amendments to the Charter of the County of San Diego, State of California, submitted to, voted for, and ratified by the qualified electors of said county at a general election held therein on June 5, 1962.

[Filed with Secretary of State January 22, 1963.]

WHEREAS, The County of San Diego, State of California, has been at all times herein mentioned, and now is, a body politic,

and a political subdivision of the State of California, and is now and has been, since the first day of July 1933, organized and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at a general election held for that purpose on November 8, 1932, and approved by the Legislature of the State of California, on January 17, 1933, and filed in the office of the Secretary of State on January 17, 1933; and

WHEREAS, The board of supervisors of said county, pursuant to the provisions of said Section 7½ of Article XI of said Constitution, did by resolutions and orders adopted on March 6, 1962, April 3, 1962, April 10, 1962 and April 17, 1962, duly propose to the qualified electors of said County of San Diego, 11 amendments to the charter of said county, designated on the ballot as County Propositions A, B, C, D, E, F, G, H, J, K and L, and ordered that said amendments be submitted to said qualified electors of said county at a general election to be held in said county on June 5, 1962, which date was fixed by law as the date for holding said general election; and

WHEREAS, Said proposed amendments to the Charter of the County of San Diego were published for 10 times in the San Diego Union, a daily newspaper of general circulation, printed, published and circulated in said county, proposed amendments A, B, C, D, E, F, G, H, and K being published on April 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25, 1962, and proposed amendments J and L on April 24, 25, 26, 27, 28, 29, 30 and May 1, 2 and 3, 1962; and

WHEREAS, Said general election was held in said County of San Diego on June 5, 1962, which said day was not less than 30 days and not more than 60 days after said proposed amendments to said charter had been published for 10 times in said San Diego Union; and

WHEREAS, Thereafter the returns of said general election held in the County of San Diego on June 5, 1962, at which said election said proposals were duly submitted to the vote of the qualified electors of said county, were made to and canvassed by the registrar of voters of the County of San Diego, and by said officer certified to the clerk of the board of supervisors of said county, and said clerk of the board of supervisors did on July 3, 1962, duly enter on the records of said board of supervisors a statement of the result of said canvass and said election in the form and manner prescribed by law; and

WHEREAS, At said general election held on June 5, 1962, said proposed amendments to the Charter of the County of San Diego were and each of them was ratified by a majority of the electors of said county voting thereon; and

WHEREAS, Said charter amendments so ratified by the electors of said County of San Diego are now submitted to the Legislature of the State of California for approval or rejec-

tion as a whole, without power of alteration or amendment, pursuant to the provisions of said Section 7½ of Article XI of the Constitution of the State of California and are in words and figures as follows, to wit:

County Proposition A First Proposed Amendment to the Charter of the County of San Diego

That Sections 2, 4, 19 and 30 of said Charter be amended to read as follows:

Section 2: The corporate name shall be

"County of San Diego"

which must be thus designated in all actions and proceedings touching its corporate rights, properties and duties. The boundaries of the County shall be and remain as the same are now described and set forth in Section 23137 of the Government Code of the State of California, until changed in the manner provided by general law.

The County Seat shall be and remain in the City of San Diego until changed in the manner provided by general law.

Section 4: The County of San Diego is divided into five (5) Supervisor Districts which are established as provided by general law and Section 5 of this Charter.

Section 19: All elective and appointive officers shall have the power to appoint such deputies and employees as the Board of Supervisors may, by ordinance, authorize.

Except as provide by Article XVII of this Charter, all such deputies and employees shall hold office and may be removed at the pleasure of the appointing power.

Section 30: Each County or Judicial District Officer, Board or Commission shall have the powers and perform the duties now or hereafter prescribed by general law or by this Charter.

That Sections 15, 16, 17, 18, 18.1 and 71 be repealed.

County Proposition B Second Proposed Amendment to the Charter of the County of San Diego

That Section 69 of said Charter be amended to read as follows:

Section 69: The Board of Supervisors shall cause all motor vehicles belonging to the County to be marked conspicuously, on each side, "San Diego County" or "County of San Diego", except such motor vehicles as the Board of Supervisors, by resolution, may designate as necessary for law enforcement, investigatory or other purposes. The Auditor and Controller, with the approval of the Board of Supervisors, shall prescribe rules and regulations requiring all County officers and departments having custody of County owned or leased motor vehicles to keep records and render reports of the use of such vehicles and the materials, equipment and services required for their maintenance, operation and repair.

A violation of any provision of this section, or of any rules and regulations prescribed hereunder, shall constitute misconduct in office.

COUNTY PROPOSITION C THIRD PROPOSED AMENDMENT TO THE CHARTER OF THE COUNTY OF SAN DIEGO

That Section 12 of said Charter be amended to read as follows:

Section 12: It shall be the duty of the Board of Supervisors:

(a) To appoint or to provide for appointment, by ordinance, unless otherwise provided by this Charter, all County or justice court officers other than elective officers, and all officers, assistants, deputies, clerks and employees whose appointment is not specifically provided for by this Charter.

(b) To establish, by ordinance, the number of assistants, deputies, clerks and other persons to be employed from time to time in the several offices and institutions of the County, and the time at and for which they shall be appointed.

(c) To establish, by ordinance, the compensation of all elective and appointive officers and all officers, assistants, deputies, clerks and employees, unless such compensation is otherwise fixed by this Charter.

The compensation of any elective County or justice court officer shall not be increased nor decreased during the term of office for which he was elected nor within ninety (90) days preceding his election; except that any such officer may consent to a decrease in such compensation.

(d) To establish, by ordinance, the number of Judges and Constables for each judicial district having a justice court.

(e) To establish, by ordinance, as public necessity may require, offices other than those required by the Constitution and the laws of the State, and provide for the appointment of persons to fill the same, and fix the compensation therefor.

(f) To require all County or justice court officers or employees handling funds for the County, or any other County or justice court officer or employee when deemed expedient, before or after entering upon the duties of the office or service, to give adequate bond for the faithful performance thereof in such penal sum as may be fixed by the Board, the premium for which shall be paid by the County.

(g) To establish and adopt, by ordinance, a complete Administrative Code which shall be the rules and regulations pertaining to and prescribing in detail the duties and systems of office, institutional and departmental management, accounts and reports for each of the offices, institutions and departments of the County, all of which rules shall not be inconsistent with general law and the provisions of this Charter.

(h) To fill, by appointment, vacancies occurring in elective County offices, and they shall fill any such vacancy except when otherwise provided by this Charter, and the appointee shall

hold office until the election and qualification of his successor. In such case there shall be elected, at the next primary-general election an officer to fill such vacancy for the unexpired term, unless such term expires on the first Monday after the first day of January succeeding such election; provided, however, that no such office shall be placed upon the ballot for election at a general election unless the office was placed on the ballot at the primary election.

(i) To suspend from office in their discretion, any County official against whom an indictment is returned based on official misconduct, or an offense involving moral turpitude or infamous crime. In the event of such suspension, they shall appoint a person to fill such vacancy until such action is finally determined, and such appointee shall qualify and give such bond as may be determined by the Board of Supervisors.

(j) To provide, by ordinance, for the formation of Road Districts for the care, maintenance, repair and supervision only of roads, highways and bridges; and for the formation of highway construction divisions for the construction only of roads, highways and bridges; for the inclusion in any such district or division, of the whole or any part of any incorporated city or town authorizing the same, and upon the assent to such inclusion by a majority of the qualified electors of such incorporated city or town, or portion thereof, proposed to be so included, at an election held for that purpose; for the organization, government, powers and jurisdiction of such district and divisions and for raising revenue therein for such purposes by taxation, upon the assent of a majority of the qualified electors of such district or division voting at an election held for that purpose; for the incurring of indebtedness therefor by the County, district or division, for such purposes respectively, by the issuance and sale by the County, of bonds of the County, district or division, and the expenditure of the proceeds of the sale of such bonds, and for levying and collecting taxes against the property of the County, district or division, as the case may be, for the payment of the principal and interest of such indebtedness at maturity; provided, that any such indebtedness shall not be incurred without the assent of two-thirds (⅔) of the qualified electors of the County, district or division, as the case may be, voting at an election held for that purpose, nor unless before, or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also for a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty (40) years from the time of contracting the same; and the procedure for voting, issuing and selling such bonds shall, except insofar as the same shall be otherwise prescribed in this Charter, conform to the general laws for the authorizing and incurring of bonded indebtedness by the county, so far as applicable; provided further, that the construction, care, maintenance, repair and supervision of roads,

highways and bridges for which aid from the State is granted, shall be subject to such regulations and conditions as may be imposed by the Legislature.

(k) To provide for the formation of districts for the acquisition and operation of public utilities in the manner as now or as may hereafter be prescribed by general law.

COUNTY PROPOSITION D FOURTH PROPOSED AMENDMENT TO THE CHARTER OF THE COUNTY OF SAN DIEGO

That Section 34 of said Charter be amended to read as follows:

Section 34: The Auditor and Controller shall perform all the duties and shall have all the powers conferred by general law and this Charter. He shall be the chief accounting officer of the County and shall exercise general supervision over the accounts of all County, judicial district and school district officers, commissions, boards and employees of the County charged in any manner with the receipt, collection or disbursement of public funds, or of other funds, handled in their capacity as County officials or employees. He shall have the power, and it shall be his duty, to prescribe the method of installing, keeping and rendering accounts of, and the financial reports to be rendered by the several County, judicial district and school district officers, boards, commissions and employees of the County. He shall have full access to all books of account, all records, contracts, correspondence and all other documents and papers pertaining to financial transactions of the County and its departments.

Section 34.1: The Controller shall keep accounts showing the financial transactions of all departments, offices and other subdivisions of the County. Such accounts and accounting procedure shall be adequate to record: (1) all budgeted revenue and appropriations, together with additions or transfers thereto, and to show at all times the amount of encumbrances, expenditures or transfers therefrom and the balances therein; (2) all revenues accrued and liabilities incurred; (3) all cash receipts and disbursements; and (4) all transactions affecting the custody or disposition of values.

Section 34.2: The Controller shall determine, where practicable, the unit cost of work done by the County, for the purpose of determining whether similar work could be done under public contract at a lower cost. The Controller shall devise adequate systems of internal check of all departments and offices of the County relative to the custody, collection or disbursement of public funds.

Section 34.3: The Controller shall make a monthly report, not later than the 20th day of each month, showing a summary statement of revenues and expenditures for the preceding calendar month and for that portion of the fiscal year ending on the last day of such preceding month. Such statement shall be detailed as to assets, liabilities, income, expenditures, appropriations and funds in such manner as to show

the financial condition of the County and of each department, office, bureau or division thereof, for that portion of the fiscal year to and including the preceding calendar month, and with comparative figures for the similar period in the preceding fiscal year. The Controller shall, at the same time, prepare statements showing the cash position of the County and the unencumbered balance in each fund. A copy of each report and annual reports compiled therefrom, and special fiscal reports as requested, shall be transmitted to the Board of Supervisors and all department heads concerned and to two (2) local daily newspapers, and shall be kept on file in the Controller's office.

Section 34.4: The Controller shall audit the accounts of all County, judicial district and school district officers, boards, commissions and employees of the County charged in any manner with the custody, collection or disbursement of public or other funds. The Controller shall audit monthly all accounts and moneys coming into the hands of the County Treasurer. He shall make an audit of each public officer's revolving fund at least once each fiscal year.

When requested by the Board of Supervisors or any officer, board or commission for its own department, he shall audit the accounts of any such officer or department. On the death, resignation, removal, expiration of term or retirement of the head of any department or office, or any officer or employee charged with the receipt, collection or disbursement of public funds, he shall forthwith make an audit of the accounts of such department officer or employee, and file copies of his report of such audit with the County Clerk and the Board of Supervisors. If an elective officer is elected to succeed himself and qualifies, the required expiration of term audit may be omitted by the Controller, provided that the audit of that officer's accounts is made not later than the succeeding fiscal year.

Section 34.5: The Controller must at least once in every six (6) months examine all official bonds and investigate the sufficiency and solvency of the sureties thereon and forthwith report, in writing, the facts to the Board of Supervisors. Upon receipt of such report, the Board shall take such action as shall be necessary to protect the County, and may require new bonds and may suspend any officer or employee until a sufficient bond is filed and approved. The Board of Supervisors shall make similar periodic examination of the Controller's bond.

Section 34.6: The Board of Supervisors shall order an annual audit of the Controller's books of accounts, records and transactions, to be made by one or more certified public accountants. The report of such annual audit for the fiscal year shall be filed with the Clerk of the Board of Supervisors and shall be open to public inspection, and two copies thereof furnished to the Auditor and Controller.

Section 34.7: It shall be unlawful for any officer or employee of the County to refuse to permit the Controller, or his deputy, to have access to any books, accounts or records in the

custody of said officer or employee, for the purpose of making an audit or investigation as authorized by this Charter; or to refuse, neglect or fail to aid and assist such Controller in making such investigation or audit; or to refuse to comply with rules pertaining to systems or methods of accounting. Any officer or employee who refuses, wilfully hinders, obstructs, or prevents an audit or investigation, or compliance with rules as herein provided, shall be deemed guilty of misconduct in office. Upon written complaint of the Controller, filed with the Board of Supervisors, the Board of Supervisors shall, if such complaint is found true, immediately suspend such officer or employee from his office, without pay, and the said suspension without pay shall continue until the reasonable requests of said Controller for an investigation or audit shall have been fully complied with and until said Board of Supervisors shall order the suspension lifted.

County Proposition E Fifth Proposed Amendment to the Charter of the County of San Diego

That Section 14.1 be added to said Charter to read as follows:

Section 14.1: The provisions of Sections 13 and 14 of this Charter notwithstanding, the County Clerk shall not be ex officio Clerk of the Board of Supervisors but a separate office of Clerk of the Board of Supervisors is hereby created. The Board of Supervisors shall be the appointing authority for the Clerk of the Board of Supervisors. On the effective date of this section all personnel in the department of the County Clerk and all personnel in the department of the Board of Supervisors who have been assigned to the performance of duties for the Clerk of the Board of Supervisors shall be transferred to the office of the Clerk of the Board of Supervisors as deputies of the Clerk of the Board of Supervisors, without diminution in salary or loss of rights or benefits to which they were entitled in the offices from which they are transferred; and on said effective date the Deputy County Clerk then serving in the position entitled Clerk to the Board of Supervisors shall be and become the Clerk of the Board of Supervisors.

County Proposition F Sixth Proposed Amendment to the Charter of the County of San Diego

That Section 78 of said Charter be amended to read as follows:

Section 78: The Civil Service of the County is hereby divided into the Unclassified and the Classified service. The Unclassified Service shall consist of:

(a) All officers elected by the People and their Chief Deputies and all confidential or special investigators employed by any of said elective officers.

(b) The Assistant District Attorney and the Chief Deputy District Attorney and not to exceed three confidential or special investigators in said office, to be designated by the District Attorney.

(c) The Under-Sheriff and not to exceed three confidential investigators or deputies in the office of the Sheriff, to be designated by the Sheriff.

(d) All appointive Boards and Commissions.

(e) Superintendent of Schools.

(f) The Law Library Trustees.

(g) Members of the Civil Service Commission.

(h) Superintendents, Principals and Teachers in the public schools.

(i) All persons serving the County without compensation.

(j) All Judges of Justice Courts.

(k) Any officer or employee whose appointment is contingent upon approval or confirmation by the State of California.

(*l*) Students who are engaged in regularly established accredited training programs.

(m) Persons employed as guards, keepers or matrons in the office of the Sheriff, Marshal, Probation Officer or other law enforcement agency when such employment does not exceed a total of ninety working days during any calendar year.

(n) Persons employed as watchmen or merchants' patrolmen when such employment does not exceed 10 working days per calendar month.

(o) Deputy Registrars of Voters employed only to register electors.

(p) Persons employed as guards, custodians, wardens or caretakers in County parks for seasonal work.

(q) Persons employed as Assistant Registrars of Vital Statistics and paid on the basis of the number of births or deaths registered.

(r) Persons employed in positions for expert professional temporary services and when such positions are exempted from the classified service for a specified period of temporary service by order of the Civil Service Commission.

(s) Persons employed in any part-time or intermittent capacity where employment does not exceed ninety working days in any calendar year when such positions are exempted from the classified service by order of the Civil Service Commission.

The Classified Service shall comprise all positions not specifically included by this Charter in the Unclassified Service; provided, however, that in the event of the creation of a new position or in the case of a vacancy in any position requiring peculiar and exceptional qualifications of a scientific, professional or expert character, upon satisfactory evidence that competitive examinations to qualify applicants for said position are impracticable, and that the position can best be filled by the selection of a person of recognized attainments, competitive examinations may be suspended by the Commission, but no such suspension shall be general in its application to such

position and all such cases of suspension shall be reported, together with the reasons therefor, to the Board of Supervisors.

County Proposition G Seventh Proposed Amendment to the Charter of the County of San Diego

That Section 80 of said Charter be amended to read as follows:

Section 80: Whenever positions in the classified civil service are to be filled, the head of the department, office, board or commission, in which any vacancies occur, shall notify the Civil Service Commission of that fact and the Commission shall thereupon certify for each such vacancy the names and addresses of the three candidates standing highest upon the eligible list for the class or grade to which such position belongs, plus any additional names of candidates whose eligible list grades are within two percentage points of the eligible list grade of the third highest candidate certified for such vacancy, except that the Commission may in its discretion specify a lesser percentage in any particular case. "Eligible list grade" shall mean the total grade assigned to a candidate for purposes of establishing certification and includes the examination score rated on a maximum scale of 100, plus any preferential credit authorized by Sections 82 and 83 of this Charter. The appointing authority shall appoint under probation one of the persons certified to him for each such position.

Every employee must serve a probationary period of six months, or such longer period, not exceeding one year, as may be established by the Civil Service Commission.

County Proposition H Eighth Proposed Amendment to the Charter of the County of San Diego

That Sections 21, 26, 27 and 29 of said Charter be amended to read as follows:

Justice Court Officers

Section 21: Judges of Justice Courts shall be nominated and elected at the times and in the manner and for the terms now or hereafter provided by general law. If a vacancy occurs in the office of a Judge of a Justice Court, the Board of Supervisors shall appoint an eligible person to hold the office for the remainder of the unexpired term.

Section 26: Each judicial district having a justice court shall have as many judges together with such clerks and other officers as may be authorized by the Board of Supervisors.

Section 27: The compensation of judges of the justice courts shall be fixed by the Board of Supervisors and must be by salary only, which need not be uniform for the several judicial districts, nor proportionate to the population therein.

Section 29: Every judge of a justice court and clerk of such court shall make settlement of and pay into the County Treasury, all fees collected by him, in the manner and at the times specified in Section 37 of this Charter. Every judge of a justice court and clerk of a justice court shall enter in the fee book kept by him all such fees charged and collected by him, and pay the same into the County Treasury, as above provided, without deduction for any such acts or services purporting or claimed to have been done or rendered by him as a private citizen.

That Sections 20, 22, 23, 24, 25 and 28 of Article V be repealed.

That Section 46.1 be added to said Charter to read as follows:

Section 46.1: Constables and their deputies shall be appointed by the Sheriff, subject to the approval of the Board of Supervisors.

County Proposition J Ninth Proposed Amendment to the Charter of the County of San Diego

That Section 87 of said Charter be amended to read as follows:

Section 87: No officer or employee in the classified service of the County shall directly or indirectly make, solicit or receive, or be in any manner concerned in making, soliciting or receiving any assessment, subscription, or contribution for or on behalf of any candidate for County office. No person holding a position in the classified service of the County shall circulate petitions for or on behalf of any candidate for County office, nor act as an officer or active member of any campaign committee or organization for the purpose of promoting the election of any County officer. Any person in the classified service who shall be a candidate for or accept the nomination for any County office shall first resign his position, provided, however, that the name of such person shall remain upon the eligible list. Any officer or employee violating the provisions of this section shall be removed from the classified service.

County Proposition K Tenth Proposed Amendment to the Charter of the County of San Diego

That Sections 13 and 14 of said Charter be amended to read as follows:

Section 13: The Elective County Officers, other than members of the Board of Supervisors, shall be:

Assessor;
County Clerk;
District Attorney;
Recorder;
Sheriff;

Members of the County Board of Education;
Tax Collector;
Treasurer;
each of whom shall be nominated and elected at the time and in the manner and for the terms now or hereafter provided by general law. The Tax Collector shall be ex officio License Collector. The County Clerk shall be ex officio Clerk of the Superior Court and Clerk of the Board of Supervisors.

Section 14: The Appointive County Officers shall be:
Agricultural Commissioner;
Auditor and Controller;
Board of Law Library Trustees (members of);
Coroner;
County Counsel;
County Surveyor and Road Commissioner;
Fish and Game Warden;
Livestock Inspector;
Probation Officer;
Public Administrator;
Purchasing Agent;
Registrar of Voters;
Sealer of Weights and Measures;
Superintendent of Schools.

Such other officers as are now or may hereafter be required by law shall also be appointive.

The operative date of this amendment shall be January 1, 1965.

The incumbent Coroner and Public Administrator may, while in office, apply, be examined, and be certified for appointment for either of said offices prior to the operative date of this amendment.

County Proposition L Eleventh Proposed Amendment to the Charter of the County of San Diego

That Section 5 of said Charter be amended to read as follows:

Section 5: The Board of Supervisors may hereafter, and shall after each Federal decennial census, change the boundaries of the Supervisorial Districts in accordance with the laws of the State of California and this Charter. In making any such change the Board of Supervisors shall so divide the total area of the County that, to the extent that population will permit, at least two of such districts shall comprise areas outside of the City of San Diego except for such small portions of that city as may be included in giving consideration to the factors authorized by general law. Failure of the Board of Supervisors to redistrict the County in the manner provided by general law and by this Charter within one year

after each Federal decennial census shall constitute misconduct in office.

State of California }
County of San Diego } ss.:

We, the undersigned, De Graff Austin, Chairman of the Board of Supervisors of the County of San Diego, State of California, and R. B. James, County Clerk and ex officio Clerk of the Board of Supervisors of said County of San Diego, do hereby certify:

That the foregoing proposed and ratified amendments to the Charter of said County of San Diego, submitted to the electors of said County at a general election held in said County on June 5, 1962, have been compared by us, and each of us, with the proposed amendments set forth in the resolutions adopted by said Board of Supervisors as hereinbefore set forth, and that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are, and each of them is, true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of the said Board of Supervisors of the County of San Diego this 4th day of October, 1962.

(SEAL)

DE GRAFF AUSTIN
Chairman of the Board of Supervisors
of the County of San Diego,
State of California.

R. B. JAMES
County Clerk and ex officio Clerk of
the Board of Supervisors of the
County of San Diego,
State of California.

Attest:
R. B. James
County Clerk of the County of San Diego,
State of California.

(SEAL)

WHEREAS, Said proposed amendments to the Charter of the County of San Diego, each and all of which were so ratified by a majority of the electors voting thereon at said general election held on June 5, 1962, have been submitted to the Legislature of the State of California for approval and ratification as a whole, without power of alteration or amendment, in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein, That said amendments to the Charter of the County of San Diego, as proposed by the Board of Supervisors of said County of San Diego and as ratified by the electors of the said County of San Diego, and as hereinbefore set forth, be, and the same are hereby approved as a whole, without amendment or alteration, as amendments to, and as part of, the Charter of the County of San Diego.

CHAPTER 11

Senate Concurrent Resolution No. 10—Approving three certain amendments to the Charter of the County of San Diego, State of California, submitted to, voted for, and ratified by the qualified electors of said county at a general election held therein on November 6, 1962.

[Filed with Secretary of State January 22, 1963.]

WHEREAS, The County of San Diego, State of California, has been at all times herein mentioned, and now is, a body politic, and a political subdivision of the State of California, and is now and has been, since the first day of July 1933, organized and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at a general election held for that purpose on November 8, 1932, and approved by the Legislature of the State of California, on January 17, 1933, and filed in the office of the Secretary of State on January 17, 1933; and

WHEREAS, The board of supervisors of said county, pursuant to the provisions of said Section 7½ of Article XI of said Constitution, did by resolutions and orders adopted on September 13, 1962, duly propose to the qualified electors of said County of San Diego, three amendments to the charter of said county, designated on the ballot as County Propositions A, B and C, and ordered that said amendments be submitted to said qualified electors of said county at a general election to be held in said county on November 6, 1962, which date was fixed by law as the date for holding said general election; and

WHEREAS, Said proposed amendments to the Charter of the County of San Diego were published for 10 times in the San Diego Union, a daily newspaper of general circulation, printed, published and circulated in said county, on September 24, 25, 26, 27, 28, 29 and 30 and October 1, 2 and 3, 1962; and

WHEREAS, Said general election was held in said County of San Diego on November 6, 1962, which said day was not less

than 30 days and not more than 60 days after said proposed amendments to said charter had been published for 10 times in said San Diego Union; and

WHEREAS, Thereafter the returns of said general election held in the County of San Diego on November 6, 1962, at which said election said proposals were duly submitted to the vote of the qualified electors of said county, were made to and canvassed by the registrar of voters of the County of San Diego, and by said officer certified to the clerk of the board of supervisors of said county, and said clerk of the board of supervisors did on December 4, 1962 duly enter on the records of said board of supervisors a statement of the result of said canvass and said election in the form and manner prescribed by law; and

WHEREAS, At said general election held on November 6, 1962, said proposed amendments to the Charter of the County of San Diego were ratified by a majority of the electors of said county voting thereon; and

WHEREAS, Said charter amendments so ratified by the electors of said County of San Diego are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Section 7½ of Article XI of the Constitution of the State of California and are in words and figures as follows, to wit:

COUNTY PROPOSITION A PROPOSED AMENDMENT TO THE CHARTER OF THE COUNTY OF SAN DIEGO

That Section 43 of said charter be repealed.

COUNTY PROPOSITION B PROPOSED AMENDMENT TO THE CHARTER OF THE COUNTY OF SAN DIEGO

That Section 46 of said charter be amended to read as follows:

Section 46: The Sheriff shall be the head of said department, and shall so organize the same as to give the County efficient and effective police protection. Each Constable shall be subject to the orders of the Sheriff and must serve process within his judicial district or elsewhere, and shall also perform all the duties required of him by law.

COUNTY PROPOSITION C PROPOSED AMENDMENT TO THE CHARTER OF THE COUNTY OF SAN DIEGO

That Section 10.1 be added to said charter to read as follows:

Section 10.1: The compensation of each member as an ex officio member of a sanitation district board shall not exceed

that fixed and authorized by general law for his services as a sanitation district board member.

State of California }
County of San Diego } ss

We, the undersigned, DeGraff Austin, Chairman of the Board of Supervisors of the County of San Diego, State of California, and R. B. James, County Clerk and ex officio Clerk of the Board of Supervisors of said County of San Diego, do hereby certify:

That the foregoing proposed and ratified amendments to the Charter of said County of San Diego, submitted to the electors of said county at a general election held in said county on November 6, 1962, have been compared by us, and each of us, with the proposed amendments set forth in the resolution adopted by said Board of Supervisors as hereinbefore set forth, and that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are, and each of them is, true.

In witness whereof we have hereunto set our hands and caused the same to be authenticated by the seal of the said Board of Supervisors of the County of San Diego this 4th day of December, 1962.

(SEAL)

DEGRAFF AUSTIN
Chairman of the Board of Supervisors of the County of San Diego, State of California

R. B. JAMES
County Clerk and ex officio Clerk of the Board of Supervisors of the County of San Diego, State of California

Attest:
R. B. JAMES
County Clerk of the County of San Diego, State of California

(SEAL)

WHEREAS, Said proposed amendments to the Charter of the County of San Diego, each and all of which were so ratified by a majority of the electors voting thereon at said general election held on November 6, 1962, have been submitted to the Legislature of the State of California for approval and ratification as a whole, without power of alteration or amendment, in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring

therein, That said amendments to the Charter of the County of San Diego, as proposed by the board of supervisors of said County of San Diego and as ratified by the electors of the said County of San Diego, and as hereinbefore set forth, be, and the same are hereby approved as a whole, without amendment or alteration, as amendments to, and as part of, the Charter of the County of San Diego.

CHAPTER 12

Assembly Concurrent Resolution No. 17—Relative to congratulating the San Francisco Examiner.

[Filed with Secretary of State January 23, 1963.]

WHEREAS, It has come to the attention of the Members of the Assembly that one of this nation's foremost media of communication, the San Francisco Examiner, is celebrating its 75th anniversary since its revitalized birth under William Randolph Hearst in 1887; and

WHEREAS, Throughout its existence the Examiner has been dedicated to the task of getting the news and putting it into print with ever-increasing social, economic, and cultural impact; and

WHEREAS, Blessed with aggressive leadership and a hard-working and devoted staff which throughout the years has read as a "who's who" of journalism, the San Francisco Examiner has vigorously fought for progress and good in its community and in the nation as a whole; and

WHEREAS, More than any other single force this newspaper and its outstanding affiliates in the Hearst chain of mass communication have made both the government and the public aware of their respective responsibilities, and in so doing have played a potent role in this country's growth and history; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of this Assembly commend the San Francisco Examiner on the occasion of its 75th anniversary of outstanding service in the field of journalism; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to Mr. William Randolph Hearst, Jr., Mr. Randolph Hearst, Mr. Charles Gould, Publisher, and Mr. Edmund Dooley, Editor, of the San Francisco Examiner, and Mr. George R. Hearst, Jr., Publisher, of the Los Angeles Herald-Examiner.

CHAPTER 13

Assembly Concurrent Resolution No. 19—Approving a charter amendment to the Charter of the City of Inglewood, a municipal corporation in the County of Los Angeles, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the sixth day of November, 1962.

[Filed with Secretary of State January 23, 1963.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of a certain amendment to the Charter of the City of Inglewood, a municipal corporation in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF INGLEWOOD OF A CERTAIN CHARTER AMENDMENT

State of California
County of Los Angeles } ss.
City of Inglewood

We, the undersigned, George C. England, Mayor of the City of Inglewood, County of Los Angeles, State of California and Helen Rieck, City Clerk of said City, do hereby declare and certify as follows:

That the City of Inglewood, a municipal corporation of the County of Los Angeles, State of California, now is and was at all times herein mentioned, a city having a population of more than 3500 inhabitants and has been ever since the year 1927, and now is organized, existing and acting under a Freeholders' Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California which charter was duly ratified by a majority of the qualified electors of said City at a special municipal election held for that purpose on the 14th day of December, 1926 and approved by the Legislature of the State of California on the 27th day of January, 1927 (Statutes and Amendments of 1927, p. 2205).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the City Council of the City of Inglewood, being the legislative body thereof, duly and regularly submitted to the qualified electors of the City of Inglewood a proposition for an amendment to the Charter of the City of Inglewood at a special municipal election consolidated with the State General Election called and held for that purpose in said city on the 6th day of November, 1962.

That such proposed amendment was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California and in ac-

cordance with the provisions of the Charter of the City of Inglewood on the 21st day of September, 1962 in the Inglewood Daily News, a daily newspaper of general circulation, printed and published in the City of Inglewood, and the official newspaper of said City of Inglewood and in each edition thereof during the day of publication.

That copies of said proposed amendment were printed in convenient pamphlet form and in type not less than 10-point as required by law and copies thereof were mailed to each of the qualified electors of said City of Inglewood within the time and manner required by law.

And until the date fixed for the election, November 6, 1962, as hereinafter set forth, there was published in said Inglewood Daily News an advertisement stating that copies of said proposed Charter amendment could be had upon application therefor at the office of the City Clerk of the said City of Inglewood.

That copies of said pamphlet containing said proposed amendment could be had upon application therefor at the office of the City Clerk of said City at all times to and including the 6th day of November, 1962, the date fixed for said election, all as required by Section 8 of Article XI of the Constitution of the State of California.

That under and pursuant to proceedings duly and regularly taken in the manner provided by law, the City Council of the City of Inglewood consolidated said special municipal election with the State General Election held in said City of Inglewood on the 6th day of November, 1962.

That in accordance with the provisions of the Charter of the City of Inglewood and in the manner provided by law the said consolidated elections were duly and regularly held in said City, after due notice given and published, on the 6th day of November, 1962, which day was not less than forty (40) days and not more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed amendment in the Inglewood Daily News, the official newspaper of said City of Inglewood.

That thereafter the Council of the City of Inglewood did, in the manner provided by law, duly and regularly canvass the returns of said consolidated election and did adopt its resolution declaring the results of the canvass and declaring the results of the returns of said election.

That said Council of said City did by said resolution find, determine and declare that a certain proposed amendment to the Charter of the City of Inglewood and hereinafter set forth, was ratified by a majority vote of the electors of said City voting thereon.

That as to said amendment to the Charter of the City of Inglewood, this certification shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection with said amendment.

That said amendment to the Charter of the City of Inglewood, so ratified by the electors of said City, is as follows:

"Article XXVII of the Charter of the City of Inglewood hereby is amended so that the same shall be and read as follows:

"ARTICLE XXVII
Public Library

"Section 1. The City Council shall appoint a Library Board consisting of five members to be appointed by the City Council from the qualified electors of the City; no member of said Board shall hold any paid office or employment in the City government. The Library Board shall serve without compensation, for such terms and have such powers and duties as the City Council may by ordinance prescribe."

And we further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of Inglewood with the original proposal submitting the same to the electors of said city and find that the foregoing is a full, true and correct and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the said City of Inglewood to be affixed this 10th day of January, 1963.

(SEAL)

GEORGE C. ENGLAND
Mayor of the City of Inglewood, California
HELEN RIECK
City Clerk of the City of Inglewood, California

WHEREAS, The proposed charter amendment as ratified as hereinabove set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendment to the Charter of the City of Inglewood, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without alteration or amendment, for and as an amendment to and as part of the Charter of the City of Inglewood.

CHAPTER 14

Assembly Concurrent Resolution No. 1—Relative to the passing of Mrs. Anna Eleanor Roosevelt.

[Filed with Secretary of State January 28, 1963]

WHEREAS, The people of the State of California are profoundly grieved by the death on November 7, 1962, of Anna Eleanor Roosevelt, whose life as a world stateswoman, wife of the 32d President of the United States, author, journalist, lecturer, teacher and mother inspired the description of her—the First Lady of the World; and

WHEREAS, Eleanor Roosevelt was a friend of all mankind, a woman of boundless faith, determination and energy who spent her life seeking to better the lives of all humanity; and

WHEREAS, As wife of Franklin Delano Roosevelt she inspired him to rise above his crippling illness, rekindled his interest in politics and government and helped him guide our country during years of economic depression and world conflict; and

WHEREAS, After the passing of her husband, she spurned the easy choice of returning to a quiet life and instead embarked upon an even greater career of usefulness and service as the United States Representative to the United Nations, member of the United Nations' Human Rights Commission, world traveler, ambassador of good will, author, lecturer and an active member of her party, and in all these her graciousness, intelligence and devotion to what she thought right inspired millions of persons throughout the world and helped advance the cause of peace and brotherhood among men; and

WHEREAS, Her years of devotion and service have been aptly reflected by one who has said that "She would rather light candles than curse the darkness, and her glow has warmed the world," and it is therefore with a deep sense of loss at her passing that we say with the poet that she was truly the "Earth's noblest thing—a woman perfected"; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature of the State of California do hereby extend to the family of Mrs. Anna Eleanor Roosevelt their most heartfelt condolences upon her death; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to each of the children of Mrs. Anna Eleanor Roosevelt.

CHAPTER 15

Assembly Concurrent Resolution No. 8—Approving amendments to the Charter of the City of San Leandro, a municipal corporation in the County of Alameda, State of California, ratified by the qualified electors of said city at a general municipal election held therein on the 10th day of April, 1962.

[Filed with Secretary of State January 28, 1963]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of amendments to the Charter of the City of San Leandro, a municipal corporation of the County of Alameda, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF MAYOR AND CITY CLERK
OF THE
CITY OF SAN LEANDRO

State of California }
County of Alameda } ss.
City of San Leandro }

We, the undersigned, Jack D. Maltester, Mayor of the City of San Leandro, State of California, and Richard H. West, City Clerk of said City do hereby certify and declare as follows:

That the City of San Leandro, is now and was at all times herein mentioned: (a) a City containing a population of more than 50,000 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States of America; (b) a City organized, existing, and acting under a Freeholders' Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City at an Election duly held for that purpose on the 20th day of September, 1949, and approved by the Legislature of the State of California, by Concurrent Resolution filed with the Secretary of State on the 16th day of December, 1949. (Senate Concurrent Resolution No. 2)

That in accordance with the provisions of Section 8 of Article XI of Constitution of the State of California, on its own motion, the Council of the City of San Leandro, being the legislative body thereof, by its Resolution No. 4750 C.M.S., entitled "Resolution Providing for the Holding of a General Municipal Election for the Election of a Mayor, Three Members of the City Council, Three Members of the Board of Education, Proposing One Amendment to the City Charter, on the Motion of the City Council, and Providing That Notice of Election Be Given," duly and regularly submitted to the qual-

ified electors of said City a certain proposal to amend the Charter of said City and to be voted on by the qualified electors at the general municipal election called and held for that purpose (among others) in said City on the 10th day of April, 1962.

That one certain proposal was designated and entitled as follows:

"PROPOSITION I

Shall Section 1111 1 be added to Article XI and Section 1111 of said Article XI of the Charter of the City of San Leandro be amended so that the Council may allow preference of not to exceed five per cent of the lowest bid on all bids for materials and supplies made by a person who has and who for more than one year immediately preceding the making of such bid, continuously had an established place of business in the City of San Leandro:—the text of which is set forth in Section 5 of Resolution No. 4750 C.M.S adopted by the City Council of said City of San Leandro on Monday, January 29, 1962, and now on file in the office of the City Clerk?"

That said proposed amendment was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California and in accordance with the provisions of the Charter of the City of San Leandro, on the 23d day of February, 1962, in The Morning News, a newspaper of general circulation published and circulated in the City of San Leandro from Monday through Saturday, both inclusive, and the official newspaper of said City of San Leandro, and in each edition thereof, during the day of publication.

That copies of said proposed Charter Amendment were printed in convenient pamphlet form in type of ten-point, and were mailed to each of the qualified electors of said City; and copies thereof could be had upon application therefor at the office of the City Clerk on and from February 23, 1962, to and including April 10, 1962; and a notice was advertised and published on and from February 23, 1962, to and including April 10, 1962, in The Morning News, a newspaper of general circulation in said City; that copies thereof might be had at the office of the City Clerk of said City upon application therefor.

That under and pursuant to proceedings duly and regularly taken in the manner provided by law, said proposed amendment was submitted to the voters at said general municipal election on the 10th day of April, 1962, which day was not less than forty (40) nor more than sixty (60) days after completion of the publication and advertisement of the aforementioned proposed amendment in The Morning News, the official newspaper of said City.

That thereafter on the 17th day of April, 1962, the City Council of the City of San Leandro in the manner provided

by law, did regularly canvass the returns of said election, and did so on said day duly certify the results of the canvass of the said returns of said municipal election by Resolution No. 62-49 adopted on the 17th day of April, 1962, and declared the results of said municipal election as determined from the canvass of the returns thereof, and by said Resolution did find, determine, and declare that said proposed amendment to the Charter of the City of San Leandro was ratified by a majority of the electors of said City voting thereon.

That this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That said amendment to the Charter of the City of San Leandro so ratified by the electors of said City is in words and figures as follows, to wit:

That Article XI be amended by the amendment of Section numbered 1111 and the addition of Section 1111.1. Said Sections to read as follows:

"Section 1111: Competitive Bidding. Before making purchases of or contracts for supplies, materials, or equipment, ample opportunity shall be given for competitive bidding under such rules and regulations and with such exceptions as the City Council may prescribe in the ordinance setting up such rules and regulations."

"Section 1111.1: Preference to San Leandro Businesses. A preference of not to exceed five percent of the lowest bid may be allowed by the City Council on all bids for materials and supplies made by a person who has and who for more than one year immediately preceding the making of such bid, continuously had an established place of business in the City of San Leandro manufacturing, processing, wholesaling, or retailing such materials and supplies."

And we further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of San Leandro with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true, and correct copy thereof.

In witness whereof, we have hereunto set our hands and caused the Seal of the City of San Leandro to be affixed hereto, this 18th day of April, 1962.

JACK D. MALTESTER
(SEAL) Mayor of the City of San Leandro
RICHARD H. WEST
City Clerk of the City of San Leandro

WHEREAS, The proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of altera-

tion in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the Charter of the City of San Leandro, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the Charter of the City of San Leandro.

CHAPTER 16

Assembly Concurrent Resolution No. 11—Approving a certain amendment to the Charter of the City of Sacramento, a municipal corporation in the County of Sacramento, State of California, voted for and ratified by the qualified electors of the city at a special municipal election held therein on the sixth day of November, 1962.

[Filed with Secretary of State January 28, 1963.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of a certain amendment to the Charter of the City of Sacramento, a municipal corporation in the County of Sacramento, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF SACRAMENTO OF A CERTAIN CHARTER AMENDMENT

State of California
County of Sacramento } ss
City of Sacramento

We, the undersigned, James B. McKinney, mayor of the City of Sacramento, State of California, and Reginald H. Boggs, City Clerk of said City, do hereby certify and declare as follows:

That the City of Sacramento, a municipal corporation of the County of Sacramento, State of California, now is, and was at all times herein mentioned, a City having a population of more than 50,000 inhabitants and has been, ever since the year 1921, organized, existing, and acting under a Freeholder's Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the majority of the qualified electors of said City at a Special Municipal Election held for that purpose on the 30th day of November, 1920, and approved

by the Legislature, of the State of California on January 24, 1921. (Statutes of 1921, page 1919)

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the City Council of the City of Sacramento, being the legislative body thereof, on its own motion duly and regularly submitted to the qualified electors of the City of Sacramento a proposition for the amendment of the Charter of the City of Sacramento at the special municipal election consolidated with the State General Election held within the City on November 6, 1962. That said proposition was designated as "Proposition A" and provided for elimination of the office of City Prosecutor.

In accordance with the provisions of Section 8 of Article XI, of the Constitution of the State of California, and the Charter of the City of Sacramento, the said proposed amendment was published and advertised in full, on September 7, 1962, in the Sacramento Union, a daily newspaper of general circulation, printed and published in the City of Sacramento, the official newspaper of said City of Sacramento. The foregoing is shown by the affidavit of publication on file in the office of the City Clerk.

That copies of said proposed amendment were printed in convenient pamphlet form and in type not less than 10-point as required by law, and copies thereof were mailed to each of the qualified electors of said City of Sacramento within the time and manner required by law.

And until the date fixed for the Special Municipal Election, November 6, 1962, as hereinafter set forth, there was published in said Sacramento Union an advertisement stating that copies of said proposed charter amendment could be had, upon application therefor, at the office of the City Clerk of said City of Sacramento.

That copies of said pamphlet containing said proposed amendment could be had upon application therefor at the office of the City Clerk of said City at all times, to and including November 6, 1962, the date fixed for said special election, all as required by said Section 8 of Article XI of the Constitution of the State of California.

That in accordance with the provisions of the Charter of the City of Sacramento, and in the manner provided by law, the said special municipal election consolidated with the State General Election was duly and regularly held in said City November 6, 1962, after due notice was given and published on September 7, 1962, and that November 6, 1962, the date of said election day was not less than forty (40) nor more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed amendment in the Sacramento Union, the official newspaper of said City of Sacramento. That at said election, a majority of the qualified electors voting upon the proposed charter amendment voted in favor of proposition A (To Eliminate Office of City Prosecutor), and ratified the same.

That thereafter the Board of Supervisors of Sacramento County did in the manner provided by law, duly and regularly canvass the returns of said election and report the results thereof to the City Council. That the City Council did adopt a resolution approving the results of the canvass of the returns of said election, and did also by said resolution, find, determine and declare that certain proposed amendment designated as Proposition A To Eliminate Office of City Prosecutor to the Charter of the City of Sacramento, as hereinafter set forth, was ratified by a majority vote of the electors of said City voting thereon.

That as to said amendment to the Charter of Sacramento, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That the said amendment to the Charter of the City of Sacramento so ratified by the qualified electors of said City is as follows:

"PROPOSITION A

To amend Article XIV, Section 128, of the Charter of the City of Sacramento to read as follows:

Sec. 128. Duties. The City Attorney shall be the legal adviser of and attorney and counsel for the City and for all officers, boards and departments thereof in all matters relating to their official duties He shall conduct and carry on all suits, actions, and proceedings in behalf of or against the City, and shall prepare all contracts, bonds and other legal instruments in which the City is interested or concerned and shall endorse on each his approval of the form and correctness thereof or evidence such approval as to form in separate writings to be filed and preserved with the records of the Council."

We further certify that we have compared the foregoing ratified amendment to the Charter of the City of Sacramento with the original proposal submitted to the electors of said City, and find that the foregoing is a full, true, and correct and exact copy of such amendment.

In witness whereof, we have hereunto set our hands and caused the Seal of said City of Sacramento to be affixed hereto on this 13th day of December, 1962.

JAMES B MCKINNEY
Mayor, City of Sacramento
REGINALD H. BOGGS
City Clerk, City of Sacramento

(SEAL)

Approved as to form:
Everett M. Glenn
City Attorney

and

WHEREAS, The proposed charter amendment as ratified as hereinabove set forth has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendment to the Charter of the City of Sacramento, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same is hereby approved as a whole without alteration or amendment, for and as an amendment to and as part of the Charter of the City of Sacramento.

CHAPTER 17

Assembly Concurrent Resolution No. 12—Relative to the death of former Speaker Edgar C. Levey.

[Filed with Secretary of State January 28, 1963.]

WHEREAS, The Members of the Legislature learned with deep regret of the death of former Speaker of the Assembly Edgar C. Levey; and

WHEREAS, Mr. Levey was born in San Francisco in 1881, attended public schools in that city, graduated from Lowell High School and received in 1903 an A.B. degree from the University of California, and in 1905, from the Hastings College of the Law, an LL.B.; and

WHEREAS, After being admitted to the bar in 1905, he was appointed Assistant District Attorney of San Francisco, in which position he ably served until 1910 when he entered into private practice; and

WHEREAS, He was first elected to the Assembly in 1924, serving with wisdom and integrity from 1925 to 1934 and later a one-year term in 1937-38; and

WHEREAS, Mr. Levey was elected Speaker of the Assembly in 1927, and served with distinction as Speaker until 1934; and

WHEREAS, Mr. Levey was very active in fraternal organizations as past master of the Masons, past great sachem of the Improved Order of Red Men, past grand president of B'nai B'rith, past president of the Native Sons of the Golden West and as a member of the Elks, Moose, Eagles and other fraternal orders; and

WHEREAS, Mr. Levey was held in high esteem by all those who were privileged to know and work with him; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature are grieved to learn of the passing of the former Speaker of the Assembly and wish to express their heartfelt sorrow and deepest sympathy to his widow, Mrs. Emily Levey and to the other members of his family; and, be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to his widow, Mrs. Emily Levey, his two daughters, Mrs. Janet Hoffman and Mrs. Elaine Altose, his two sisters, Mrs. Ben Schoenfeld and Mrs. Stella Levy and, his two brothers, Mr. Bert Levey and Mr. Melville Levey.

CHAPTER 18

Assembly Concurrent Resolution No. 14—Relative to the death of Assemblyman Glenn E. Coolidge.

[Filed with Secretary of State January 28, 1963.]

WHEREAS, The Members of the Legislature are deeply grieved to learn of the death, on September 12, 1962, of Glenn E. Coolidge, former State Assemblyman from the 27th District; and

WHEREAS, Glenn Coolidge served with distinction in the Assembly for 10 years; and

WHEREAS, During his years in the Assembly he earned a reputation for outstanding public service and demonstrated an exceptional talent for leadership, serving as chairman of the Ways and Means Committee, the Revenue and Taxation Committee, the Fish and Game Committee, the Public Health Committee, the Joint Assessment Practices Committee, and the Joint Audit Committee; and

WHEREAS, He otherwise demonstrated a sincere interest in the welfare of his community, serving as president of the Santa Cruz Realty Board and the San Lorenzo Chamber of Commerce, as a director of the California Real Estate Association, and as district deputy governor of the Lions International; and

WHEREAS, He was also active in fraternal affairs, being a member of the Masonic Lodge, Shrine, Elks, I.O.O.F., Commonwealth Club of California, and the Press and Union League Club of San Francisco; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature of California express their heartfelt sorrow at the passing of their former fellow member, and by this resolution convey to his widow, Mrs. Margaret Coolidge, and the other members of his family their deepest sympathy; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to Mrs. Glenn E. Coolidge, Margaret C. Burkett, Harry Coolidge, John M. Wood, David Kelly Wood, and Flora May Hageman.

CHAPTER 19

Senate Concurrent Resolution No. 1—In honor of the memory of the Honorable Paul L. Byrne.

[Filed with Secretary of State January 28, 1963]

WHEREAS, The life of the Honorable Paul L. Byrne was brought to a close on August 28, 1962; and

WHEREAS, The Honorable Paul L. Byrne was born at San Diego, California, in 1910; removed to Chico at an early age, attended the University of California and Chico State College, B.A. 1933; was graduate business manager and member of the faculty of Chico State College; was married to Elsie E. Faulkner, member of a pioneer family of Butte County, in 1935, and became the father of Paul F. Byrne; enlisted in the United States Marine Corps and served in the Pacific Theater in World War II; and

WHEREAS, The Honorable Paul L. Byrne lived an active and a constructive life; was engaged in the insurance business, and was interested in the civic affairs of his community; was a member of the Masons; Native Sons of the Golden West; American Legion; Veterans of Foreign Wars; Lions Club; Elks; and served as President of the Chico Chamber of Commerce and Safety Council; and

WHEREAS, The Honorable Paul L. Byrne was elected to the Senate of the State of California in 1950, and re-elected in 1954, 1958, and 1962, serving effectively in securing major changes in the Agricultural Code, the Feather River Dam project, the State's Correctional Program, and the Fish and Game Code; served for a time as Member of the Senate Committee on Rules, and became Chairman of the Joint Legislative Committee on Agricultural and Livestock Problems; and

WHEREAS, The Honorable Paul L. Byrne distinguished himself by his conscientious attendance upon committee meetings, making it a point to attend the entire meeting and to give concentrated attention to each bill coming before the committee; and

WHEREAS, In addition to his notable achievements, he secured the confidence, respect, and affection of his fellow Senators by his sterling character, his warmheartedness, and his genial and friendly disposition; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, That the Legislature deplores the passing of this distinguished native son of the State of California, and desires by the adoption of this resolution to convey its sympathy to the members of the family of the Honorable Paul L. Byrne; and be it further

Resolved, That when the Houses of the California Legislature shall cease their labors on this day they shall do so in honor of the memory of the Honorable Paul L. Byrne; and be it further

Resolved, That the Secretary of the Senate be hereby directed to have suitably prepared copies of this resolution presented to the bereaved members of the family of the Honorable Paul L. Byrne.

CHAPTER 20

Senate Concurrent Resolution No. 8—Approving amendments to the Charter of the County of Sacramento, State of California, ratified by the qualified electors of the county at a special election held therein on the sixth day of November, 1962.

[Filed with Secretary of State January 28, 1963.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of amendments to the charter of the County of Sacramento, State of California, as hereinafter set forth in the certificate of the chairman of the board of supervisors and the clerk of the board of supervisors of the county, as follows:

CERTIFICATE OF FACTS

Whereas, the County of Sacramento at all times herein mentioned has been and now is a body politic of the State of California, and is now and has been since the 1st day of July, 1933, organized and acting under and by virtue of a Charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said County at an election held for that purpose on the 27th day of April, 1933, and subsequently approved by the Legislature of the State of California, and filed with the Secretary of State of the State of California, on the 11th day of May, 1933; and

Whereas, the Board of Supervisors of said County, pursuant to the provisions of Section 7½ of Article XI of said Constitution, did by Resolution adopted the 27th day of August, 1962, duly propose to the qualified electors of said County of Sacramento amendments to the Charter of said County, designated as proposed County Charter Amendments B, C, D, and E, and ordered that said proposed amendments be submitted to the said qualified electors of said County at a special election to be held on the 6th day of November, 1962; and

Whereas, said amendments so proposed were published ten times on the following dates, to-wit: September 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 1962, inclusive, in The Sacramento Union, a daily newspaper of general circulation in said County, printed, published and circulated in said County of Sacramento; and

Whereas, said Board of Supervisors of said County did, by Ordinance designated as Ordinance No. 782, which was duly adopted on the 27th day of August, 1962, order the holding of a special county election on the 6th day of November, 1962, which said Ordinance was published for five times in The Sacramento Union, a daily newspaper, printed, published and circulated in said County, on the following dates, to-wit: September 10, 11, 12, 13 and 14, 1962; and

Whereas, said special election was held in said County of Sacramento on the 6th day of November, 1962, which said day was not less than thirty days nor more than sixty days after said proposed amendments to said County Charter had been published for ten times in The Sacramento Union; and

Whereas, the Board of Supervisors of said County of Sacramento did, in the manner provided by law, duly and regularly canvass the returns of said election, and did duly declare the result of said special election, as determined from the canvass of the returns thereof; and

Whereas, at said special election held on the 6th day of November, 1962, said proposed County Charter Amendments B, C, D and E were ratified by a majority of the electors of said County voting thereon; and

Whereas, said Charter Amendments B, C, D and E so ratified by the electors of said County of Sacramento, are now submitted to the Legislature of the State of California, for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Section 7½ of Article XI of the Constitution of the State of California, and are and shall, if so approved by said Legislature, be in the words and figures as follows:

Proposed County Charter Amendment B

That Subsection 4 of Section 45-A of Article IX of the Charter relating to appointments from the eligible list of the classified Civil Service be amended to read as follows:

Whenever a position in the competitive classified Civil Service is to be filled, the appointing authority shall notify the Commission of that fact and the Commission shall certify the names and addresses of the three candidates standing highest on the eligible list for the class or grade to which such position belongs, and the appointing authority, or his designated representative, shall appoint to such position one of the three persons certified to him.

Proposed County Charter Amendment C

That the Charter of the County of Sacramento be amended by amending Subsection 7 of Section 45-A of Article IX of the Charter relating to the dismissal of officers and employees in the classified Civil Service, to read as follows:

(7) Any officer or employee in the classified Civil Service may for cause be removed, suspended or reduced in rank or compensation by the appointing authority, or in his absence, by his designated representative, after appointment or promotion is complete, by an order in writing stating specifically the reasons therefor. Said order shall be filed with the Civil Service Commission and a copy thereof shall be furnished to the person to be removed, suspended or reduced. Such employee may reply in writing to said order within ten days from the date of filing said order with the Civil Service Commission. Any person removed, suspended or reduced in rank or compensation may, within five days after presentation to him of the order of removal, suspension or reduction as hereinabove provided, appeal to the Civil Service Commission from such order. The Commission shall, within two weeks from the filing of said appeal, commence the hearing thereof, and shall thereupon fully hear and determine the matter, and either affirm, modify or revoke such order. The appellant shall be entitled to appear personally, produce evidence, and to have counsel and a public hearing. The finding and decision of the Commission shall be certified to the official from whose order the appeal is taken, and shall forthwith be enforced and followed by him.

Proposed County Charter Amendment D

That Subsection 13 of Section 45-A of Article IX of the Charter relating to emergency appointments to fill vacancies in the classified Civil Service be amended to read as follows:

In case of an emergency where an appointment to fill a position in the classified Civil Service must be made forthwith, an appointment to fill such position may be made by any appointing authority without regard to whether there is an existing Civil Service eligible list, the appointee to serve no longer than twenty (20) days in any twelve-month period. The Civil Service Commission shall be immediately notified of such appointment. No subsequent emergency appointment may be made to the same position within a period of sixty (60) days following the expiration of an emergency appointment without prior approval of the Civil Service Commission. An emergency appointment may not succeed an appointment made pursuant to Subdivision (12), Section 45-A, Article IX.

Proposed County Charter Amendment E

That Section 56 of Article XII of the Charter relating to the County Health and Welfare Board be amended by changing the name of the County Health and Welfare Board to Health Advisory Board; designating the Chairman of the Board of Supervisors as Chairman of the Health Advisory Board; providing for the appointment of a Vice Chairman, and designating the duties and responsibilities of the Health

Advisory Board; and that Sections 57 and 58 of Article XII, relating to the said County Health and Welfare Board, be repealed, as the substance of the said sections is included in the amendment to Section 56 as hereinafter provided.

Sections 57 and 58 of Article XII of the Charter are hereby repealed.

Section 56 of Article XII is amended to read as follows:

There shall be a Health Advisory Board consisting of seven members, all of whom shall be electors of Sacramento County

Two of said members shall be regularly licensed and practicing physicians; one shall be the County Executive; one shall be the Chairman of the Board of Supervisors who shall be the Chairman of the Health Advisory Board; and one shall be a duly licensed and practicing dentist. The Health Advisory Board shall select a Vice Chairman from among its members to serve for a term of one year.

The medical and dental members of said Board shall be selected in the following manner:

The Board of Supervisors shall, by resolution, request the Sacramento Society for Medical Improvement to certify to the Board, the names of four or more physicians who are specially fitted by education and experience for the duties devolving upon said Board, and the Board of Supervisors shall choose two of the physicians so certified, as members of said Board

The Board of Supervisors shall also request the Sacramento Dental Society to certify to the Board, the names of two or more dentists who are specially qualified by education and experience for the duties devolving upon said Board, and the Board of Supervisors shall choose one of said dentists so certified, as one of the members of said Board.

Should either of said boards refuse or neglect for a period of thirty-five (35) days after such request to certify said names, the Board of Supervisors may appoint the medical or dental members of said Health Advisory Board, as the case may be, from the regular practitioners of such profession in Sacramento County.

The term of office of the medical and dental members of the Health Advisory Board shall be three years from and after the date of their appointment and qualification, provided, however, that the term of office of the medical and dental members, first appointed, shall be determined by lot, so that one thereof shall retire in one year, one in two years, and one at the end of the third year. Appointments to fill vacancies shall be made in the same manner as original appointments.

The other two members shall be electors of the County, and not of the medical or dental profession, selected annually by the Board of Supervisors, one of whom shall be from the Fourth Supervisorial District and one from the Fifth Supervisorial District.

The Health Advisory Board shall have and exercise the following duties and responsibilities:

a. Act in an advisory capacity to the Board of Supervisors in matters related to the County Hospital and the Health Department.

b. Submit recommendations to the Board of Supervisors regarding any new programs proposed for the Health Department and the hospital; from time to time review existing programs of the two departments and recommend improvements or modifications to the Board of Supervisors, County Executive and the two department heads.

c. Submit proposed rules to the Board of Supervisors for approval, regarding the admission of patients to the hospital and the Health Department clinics.

d. Make recommendations to the County Executive regarding appointments to the positions of Director of Public Health and Director of the County Hospital.

e. When necessary, submit recommendations to the Personnel Director, County Executive, Director of the County Hospital and Director of Public Health regarding qualifications and standards for positions and classifications in the County Hospital and Health Department.

f. Submit recommendations to the Board of Supervisors and County Executive regarding plans for new and improved hospital and health department facilities.

g Keep informed regarding operations and problems of the two departments in order to fulfill the above advisory functions.

h. Perform such other functions as directed by the Board of Supervisors consistent with the specific functions enumerated above.

The members of the Health Advisory Board shall serve without compensation.

That as to said Amendments to the Charter of the County of Sacramento, State of California, this Certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

State of California }
County of Sacramento } ss.

We, the undersigned, Jack Mingo, Chairman of the Board of Supervisors of the County of Sacramento, State of California, and Betty L. George, Clerk of the Board of Supervisors of said County of Sacramento, do hereby certify:

That the foregoing proposed and ratified amendments to the Charter of said County of Sacramento, submitted to the electors of said County at the General State Election held on the 6th day of November, 1962, have been compared by us, and each of us, with the proposed amendments set forth in the said Resolution adopted by said Board of Supervisors as hereinbefore set forth, and that the foregoing is a full, true, and exact copy thereof, and we further certify that the facts

set forth in the preamble preceding said amendments to said Charter are true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of said Board of Supervisors of the County of Sacramento, this 10th day of December, 1962.

JACK MINGO
[SEAL] Chairman of the Board of Supervisors of Sacramento County, California

Attest:

BETTY L. GEORGE
Clerk of the Board of Supervisors of the County of Sacramento, State of California

WHEREAS, The said proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 7½ of Article XI of the Constitution of the State of California; now therefore, be it

Resolved by the Senate of the State of California; the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the Charter of the County of Sacramento, as presented to and adopted and ratified by the electors of the county, as hereinbefore fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as a part of, the Charter of the County of Sacramento.

CHAPTER 21

Senate Concurrent Resolution No. 14—Approving two certain amendments to the Charter of the City of San Jose, a municipal corporation, in the County of Santa Clara, State of California, voted for and ratified by the electors of said city at a special municipal election held therein on the sixth day of November, 1962.

[Filed with Secretary of State January 31, 1963.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments, hereinafter set forth, to the Charter of the City of San Jose, a municipal corporation, in the County of Santa Clara, State of California, as set out in the certificate of the mayor and of the city clerk of said city, as follows, to wit:

CERTIFICATE OF AMENDMENTS TO THE CHARTER OF THE CITY OF SAN JOSE, CALIFORNIA

State of California
County of Santa Clara } ss.
City of San Jose

We, the undersigned, Robert I. Welch, Mayor of the City of San Jose, State of California, and Francis L. Greiner, City Clerk of said City, do hereby certify and declare as follows:

That the City of San Jose, a municipal corporation, in the County of Santa Clara, State of California, is now, and was at all times herein mentioned: (a) a city containing a population of more than two hundred four thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and (b) a city organized, existing and acting under a freeholders' charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the qualified electors of said City at a municipal election held for that purpose on the 19th day of April, 1915, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 12th day of May, 1915 (Senate Concurrent Resolution No 21, Chapter 49, Statutes 1915, p. 1869).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of San Jose, being the legislative body of said City, on its own motion, duly and regularly proposed and submitted to the qualified electors of said City of San Jose certain proposals for the amendment of the Charter of said City to be voted upon by the said qualified electors at a certain special municipal election called for such purpose and held in said City on the sixth day of November, 1962, all as required by law, which said proposals were designated as "Charter Amendment-Proposition A" and "Charter Amendment-Proposition D", respectively.

That said proposed amendments were published and advertised in accordance with Section 8 of Article XI of the Constitution of the State of California, on the twelfth day of September, 1962 in the "San Jose News", a daily newspaper of general circulation published, printed and circulated in said City, and being the official newspaper of said City for said purpose, and in each edition thereof during the day of publication.

That copies of said proposed charter amendments were printed in convenient pamphlet form, in type of not less than ten-point, and were mailed to each of the qualified electors of said City in accordance with the Constitution of the State of California; and an advertisement that copies thereof could be had upon application therefor at the office of the City Clerk

of the City of San Jose was published in said "San Jose News", a daily newspaper of general circulation published, printed and circulated in said City, on the fourteenth day of September, 1962, and on each day thereafter to and including the fifth day of November, 1962, all as required by Section 8 of Article XI of the Constitution of the State of California; that copies of said pamphlet containing said proposed charter amendments could be had upon application therefor at the office of the City Clerk of said City on and after the fourteenth day of September, 1962, to and including the sixth day of November, 1962, the date fixed for said election.

That said proposed charter amendments were submitted to the electors of said City for adoption and ratification at a special municipal election duly and regularly held in said City of San Jose on the sixth day of November, 1962, which said date was not less than forty, nor more than sixty, days after the completion of the advertising in the above-mentioned official paper of the proposed charter amendments aforesaid. That, in accordance with the provisions of the Elections Code of the State of California, the Council of the City of San Jose had adopted, on August 20, 1962, a Resolution No. 22621 wherein it requested the Board of Supervisors of Santa Clara County, California, to order the consolidation of said special municipal election with the state-wide general election held in said county on November 6, 1962, and had authorized said Board of Supervisors to canvass the returns of said special municipal election; that said consolidation had been so ordered by said Board of Supervisors; and that said special municipal election was so consolidated with said state-wide general election held in said county on said date.

That at said special municipal election a majority of the qualified electors voting upon said proposed charter amendments voted in favor of each of them and adopted and ratified the same, as appears by the official canvass of the returns thereof by the Registrar of Voters of Santa Clara County, California, heretofore certified by him to the Board of Supervisors of Santa Clara County and to the City of San Jose, and the declaration of the Board of Supervisors of Santa Clara County which pursuant to law met on December 3, 1962, at its usual time and place of meeting, and duly declared the result of said canvass of the returns of said special municipal election as certified by the said Registrar of Voters.

That said amendments to the Charter of the City of San Jose, so adopted and ratified by the qualified electors of said City, are in words and figures as follows, to wit:

Charter Amendment—Proposition A

That the Charter of the City of San Jose be amended by amending Sections 3, 4 and 7 to read as follows, by repealing Sections 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22,

23, 24 and 47½, and by adopting and adding certain new sections numbered 9, 10, 11 and 12 reading as follows:

Elective Officers

3. The elective officers of the City shall be seven councilmen and a City Auditor.

Terms of Councilmen and City Auditor

4. Except as otherwise provided in this Charter, the councilmen shall hold office for a term of four (4) years from and after the first Tuesday following the date of the election at which they were elected The members of the council in office at the time this amendment takes effect shall continue in office until the expiration of their respective terms as hereinafter extended. The four (4) members of the council whose terms would normally expire in 1964 shall continue to hold office until the third Tuesday in April, 1965 The three (3) members of the council in office at the time this amendment takes effect whose terms would normally expire in 1966 shall continue to hold office until the third Tuesday in April, 1967.

The City Auditor shall hold office for a term of four (4) years from and after the second Monday in July following the date of the election at which he was elected, provided that the City Auditor in office at the time this amendment takes effect shall continue to hold office until the second Monday in July of 1965.

Ties in voting among candidates for any elective office shall be settled by the drawing of lots, the procedure for which shall be determined by the council.

Vacancies

7. A vacancy in any council office, from whatever cause arising, shall be filled by the council until the first Tuesday following the date of the next general municipal election, at which next general municipal election a successor shall be chosen by the electors for the unexpired term, provided that if, for any reason, the seats of a majority of the council shall become vacant, the City Clerk shall call a special election to fill the vacancies for the unexpired portion of the terms, which election shall be conducted as hereinafter provided for the general municipal election.

A vacancy in the office of City Auditor, from whatever cause arising, shall be filled by the Council until the second Monday in July following the date of the next general municipal election, at which next general municipal election a successor shall be chosen by the electors for the unexpired term.

General Municipal Election

9. A general municipal election shall be held on the second Tuesday of April of each odd-numbered year, commencing with the year 1965, for the election of elective officers, to fill the elective offices the terms of which will expire in such odd-numbered year, and for such other purposes as the council may prescribe. Any reference to general election in this Charter shall mean a general municipal election.

Method of Election of Elective Officers

10. Except as otherwise provided in this Charter, each elective officer shall be elected at a general municipal election from the City at large. Each elective office shall be deemed a separate office to be filled at any election. The City Clerk shall designate each such elective office by an appropriate descriptive designation. No candidate shall file for more than one elective office and no incumbent member of the council shall run for a council seat other than that which he holds. The designation made by the City Clerk shall be used on all nomination papers, certificates of election and all election papers referring to the office. The person receiving the highest number of votes for each designated office shall be declared elected. After election, the designation shall have no further significance except for the purpose of designating incumbency.

Procedure for Holding Elections

11. Except as otherwise provided for by ordinance hereafter enacted, not in conflict with other sections of this Charter, all elections shall be held and conducted in accordance with the provisions of the Elections Code of the State of California or other applicable laws of the State, as the same now exist or may hereafter be amended, for the holding of elections in cities insofar as the same are not in conflict with other sections of this Charter. No errors, omissions or irregularities in conducting municipal elections shall invalidate the same, if said elections have been conducted fairly and in substantial conformity with the requirements of this Charter.

Elections for Short Term

12. If at any general municipal election any elective officer is chosen to fill the unexpired portion of a term as provided in Section 7 of this Charter, all provisions of this Part with respect to elections shall apply to the candidates for such unexpired term, and all nomination papers, certificates of election and all election papers referring to the office shall state that the office is for a short term and shall be designated as a separate office.

CHARTER AMENDMENT—PROPOSITION D

That the Charter of the City of San Jose be amended by repealing Article XI, consisting of Sections 79, 80, 81, 82 and 83.

We further certify that we have compared the text of the foregoing amendments with the original proposals submitting the same to the electors of said City and find that the foregoing are full, true, correct, complete and exact copies thereof. That as to said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, We have hereunto set our hands and have caused the corporate seal of the City of San Jose to be affixed hereto this 11th day of January, 1963.

ROBERT I. WELCH
(SEAL) Mayor of the City of San Jose
FRANCIS L. GREINER
City Clerk of the City of San Jose

and

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without the power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all of the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of San Jose as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as a part of the Charter of the said City of San Jose.

CHAPTER 22

Senate Joint Resolution No. 1—Relative to the ratification of an amendment to the Constitution of the United States, proposed by the Congress of the United States, relating to the qualifications of electors.

[Filed with Secretary of State February 11, 1963.]

WHEREAS, The 87th Congress of the United States of America has adopted Senate Joint Resolution No. 29, two-thirds of each house concurring therein, proposing an amendment to the Constitution of the United States, in the following words, to wit:

"JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States relating to the qualifications of electors.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE _____

"Section 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

"Sec. 2. The Congress shall have power to enforce this article by appropriate legislation."; and

WHEREAS, Said proposed amendment will be valid as part of the Constitution of the United States when ratified by the legislatures of three-fourths of the several states; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, a majority of all the members elected to each house of said Legislature voting in favor thereof, That the proposed amendment be and the same is hereby ratified by the Legislature of the State of California; and be it further

Resolved, That certified copies of the foregoing preamble and resolution be forwarded by the Governor of the State of California to the President of the United States, the Secretary of State of the United States, the President pro Tempore of the Senate of the United States and the Speaker of the House of Representatives of the United States.

CHAPTER 23

Assembly Concurrent Resolution No. 21—Relative to augmenting the funds of the Joint Committee on Legislative Organization.

[Filed with Secretary of State February 13, 1963]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That in addition to any money heretofore made available, the sum of twenty-five thousand

dollars ($25,000), or so much thereof as may be necessary, is hereby made available from the Contingent Funds of the Assembly and the Senate, in equal shares, for the expenses of the Joint Committee on Legislative Organization (created by Section 9107 of the Government Code and Joint Rule No. 40) and its members and for any charges, expenses, or claims it may incur under said resolution to be paid from the said Contingent Funds and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 24

Assembly Concurrent Resolution No. 26—Relative to the death of poet Robert Frost.

[Filed with Secretary of State February 13, 1963]

WHEREAS, On Tuesday, January 29, 1963, poet Robert Frost, at the age of 88, passed from this life into the deeper experiences of eternity; and

WHEREAS, Robert Frost was considered throughout America as the uncrowned poet laureate of America; and

WHEREAS, The American people have been entertained, educated and inspired by the poetic works of Robert Frost; and

WHEREAS, The great service of his art to world culture brought to him four times the Pulitzer Prize; and

WHEREAS, He greatly stimulated the national interest in poetry by accepting the invitation of President Kennedy to read his poetry at the inaugural ceremonies; and

WHEREAS, He was affectionately loved and revered by two generations of Americans because his gentle philosophy moved profound and delicate meanings of truth through his poetry which awakened in the people sympathetic vibrations of reverence for man and nature; and

WHLREAS, Robert Frost was a native son of California who left San Francisco with his parents for a career of farming and teaching in New England; and

WHEREAS, The publishing of his poetry abroad and his visits in foreign countries, and particularly in Russia, have resulted in a greater understanding and respect for American culture; and

WHEREAS, All promises he made are kept
His weary miles are done
Let every prayer fulfill our faith
That God and He are one; now,

therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature of the State of California, for themselves individually and on behalf of all Californians, express their deep regret at

the passing of poet Robert Frost, pay their affectionate respect to his memory, and extend their deepest sympathy to his family; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a suitably prepared copy of this resolution to the members of the family of poet Robert Frost.

CHAPTER 25

Senate Concurrent Resolution No. 22—Approving an amendment to the Charter of the City of Mountain View, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at a special municipal election consolidated with the statewide election held therein on November 6, 1962.

[Filed with Secretary of State February 14, 1963.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of the amendment hereinafter set forth to the Charter of the City of Mountain View, a municipal corporation in the County of Santa Clara, State of California, as set out in the certificate of the mayor and the city clerk of said city as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF MOUNTAIN VIEW OF A CERTAIN AMENDMENT TO THE CHARTER OF THE CITY OF MOUNTAIN VIEW

State of California }
County of Santa Clara } : ss.
City of Mountain View }

We, the undersigned, Charles M. Moore, Mayor of the City of Mountain View, and Jean Hixson, City Clerk of the City of Mountain View, do hereby certify and declare as follows:

That the City of Mountain View, a municipal corporation, in the County of Santa Clara, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand, five hundred (3,500) and less than fifty thousand (50,000) inhabitants, and ever since the 6th day of March, 1952, has been and is now organized, existing and acting under a Freeholders Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by qualified electors of said City of Mountain View at an election held by the Legislature of the State of California by Concurrent Resolution No. 3 on March 5, 1952, and filed with the Secretary of State on March 6, 1952.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the

City Council of the City of Mountain View, by its Resolution No. 5326, adopted on the 30th day of July, 1962, duly and regularly submitted to the qualified electors of said City of Mountain View a certain proposal to amend the Charter of the City of Mountain View and to be voted upon by said qualified electors at a Special Municipal Charter Amendment Election called for said purpose in said City on the 6th day of November, 1962, and consolidated with the General state-wide Election held therein on November 6, 1962.

That said proposal was published and advertised, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 20th day of September, 1962, in the Sunnyvale Daily Standard-Mountain View Register Leader, the official newspaper of the City of Mountain View, and in each addition thereof during said day of publication.

That said Special Municipal Charter Amendment Election consolidated with the General state-wide Election was duly called, held and conducted in the time, form and manner required by the Charter of said City and by law on said 6th day of November, 1962, which day was not less than forty (40) and not more than sixty (60) days after the completion of said publication and advertisement of said proposal in said Sunnyvale Daily Standard-Mountain View Register Leader.

That the returns of said election were duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers thereunto duly and properly authorized that a majority of electors of said City voted in favor of said proposed Charter amendment, and that said proposed Charter amendment of the Charter of said City was ratified;

That the Council of said City did by its Resolution No. 5559 duly declare the results of said election as determined by the canvass of the returns thereof.

That a majority of the qualified voters voting on said proposed Charter Election voted in favor of the ratification of and did ratify said proposal to amend said Charter of said City of Mountain View.

That said Charter amendment so ratified by the majority of the qualified electors of said City voting at said Special Municipal Charter Amendment Election are in words as figures following, to wit:

Proposed Amendment:

By amending Section 1302 of Article XIII thereof, to read as follows:

"Section 1302. Procedure for Holding Elections.

Except as hereinafter provided, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exists or may hereafter be amended, for the holding of elections in general law cities, insofar as the same are not in conflict with this Charter. In

all municipal elections, the City Council may appoint a canvassing board, which shall meet on the morning of the first Tuesday following the election and canvass the returns and certify the results thereof to the City Council."

and we, and each of us further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of Mountain View with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy of said amendment.

The foregoing proposed and ratified amendment to the Charter of the City of Mountain View is hereby submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8, of Article XI of the Constitution of the State of California. As to said amendment, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused the Seal of the City of Mountain View to be affixed hereto this 30th day of January, 1963.

(SEAL)

CHARLES M. MOORE
Mayor of the City of
Mountain View
JEAN HIXSON
City Clerk of the City of
Mountain View

now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, a majority of the members elected to each house voting therefor and concurring therein, That said amendment to the Charter of the City of Mountain View as presented to and adopted and ratified by the electors of the said city and as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to, and as a part of, the Charter of the said City of Mountain View.

CHAPTER 26

Assembly Joint Resolution No. 2—Relative to the ratification of an amendment to the Constitution of the United States proposed by the Congress of the United States, relating to the qualifications of electors.

[Filed with Secretary of State February 18, 1963]

WHEREAS, The 87th Congress of the United States of America has adopted Senate Joint Resolution No. 29, two-

thirds of each house concurring therein, proposing an amendment to the Constitution of the United States, in the following words, to wit:

"JOINT RESOLUTION
Proposing an amendment to the Constitution
of the United States relating to the
qualifications of electors.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each house concurring therein),* That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several states within seven years from the date of its submission by the Congress:

"ARTICLE _____

"Section 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any state by reason of failure to pay any poll tax or other tax.

"Sec 2. The Congress shall have power to enforce this article by appropriate legislation"; and

WHEREAS, Said proposed amendment will be valid as part of the Constitution of the United States when ratified by the legislatures of three-fourths of the several states; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, a majority of all the members elected to each house of said Legislature voting in favor thereof, That the proposed amendment be and the same is hereby ratified by the Legislature of the State of California; and be it further

Resolved, That certified copies of the foregoing preamble and resolution be forwarded by the Governor of the State of California to the President of the United States, the Secretary of State of the United States, the President pro Tempore of the Senate of the United States and the Speaker of the House of Representatives of the United States.

CHAPTER 27

Assembly Concurrent Resolution No. 37—Relative to commending the Riverside County Fair and National Date Festival.

[Filed with Secretary of State February 18, 1963.]

WHEREAS, The natural desert setting of Coachella Valley, California, instantly calls to mind an Arabian atmosphere and

has in fact the climate and plant life of that picturesque Near Eastern area; and

WHEREAS, The people of Riverside County have selected this scenic background for the site of their county fair and permanent home of the National Date Festival; and

WHEREAS, This unique California exposition has been established at Indio, California, with its displays, architecture and entire theme centering around the glamour and culture of the ancient land of Allah; and

WHEREAS, The market place, camel races, and Arabian Nights Pageant, with its cast of more than 150 persons performing in dazzling costumes under spectacular lighting on the authentically Arabian stage, present a real-life spectacle of the world of Aladdin unequaled in America; and

WHEREAS, Presiding over the festivities this year will be the county's most beautiful Queen Scheherazade, Vicki Palmer, of Palm Springs, who will be surrounded by a court of nine princesses from neighboring communities, namely, Lynne Dittmer, San Jacinto; Cynthia Zeiders, Perris Valley; Marlene Smith, Corona; Jackie Bassett, Hemet; Erma Salas, Elsinore; Dena Berkhardt, Coachella Valley; Jeannie Roberts, Banning; Cindy Broyles, Beaumont; and Judy Bartlett, Palo Verde Valley; and

WHEREAS, The rarest and most delicious dates of this, the Date Capital of the World, are available in their natural beauty and incomparable sweetness; and

WHEREAS, The recently completed outdoor stadium and exhibition halls, all Arabian-style buildings, and flower-studded gardens are now in readiness for the finest production of this annual event, and the people of Riverside County have donned their Arabian costumes in the spirit of the event; and

WHEREAS, This year the Riverside County Fair and National Date Festival under the able direction of R. M. C. "Bob" Fullenwider promises to be even greater than any in the past; and

WHEREAS, The majestic splendor of this event will be available to all from February 15 to 24, 1963; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the County of Riverside is commended on the excellence of its county fair and National Date Festival and the glowing example of the efforts of its people in presenting this unique and outstanding exposition; and be it further

Resolved, That the Members of the Legislature acknowledge and commend the outstanding efforts of the manager and entire staff of the Riverside County Fair and National Date Festival; Queen Vicki Palmer; Princesses Lynne Dittmer, Cynthia Zeiders, Marlene Smith, Jackie Bassett, Erma Salas, Dena Burkhardt, Jeannie Roberts, Cindy Broyles and Judy Bartlett, and all of the hundreds of good people who are devoting their time and efforts to making this fair one of the greatest

attractions to visitors from all over the world; and be it further

Resolved, That the Members of the Legislature urge all of the people of the State of California to visit the Riverside County Fair and National Date Festival and enjoy this spectacular event; and be it further

Resolved, That the Chief Clerk of the Assembly be, and he is hereby, directed to transmit suitably prepared copies of this resolution to R. M. C. "Bob" Fullenwider, Queen Vicki Palmer, and Princesses Lynne Dittmer, Cynthia Zeiders, Marlene Smith, Jackie Bassett, Erma Salas, Dena Burkhardt, Jeannie Roberts, Cindy Broyles, and Judy Bartlett.

CHAPTER 28

Assembly Concurrent Resolution No. 31—Approving certain amendments to the Charter of the City of Chula Vista, State of California, voted for and ratified by the qualified electors of said city at the regular municipal election held therein on April 10, 1962.

[Filed with Secretary of State February 20, 1963.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments hereinafter set forth to the Charter of the City of Chula Vista, a municipal corporation in the County of San Diego, State of California, as set out in the certificate of the mayor and city clerk of the said city as follows, to wit:

State of California }
County of San Diego } ss.

We, the undersigned, Keith Menzel, Mayor of the City of Chula Vista, and Kenneth Campbell, City Clerk of said City, do hereby certify and declare as follows:

The City of Chula Vista, a municipal corporation, is now and since the year 1949 has been organized and existing under and pursuant to the provisions of a freeholders' charter adopted in accordance with and by virtue of the provisions of Section 8 Article XI of the Constitution of the State of California

That pursuant to and in accordance with the provisions of Section 8 Article XI of the Constitution of the State of California, the City Council of said City, being the legislative body thereof, on its own motion proposed to the qualified electors of the City of Chula Vista certain amendments to the Charter of said City, which amendments were designated as Propositions A, B, C and D and submitted said propositions to the qualified electors of the City of Chula Vista at the regular municipal election held on April 10, 1962.

That said proposed Charter amendments were published and advertised in the Chula Vista Star News, a newspaper duly designated and qualified as a newspaper entitled to publish legal notices, published in the City of Chula Vista.

That copies of said proposed Charter amendments were printed in convenient pamphlet form and in type of not less than ten point, and were mailed to each of the qualified electors of said City, and that until the date fixed for the election herein described a notice was advertised and published in the Chula Vista Star News, a daily newspaper of general circulation published in the City of Chula Vista, and the official newspaper of said City, that copies of said proposed Charter amendments could be had upon application therefor at the office of the City Clerk of the City of Chula Vista until the date fixed for said election.

That said proposed amendments were submitted to the qualified electors of said City at said regular municipal election held in said City.

That at said election on the said proposed amendments to the Charter of the City of Chula Vista, a majority of the qualified voters of the City voting on said proposed amendments voted in favor of Propositions A, B, C and D and said proposed amendments were ratified by a majority of the qualified electors of said City voting thereon.

That all of said proceedings were duly and regularly had and taken in accordance with said Section 8 of Article XI of the Constitution of the State of California and the Charter of the City of Chula Vista and the laws of the State of California.

That as to the amendments to the Charter of the City of Chula Vista hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That the proposed amendments to the Charter of the City of Chula Vista which were so ratified by a majority of the electors of said City, are in words and figures as follows:

Proposition A

Amend Article VIII of the Charter of the City of Chula Vista to be and to read as follows:

Article VIII. Civil Service. Section 803, Subsection 5

"A probationary period of six months, or such longer period not exceeding one year, as may be established by the Civil Service Commission, for all officers and employees in the Classified Service after original or promotional appointment during which the officer or employee may be rejected at any time without the right of hearing before the Civil Service Commission; a person so rejected from a position to which he has been promoted to be reinstated to the position from which he was

promoted unless he is dismissed from the service of the City in addition to the rejection, in which event he shall have the right of a hearing before the Civil Service Commission as to such order of dismissal."

PROPOSITION B

Amend Article VI of the Charter of the City of Chula Vista to be and to read as follows:

Article VI. Harbor Commission. Section 615

"A. There shall be a Harbor Commission consisting of seven (7) members to be appointed by the City Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government. The number of members to comprise the commission may be changed by ordinance to not less than five nor more than seven.

B. The services of all City Departments shall be made available to such commission.

C. The Harbor Commission is vested with jurisdiction and authority to exercise in the name of the City of Chula Vista such powers as are prescribed by general laws now in force and hereafter enacted together with such additional powers and duties as may be prescribed by ordinance, this Charter, or the laws of the United States. The Commission shall make recommendations to the City Council with regards to jurisdiction, supervision, management and control of the Bay of San Diego fronting upon the City of Chula Vista and within the jurisdiction of said City, including all tide and submerged lands, whether filled or unfilled, situated below the line of mean high tide within said Bay, except however such tide and submerged lands within said Bay, which have heretofore or which hereafter may be transferred to the exclusive control of the United States, and excepting further such other tidelands as may by vote of the people or act of the State Legislature be transferred to a purpose and use inconsistent with commerce, navigation and fisheries.

D. The Harbor Commission shall have power to adopt, with the approval of the Council by ordinance, such rules and regulations as may be necessary to exercise and carry out the powers and duties prescribed by the Charter for said Harbor Commission.

E. All revenues derived from the tidelands shall be used exclusively for the purpose of improving the harbor and tidelands fronting thereon, and the maintenance and operation of the Harbor Department.

F. The Harbor Commission shall have authority to recommend the leasing of tidelands within the jurisdiction of Chula Vista for such terms and upon such conditions as may be authorized by law.

G. In all matters concerning the development of the tide lands in which the Planning Commission of the City of Chula Vista shall have an interest and which relate to the planning and zoning of the City of Chula Vista shall be referred by the Harbor Commission to the Planning Commission for recommendation before final action is taken thereon In the event of a disagreement between the Harbor Commission and the Planning Commission concerning such proposed development, the matter shall be referred to the Council, whose decision on such development shall be final."

PROPOSITION C

Amend Article III of the Charter of the City of Chula Vista to be and to read as follows:

Article III. City Council. Section 302

"The members of the City Council shall receive no compensation for their services as such, but shall receive reimbursement on order of the City Council for Council authorized traveling and other expenses when on official duty out of the City. In addition, each member shall receive the sum of fifty dollars ($50.00) per month, which amount shall be deemed to be reimbursement of other out-of-pocket expenditures and costs imposed upon him in serving as a City Councilman Such sum may be increased or decreased by a majority vote of the electors of the City at any General or Special Election "

PROPOSITION D

Amend Article VIII of the Charter of the City of Chula Vista to be and to read as follows:

Article VIII. Civil Service. Section 805 (b)

"Temporary appointments shall be made by the head of each department in which such vacancy may occur of persons not on the eligible list in the event that no eligible list has been prepared for that position, or that those on the eligible list are not immediately available, or during the suspension of an employee or officer, or pending final action on proceedings to review a suspension, demotion or dismissal of an employee or officer. Such temporary appointments shall not continue for a longer period than six months. No credit shall be allowed in the giving of examinations for service rendered under a temporary appointment."

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Chula Vista with the original proposal submitting the

same to the electors of said City, and find that the foregoing is a full, true and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the said City of Chula Vista to be affixed hereto this 21st day of January, 1963.

(SEAL)

KEITH MENZEL
Mayor of the City of
Chula Vista, California
KENNETH CAMPBELL
City Clerk of the City of
Chula Vista, California

and

WHEREAS, Said proposed charter amendments are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of Chula Vista, herein set forth, as submitted to and adopted and ratified by the qualified electors of said city, be, and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the Charter of the said City of Chula Vista.

CHAPTER 29

Assembly Concurrent Resolution No. 23—Relative to "National Flag Week."

[Filed with Secretary of State February 21, 1963.]

WHEREAS, The Flag of the United States is symbolic of that which is most cherished and desired by man—freedom; and

WHEREAS, The freedom represented by the American Flag was hard won by our forefathers, and thus far preserved; and

WHEREAS, This symbol of freedom has been the inspiration and hope of the oppressed and persecuted of the world; and

WHEREAS, In these times of complacency, the people of the State, as well as of the nation, would do well to pause and consider the meaning of the now taken for granted freedom symbolized by our Flag; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That this body recognizes the need for a rededication to "freedom" by dedicating the seven-day period beginning on the first day of July of each year as "National Flag Week," wherein the State of California and all

of its communities shall observe such ceremonies as seem fitting and proper to the occasion; and be it further

Resolved, That the people of the State be encouraged to display the American Flag during each day of "National Flag Week."

CHAPTER 30

Assembly Joint Resolution No. 12—Relative to memorializing the Congress of the United States to establish a "National Flag Week."

[Filed with Secretary of State February 21, 1963.]

WHEREAS, The Flag of the United States is symbolic of that which is most cherished and desired by man—freedom; and

WHEREAS, The freedom represented by the American Flag was hard won by our forefathers, and thus far preserved; and

WHEREAS, This symbol of freedom has been the inspiration and hope of the oppressed and persecuted of the world; and

WHEREAS, In these times of complacency, the people of the State, as well as of the nation, would do well to pause and consider the meaning of the now taken for granted freedom symbolized by our Flag; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to do whatever is necessary to establish the seven-day period commencing with the first day of July of each year as National Flag Week, wherein the people of the nation will be urged to display the American Flag annually, each of these seven days; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 31

Senate Concurrent Resolution No. 25—Approving amendments to the Charter of the City of San Bernardino, County of San Bernardino, State of California, voted for and ratified by the qualified electors of said city at an election held therein on the fifth day of February, 1963.

[Filed with Secretary of State February 25, 1963.]

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of amendments, hereinafter set forth, to the Charter of the City of San Bernardino,

a municipal corporation situated in the County of San Bernardino, State of California, as set out in the certificates of the mayor and city clerk of said city as follows, to wit:

State of California
County of San Bernardino } ss
City of San Bernardino

We, the undersigned, Donald G. Mauldin, Mayor of the City of San Bernardino, State of California, and Jack T. Felton, City Clerk of said city, do hereby certify and declare as follows:

The City of San Bernardino, in the County of San Bernardino, State of California, was at all times mentioned herein and now is a city of the State of California existing and acting under a Charter duly adopted and approved under and by virtue of Section 8, Article XI of the Constitution of the State of California, containing a population of over fifty thousand inhabitants.

The legislative body of said city on its own motion submitted to the electors of said city, at a Primary Municipal Election, held within said city on the 5th day of February, 1963, certain proposed amendments to the city Charter of said city.

Said proposed amendments were published in The San Bernardino Evening Telegram, being a newspaper of general circulation printed and published in said city and having a general circulation therein, and being an official newspaper of said city, on the 24th day of December, 1962, in each edition thereof on said day, and said publication was made at the time and in the manner prescribed in Section 8, Article XI of the Constitution of the State of California.

Said legislative body caused copies of said amendment to be printed in convenient pamphlet form and in type of not less than ten point, and caused copies thereof to be mailed to each of the qualified electors of said city and, until the day fixed for said election, advertised in The San Bernardino Evening Telegram, being a newspaper having a general circulation in said city, a notice that copies thereof could be had upon application therefor, and in accordance with said notice copies thereof could be had upon application therefor.

Said election was duly and regularly held on the said 5th day of February, 1963, which said date of the said election was not less than forty nor more than sixty days after the completion of the advertising in said newspaper of said proposed amendments, and at said election a majority of the qualified voters voting thereon voted in favor thereof and did ratify said proposed amendments to said city Charter.

Said proposed amendments were duly and regularly submitted to, and duly ratified by, the said qualified voters of said city, and that all and singular the requirements of the Constitution and laws of the State of California and the Charter of said city have been complied with.

Said amendments are as follows:

Article VI of the Charter of the City of San Bernardino is amended by adding thereto Section 116 to read as follows:

Section 116. The Mayor and Common Council shall have the power to contract with the County of San Bernardino, or any public health organization, for the performance of any or all functions in connection with public health matters, notwithstanding any other provisions of this Article. Such contract may provide for the abolition of the Board of Health, the office of Health Officer or any other position of employment in the Health Department of said City; and such provision shall be final and without recourse on the part of the incumbent of any office or position so abolished.

Article II, Section 11 of the Charter of the City of San Bernardino is amended to read as follows:

Section 11. The Mayor and Common Council shall provide for the holding of all City elections

On the second day after a City election, exclusive of holidays, at 1:30 o'clock P. M., the Mayor and Common Council, or the City Clerk, or a canvassing board appointed by the City Clerk by order of the Mayor and Common Council, shall meet at the City Hall, San Bernardino, California, and proceed to canvass the election returns.

At the next regular or adjourned regular council meeting following the completion of the canvass, the Mayor and Common Council shall declare the results of said election as certified by the City Clerk as being official.

We have compared the said ratified amendments with the original proposed amendments submitted to the qualified electors of the said city, and find that the foregoing is a full, true, correct and exact copy of said amendments.

We further certify that the facts set forth in the preamble preceding said amendments to said Charter, and each of them, are true.

In witness whereof, we have hereunto set our hands and caused the corporate seal of the City of San Bernardino to be attached on this 8th day of February, 1963.

DONALD G MAULDIN
(SEAL) Mayor of the City of San Bernardino, California
JACK T. FELTON
City Clerk of the City of San Bernardino, California

and

WHEREAS, Said amendments to the Charter of the City of San Bernardino so ratified as hereinbefore set forth have been duly presented and submitted to the Legislature of the State of California, for approval or rejection, without power of alteration or amendment, all in accordance with Section 8, Article XI of the Constitution of the State of California, now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of San Bernardino as proposed to and adopted and ratified by the electors of said city and hereinbefore fully set forth, be and the same are hereby approved as a whole without amendment or alteration for and as amendments and as part of the said Charter of the City of San Bernardino.

CHAPTER 32

Senate Joint Resolution No. 7—Relative to local airline service to cities in California.

[Filed with Secretary of State February 26, 1963.]

WHEREAS, All of the thirteen (13) local service certificated airlines operating in the United States of America now receive a subsidy, the formula concerning which is administered by the Civil Aeronautics Board; and

WHEREAS, The Civil Aeronautics Board has recently developed a new formula for the allocation of subsidies among the local service airlines; and

WHEREAS, Pacific Airlines has rendered valuable and economical services both to the major terminal cities as well as to many smaller cities in the State of California; and

WHEREAS, It is believed that the new subsidy formula will adversely affect Pacific Airlines and will result in a substantial decrease in local airline service to our California cities; and

WHEREAS, Pacific Airlines now has pending application No. 14279 before the Civil Aeronautics Board to reduce service to the cities of Oxnard, Ventura, Paso Robles, San Luis Obispo, Long Beach, Marysville, Crescent City, Santa Rosa, Stockton, and Lancaster, all to the detriment of these growing communities; and

WHEREAS, The public convenience and necessity will be best served by restoration of local airline service to the City of Ukiah, State of California, as such service was scheduled during the year 1961; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California hereby registers a formal protest to the proposed subsidy formula of the Civil Aeronautics Board, which will result in a decrease of local carrier air service to the cities of California which are now enjoying such service; and be it further

Resolved, That the public convenience and necessity will be best served by restoration of local airline service to the California cities as such service existed during December, 1962; and be it further

Resolved, That the public convenience and necessity will be best served by restoration of local airline service to the City of Ukiah, State of California, as such service was scheduled during the year 1961; and be it further

Resolved, That the California Division of Aeronautics be requested to intervene in the pending application so as to represent the best interest of the State of California and its cities; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit suitably prepared copies of this resolution to the President of the United States, to the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 33

Assembly Joint Resolution No 11—Relative to a commemorative stamp honoring Hollywood's entertainment industry.

[Filed with Secretary of State February 28, 1963]

WHEREAS, For over half a century Hollywood has been famous as the center of the motion picture industry and, in more recent years, the center of the television, radio, and recording industries; and

WHEREAS, Film production, of which Hollywood is the world center, is not only a means of entertainment, but serves for the recordation of significant events, for the propagation of ideas as a social medium of considerable importance, as a valid art form in its own right, and preserves the colorful history of the United States; and

WHEREAS, The Hollywood Museum, as the archive of momentous films of national and international scope and the exhibition hall for modern, as well as, historic picture filming techniques, will be dedicated in Hollywood in June of 1964; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Postmaster General of the United States to provide for the issuance in June of 1964 of a commemorative stamp honoring Hollywood the "center of the entertainment industry"; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit copies of this resolution to the President and Vice President of the United States, to the Postmaster General of the United States, to the Speaker of the House of Representatives and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 34

Senate Concurrent Resolution No. 15—Relative to adoption of the Joint Rules of the Senate and Assembly.

[Filed with Secretary of State March 6, 1963]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the following rules be adopted as the Joint Rules for the 1963 Regular Session:

JOINT RULES OF THE SENATE AND ASSEMBLY

COMMITTEES AND COMMITTEE MEETINGS

Standing Committees

1. Each house shall appoint such standing committees as the business of the house may require, the committees, the number of members and the manner of selection to be determined by the rules of each house.

Joint Meeting of Committees

3. Whenever any bill has been referred by the Senate to one of its committees, and the same or a like bill has been referred by the Assembly to one of its committees, the chairmen of the respective committees, when in their judgment the interests of legislation or the expedition of business will be better served thereby, shall arrange for a joint meeting of their committees for the consideration of such bill.

Effect of Adoption of Joint Rules

3 5. The adoption of the Joint Rules for any budget session or extraordinary session shall not be construed as modifying or rescinding the Joint Rules of the Senate and Assembly for any previous session, nor as affecting in any way the status or powers of the interim committees created by those rules.

BILLS AND RESOLUTIONS

Definition of Word Bill

4. Whenever the word "bill" is used in these rules, it shall include constitutional amendments, concurrent and joint resolutions

Concurrent and Joint Resolutions

5. Concurrent resolutions relate to matters to be treated by both houses of the Legislature.

Joint resolutions are those which relate to matters connected with the federal government.

Resolutions Treated as Bills

6. Constitutional amendments, concurrent and joint resolutions shall be treated in all respects as bills; except that they shall be given only one formal reading in each house and that they shall not be deemed bills within the meaning of Section 2 of Article IV of the Constitution, and shall not be referred to the Committee on Introduction of Bills, and except as provided in Rule 24. As in the case of bills, they shall be engrossed in the house in which they originate before being voted upon.

Preparation and Introduction of Bills

Title of Bill

7. The title of every bill introduced shall convey an accurate idea of the contents of the bill and shall be indicative of the scope of the act and the object to be accomplished. In amending a code section, the mere reference to the section by number shall not be deemed sufficient.

Division of Bill Into Sections

8. A bill amending more than one section of an existing law shall contain a separate section for each section amended.

Bills which are not amendatory of existing laws shall be divided into short sections, where this can be done without destroying the sense of any particular section, to the end that future amendments may be made without the necessity of setting forth and repeating sections of unnecessary length.

Introduction of Bills

8.3. No bill shall be introduced after the 110th calendar day of a general session except as follows:

(a) A written notice of intention to introduce a bill, a copy of the bill and a digest prepared pursuant to Rule 8.5 shall be filed with the Chief Clerk of the Assembly or the Secretary of the Senate, as the case may be, and shall be transmitted to the Rules Committee of the appropriate house The notice and digest shall be printed in the Journal of that house.

(b) The Rules Committee of the Assembly or Senate, as the case may be, shall determine whether there exists an urgent need for the introduction of the proposed bill.

(c) If the Rules Committee recommends that introduction of the proposed bill be permitted, the member may offer a resolution, without further reference thereof to committee, granting permission to introduce the bill. The adoption of the

resolution granting such permission shall require an affirmative recorded vote of two-thirds of the elected members of the house in which the request is made.

As used in this rule "bill" includes constitutional amendments but does not include joint or concurrent resolutions.

Digest of Bills Introduced

8.5. No bill shall be introduced unless it is contained in a cover attached by the Legislative Counsel and unless it is accompanied by a digest, prepared and attached to the bill by the Legislative Counsel, showing the changes in the existing law which are proposed by the bill. If any bill is presented to the Secretary of the Senate or Chief Clerk of the Assembly for introduction which does not comply with the foregoing requirements of this rule the Secretary or Chief Clerk shall return it to the member who presented it.

The digest shall be printed on the bill as introduced in distinctive type upon the lower part of the first page thereof. If a material error in the printed digest is brought to the attention of the Legislative Counsel, he shall prepare a corrected digest which shall show the changes made in the digest as provided in Joint Rule 10 for amendments to bills. He shall deliver the corrected digest to the Secretary or the Chief Clerk, as the case may be. If the correction warrants it in the opinion of the President pro Tempore of the Senate or the Speaker of the Assembly, a corrected print of the bill as introduced shall be ordered with the corrected digest printed thereon.

Restrictions as to Amendments

9. A substitute or amendment must relate to the same subject as the original bill, constitutional amendment or resolution under consideration.

Changes in Existing Law to Be Marked by Author

10. In a bill amending or repealing a code section or a general law, any new matter shall be underlined and any matter to be omitted shall be in type bearing a horizontal line through the center and commonly known as "strikeout" type. When printed the new matter shall be printed in italics, and the matter to be omitted shall be printed in "strikeout" type.

In any amendment to a bill which sets out for the first time a section being amended or repealed, any new matter to be added and any matter to be omitted shall be indicated by the author and shall be printed in the same manner as though the section as amended or repealed were a part of the original bill and was being printed for the first time.

When an entire code is repealed as part of a codification or recodification or when an entire title, part, division, chap-

ter or article of a code is repealed, the sections comprising such code, title, part, division, chapter, or article shall not be set forth in the bill or amendment in strikeout type.

Introduction of Departmental Bills

10.5. No departmental bill shall be introduced at the request of or on behalf of any state officer or agency except the Governor after the 30th calendar day of any general session. No departmental bill shall be introduced in both houses of the Legislature at any session.

Heading of Bills

10.7. No bill shall indicate in its heading or elsewhere that it was introduced at the request of a state agency or officer or any other person. No bill introduced after February 15, 1963, shall contain the words "By request" or words of similar import.

Consideration of Bills

10.8. At a general session, no bill shall be heard by any committee or acted upon by either house until 30 calendar days have elapsed following the date the bill was first introduced except this provision and the limitation contained in Section 2(a) of Article IV of the Constitution may be dispensed with as follows:

(a) A written request for such dispensation entitled "Request to Consider and Act on Bill Within 30 Calendar Days" shall be filed with the Chief Clerk of the Assembly or the Secretary of the Senate, as the case may be, printed in the Journal and transmitted to the Rules Committee of the appropriate house.

(b) The Rules Committee of the Assembly or Senate, as the case may be, shall determine whether there exists an urgent need for dispensing with the 30-calendar-day waiting period following the bill's introduction.

(c) If the Rules Committee recommends that said waiting period be dispensed with, the member may offer a resolution, without further reference thereof to committee, authorizing hearing and action upon the bill before the 30 calendar days have elapsed. The adoption of the resolution shall require an affirmative recorded vote of three-fourths of the elected members of the house in which the resolution is presented.

As used in this rule "bill" includes constitutional amendments but does not include joint or concurrent resolutions.

Printing of Amendments

11. All bills amended by either house shall be immediately reprinted; in case new matter is added by the amendment

such new matter shall be printed in italics in the printed bill, and in the case of matter being omitted, the matter to be omitted shall be printed in strikeout type. When a bill is amended in either house, the first or previous markings shall be omitted.

Printing and Distribution of Bills—Manner of Printing Bills

12. The State Printer shall observe the following directions in printing all bills, constitutional amendments, concurrent and joint resolutions:

(a) The body of such bills shall be printed in solid unspaced form in 10-point roman type so that the same type shall be used both before and after enrollment. Concurrent resolutions approving city or county charters or amendments thereto may be set in smaller type.

(b) All titles of bills shall be set in italics, statute form and the length of the lines used in the titles shall not exceed that of the body of the bill.

(c) The lines of all printed bills shall be numbered by page and not by sections, and amendments shall be identified by reference to title, page and line only.

Distribution of Legislative Publications

13. All requests by members for mailing or distribution of copies of the Weekly Histories, the Legislative Digest and the Legislative Index shall be filed with the Secretary of the Senate or the Chief Clerk of the Assembly. Except as otherwise provided by either the Assembly or Senate, each Member of the Senate and Assembly shall be permitted to submit a list of 10 organizations or individuals. The Secretary of the Senate and the Chief Clerk of the Assembly shall order a sufficient number of copies of the Weekly Histories, the Legislative Digest and the Legislative Index to supply this list together with such number of bills and legislative publications as may be necessary for legislative requirements.

No complete list of bills shall be delivered except upon payment therefor of the sum of two hundred dollars ($200) at a general session or twenty-five dollars ($25) at a budget session. Not more than two copies of any bill or other legislative publication, nor more than a total of 100 bills or other legislative publications during a session, shall be distributed free to any person, office, or organization. The limitations imposed by this paragraph do not apply to Members of the Legislature, the President of the Senate, the Secretary of the Senate and the Chief Clerk of the Assembly for the proper functioning of their respective houses; the Legislative Counsel Bureau; Attorney General's office; Secretary of State's office; Controller's office; Governor's office; the Clerk of the Supreme Court; the clerk of the district court of appeal for each district; the Judi-

cial Council; the California Law Revision Commission; the State Library; the Library of Congress and to libraries of the University of California at Berkeley and at Los Angeles; and accredited members of the press. The State Printer shall fix the cost of such bills and publications, including postage, and such moneys as may be received by him shall, after deducting the cost of handling and mailing, be remitted on the first day of each month, one-half each to the Secretary of the Senate and the Chief Clerk of the Assembly for credit to legislative printing. Legislative publications heretofore distributed through the Bureau of Documents shall be distributed through the Bill Room. Unless otherwise provided for, the total number of each bill to be printed shall be not more than 2,500.

Legislative Digest and Legislative Index

13.1. The Legislative Counsel shall provide for the compilation and periodic publication of the digests mentioned in Rule 8.5 in separate pamphlets for each house. He shall also provide for the periodic publication of a cumulative Legislative Index which shall include tables of sections affected by pending legislation. The State Printer shall print the pamphlet digests (comprising the Legislative Digest) and the Legislative Index in such quantities, and at such times, as are determined by the Secretary of the Senate and the Chief Clerk of the Assembly. The costs of such printing shall be paid from the legislative printing appropriation.

Other Legislative Printing

Printing of the Daily Journal

14. The State Printer shall print in such quantity as directed by the Secretary of the Senate and the Chief Clerk of the Assembly, copies of the Journal of each day's proceedings of each house. At the end of the session he shall also print, as directed by the Secretary of the Senate and the Chief Clerk of the Assembly a sufficient number of copies properly paged after being corrected and indexed by the Secretary of the Senate and the Chief Clerk of the Assembly, to bind in book form as the Journal of the respective houses of the Legislature.

What Shall Be Printed in the Journal

15. The following shall always be printed in the Journal of each house:

(a) Messages from the Governor and messages from the other house, and the titles of all bills, joint and concurrent resolutions and constitutional amendments when introduced in, offered to, or acted upon by the house.

(b) Every vote taken in the house, and a statement of the contents of each petition, memorial or paper presented to the house.

(c) A true and accurate account of the proceedings of the house, when not acting as a Committee of the Whole.

Printing of the Daily File

16. A Daily File of bills ready for consideration shall be printed each legislative day for each house.

The material to be printed in the File and the form and arrangement shall be determined by the respective houses.

Printing of History

17. Each house shall cause to be printed, once each week, during the session, a complete History of all bills, constitutional amendments, concurrent, joint and house resolutions originating in or acted upon by the respective houses. A regular form shall be prescribed by the Secretary of the Senate and the Chief Clerk of the Assembly. Such History shall show the action taken upon each measure up to and including the legislative day preceding its issuance. For each legislative day intervening there shall be printed a Supplementary History showing the action taken upon any measure since the issuance of the complete History.

Authority for Printing Orders

18. The State Printer shall not print for use of either house nor charge to legislative printing any matter other than provided by law or by the rules, except upon a written order signed by the Secretary of the Senate or the Chief Clerk of the Assembly. The Secretary of the Senate and the Chief Clerk of the Assembly may, when necessity requires it, order certain matter printed in advance of the regular order, by the issuance of a rush order.

The Secretary of the Senate and the Chief Clerk of the Assembly are hereby authorized and directed between sessions to order and distribute for the members stationery and legislative publications for which there is a demand, and, subject to the rules of their respective houses, to approve the bills covering such orders. All bills for printing must be presented by the State Printer within 30 days after the completion of said printing.

Record of Bills

Secretary and Chief Clerk to Keep Records

19. The Secretary of the Senate and the Chief Clerk of the Assembly shall keep a complete and accurate record of every action taken by the Senate and Assembly on every bill.

Secretary and Chief Clerk Shall Endorse Bills

20. The Secretary of the Senate and the Chief Clerk of the Assembly shall endorse on every original or engrossed bill a statement of any action taken by the Senate or Assembly concerning such bill.

Action in One House on Bill Transmitted From the Other

After a Bill Has Been Passed by the Senate or Assembly

21. When a bill has been passed by either house it shall be transmitted promptly to the other unless a motion to reconsider or a notice of motion to reconsider has been made or it is held pursuant to some rule or order of the house.

The procedure of referring bills to committees shall be determined by the respective houses.

Messages to Be in Writing Under Proper Signatures

22. Notice of the action of either house to the other shall be in writing and under the signature of the Secretary of the Senate or the Chief Clerk of the Assembly from which such message is to be conveyed. A receipt shall be taken from the officer to whom such message is delivered.

Uncontested Bills

22.1. Each standing committee may report an uncontested bill out of committee with the recommendation that it be placed on the consent calendar. The Secretary of the Senate and the Chief Clerk of the Assembly shall provide to each committee chairman appropriate forms for such report. As used in this rule, "uncontested bill" means a bill, except a revenue measure, which: (a) receives a do-pass or do-pass-as-amended recommendation from the committee to which it is referred, by unanimous vote of the members present; and (b) has no opposition expressed by any person present at the committee meeting with respect to the final version of the bill as approved by the committee; and (c) prior to final action by the committee has been requested, by the author, to be placed on the consent calendar.

Consent Calendar

22.2. Following their second reading and the adoption of any committee amendments thereto, if any, all bills certified by the committee chairman as uncontested bills shall be placed by the Secretary of the Senate or the Chief Clerk of the Assembly on the consent calendar, and shall be known as

"consent calendar bills." Any consent calendar bill which is amended from the floor shall cease to be a consent calendar bill and shall be replaced on the second reading file. Upon objection of any member to the placement or retention of any bill on the consent calendar, such bill shall cease to be a consent calendar bill and shall be replaced on the second reading file. No consent calendar bill shall be considered for adoption until the second legislative day following the day of its placement on the consent calendar.

Consideration of Bills on Consent Calendar

22 3. Bills on the consent calendar are not debatable, except that the President of the Senate or the Speaker of the Assembly shall allow a reasonable time for questions from the floor and shall permit the proponents of such bills to answer such questions. Immediately prior to voting on the first bill on the consent calendar, the President of the Senate or the Speaker of the Assembly shall call to the attention of the members the fact that the next rollcall will be the rollcall on the first bill on the consent calendar.

The consent calendar shall be considered as the last order of business on the Daily File.

Passage and Enrolling of Bills

Passage of Bills Preceding Final Adjournment

23. No Senate bill shall be passed by the Senate within 15 days, and no Assembly bill shall be passed by the Assembly within 10 days prior to the adjournment sine die of the two houses of the Legislature at a general session or within one day prior to the adjournment sine die of the two houses of the Legislature at a budget session, unless permission to vote on such bill shall be granted by a three-fourths vote of the house of its origin after being recommended by the Committee on Rules (if it be a Senate bill) or by the Speaker of the Assembly (if it be an Assembly bill).

Enrollment of Bill After Passage

24. After a bill has passed both houses it shall be printed in enrolled form, omitting symbols indicating amendments, and shall be compared by the Engrossing and Enrolling Clerk and the proper committee of the house where it originated to determine that it is in the form approved by the houses. The enrolled bill shall thereupon be signed by the presiding officers of both houses and the Secretary of the Senate and Chief Clerk of the Assembly and presented without delay to the Governor. The committee shall report the time of presentation of the bill to the Governor to the house and the record shall be entered in

the Journal. After enrollment and signature by the officers of the Legislature, constitutional amendments, concurrent and joint resolutions shall be filed without delay in the office of the Secretary of State and the time of filing shall be reported to the house and the record entered in the Journal.

AMENDMENTS AND CONFERENCES

Amendments to Amended Bills Must Be Attached

25. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other, it shall immediately be reprinted as amended by the house making such amendment or amendments. Two copies of such amendment or amendments shall be attached to the bill or resolution so amended, and endorsed "adopted" and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be endorsed "concurred in," and such endorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Chief Clerk or Assistant Clerk of the Assembly as the case may be; provided, however, that an amendment to the title of a bill adopted after the passage of such bill shall not necessitate reprinting, but such amendment must be concurred in by the house in which such bill originated.

To Concur or Refuse to Concur in Amendments

26. In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments. If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the Secretary or Chief Clerk shall notify the house making the amendments and the bill shall be ordered to enrollment.

Concurring in Amendments Adding Urgency Section

27. When a bill which has been passed in one house is amended in the other by the addition of a section providing that the act shall take effect immediately as an urgency measure, and is returned to the house in which it originated for concurrence in the amendment or amendments thereto, the procedure and vote thereon shall be as follows:

The presiding officer shall first direct that the urgency section be read and put to a vote. If two-thirds of the members elected to the house vote in the affirmative the presiding officer shall then direct that the question of whether the house shall concur in the amendment or amendments shall be put to a vote. If two-thirds of all the members elected to the house vote

in the affirmative, concurrence in the amendments shall be effective.

If the affirmative vote on either of such questions is less than two-thirds of all the members elected to such house, the effect is a refusal to concur in the amendment or amendments, and the procedure thereupon shall be as provided in Joint Rule No. 28.

When Senate or Assembly Refuse to Concur

28. If the Senate or the Assembly refuse to concur in the amendments, the Committee on Rules (if it be a Senate bill) or the Speaker of the Assembly (if it be an Assembly bill) shall appoint a committee of three (3) on conference and the Secretary or the Chief Clerk shall immediately notify the other house of the action taken and request the appointment of a like committee. Two of the members comprising such committee from each house shall be selected from those voting with the majority on the point about which the difference has arisen, and the other member from each house of such committee shall be selected from the minority, in the event there is a minority vote. The first Senator named on the conference committee shall act as chairman of the committee from the Senate, and the first Assemblyman named on such committee shall act as chairman of the committee from the Assembly and the chairman thus selected shall arrange the time and place of all meetings and prepare or direct the preparation of reports. The committee on conference shall report to both the Senate and the Assembly.

Report of Committee on Conference

29. The report of the committee on conference shall not be subject to amendment, and if either house refuse to adopt such report the conferees may be discharged and other conferees appointed; provided, however, that no more than three different conference committees shall be appointed on any one bill.

It shall require the affirmative vote of not less than two of the Senate Members and two of the Assembly Members constituting the committee to agree upon a report. No member who has served on a committee on conference shall be appointed a member of another committee on conference on the same bill.

The report of a conference committee shall be in writing, and a copy of any amendments proposed in the report shall be placed on the desk of each member of the house before it is acted upon by the house.

When Conference Committee Report Is in Order

30. The presentation of the report of a committee on conference shall always be in order, except when a question of order

or a motion to adjourn is pending, or during rollcall, and, when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

Conference Committee Reports on Urgency Measures

30.5. When the report of a committee on conference recommends the amendment of a bill by the addition of a section providing that the act shall take effect immediately as an urgency measure, the procedure and the vote thereon shall be as follows:

The presiding officer shall first direct that the urgency section be read and put to a vote. If two-thirds of the members elected to the house vote in the affirmative the presiding officer shall then direct that the question of whether the house shall adopt the report of the committee on conference shall be put to a vote. If two-thirds of all the members elected to the house vote in the affirmative, the adoption of the report and the amendments proposed thereby shall be effective.

If the affirmative vote on either of such questions is less than two-thirds of all the members elected to such house, the effect is a refusal to adopt the report of the committee on conference.

Miscellaneous Provisions

Authority When Rules Do Not Govern

31. All relations between the houses which are not covered by these rules shall be governed by Mason's Manual.

Press Rules

32. (a) Persons desiring privileges of accredited press representatives shall make application to the Speaker of the Assembly, as required by Rule 43 of Assembly Rules, and to the Committee on Rules of the Senate, as required by Rule 13 of Senate Rules; and shall state in writing the names of the daily newspapers or news associations by which they are employed, and what other occupations or employment they may have, if any; and they shall further declare that they are not employed, directly or indirectly, to assist in the prosecution of the legislative business of any person, corporation or association, and will not become so employed while retaining the privilege of accredited press representatives

(b) The applications required by the above rule shall be authenticated in a manner that shall be satisfactory to the Standing Committee of the Capitol Correspondents Association which shall see that occupation of seats and desks in the Senate and the Assembly Chambers is confined to bona fide correspondents of reputable standing in their business, who

represent daily newspapers requiring a daily file of legislative news, or who represent news associations requiring daily telegraphic or radio service on legislative news. It shall be the duty of the standing committee at their discretion, to report violation of accredited press privileges to the Speaker of the Assembly, or to the Senate Committee on Rules, and pending action thereon the offending correspondent may be suspended by the standing committee.

(c) Persons engaged in other occupations whose chief attention is not given to newspaper correspondence or to newspaper associations requiring telegraphic service shall not be entitled to the privileges accorded accredited press representatives; and the press list in the Handbook of the California Legislature and the Senate and Assembly Histories shall be a list only of persons authenticated by the standing committee of correspondents.

(d) The press seats and desks in the Senate and Assembly Chambers shall be under the control of the standing committee of correspondents, subject to the approval and supervision of the Speaker of the Assembly and the Senate Committee on Rules. Press cards shall be issued by the President of the Senate and the Speaker of the Assembly only to correspondents properly accredited in accordance with the provisions of this rule.

(e) One or more rooms shall be assigned for the exclusive use of correspondents during the legislative session, which rooms shall be known as the Press Room. The Press Room shall be under the control of the Chief of the Bureau of Buildings and Grounds; provided, that all rules and regulations shall be approved by the Senate Committee on Rules and the Speaker of the Assembly.

Dispensing With Joint Rules

33. No joint rule shall be dispensed with except by a vote of two-thirds of each house; and Joint Rule No. 23 can be dispensed with only in the manner provided for in said joint rule. If either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the Rules of such house; and if it shall be decided that the Joint Rules have been violated, the bill involving such violations shall be returned to the house in which it originated, and such disputed matter be considered in like manner as in conference committee.

Opinions of Legislative Counsel

34. Whenever the Legislative Counsel issues an opinion to any person other than the first-named author analyzing the constitutionality, operation or effect of a bill or other legislative measure which is then pending before the Legislature or which was introduced at any session of the Legislature held within two years next preceding the date of the opinion and

was referred to an interim committee for study, or of any amendment made or proposed to be made to such bill or measure, he is authorized and instructed to deliver two copies of the opinion to the first-named author as promptly as feasible after the delivery of the original opinion and also to deliver a copy to any other author of the bill or measure who so requests.

Resolutions Prepared by Legislative Counsel

34.1. Whenever the Legislative Counsel has been requested to draft a resolution commemorating or taking note of any event, or a resolution congratulating or expressing sympathy toward any person, and subsequently receives a similar request from another Member of the Legislature, he shall inform each subsequent requester that such a resolution is being, or has been, prepared, and shall furnish such subsequent requester with the name of the member for whom the resolution was, or is being, prepared.

Memorial Resolutions Regarding Members and Former Members of the Legislature

34.2. Whenever the death of a Member of the Legislature or a former member whose service was particularly notable, or any other person who has rendered exceptional service to society or has been unusually prominent in public life occurs, a concurrent resolution may be used as a memorial resolution in respect thereto. In all other instances a Senate resolution or a House resolution, or both, shall be used as a memorial resolution with respect to the deaths of other persons. In all cases a Senate resolution or a House resolution, or both, shall be used to congratulate any person or organization upon the occurrence of any significant event or achievement.

Expense of Members

35. As provided in Section 23b of Article IV of the Constitution, each Member of the Legislature is allowed and reimbursed as the expenses necessarily incurred by him while attending regular and special and extraordinary sessions of the Legislature (including any recess of three days or less) an allowance authorized for other elected state officers at the time the expense is incurred.

Expense allowances for Members of the Senate and Assembly shall be approved and certified to the Controller by the Secretary of the Senate or the Chief Clerk of the Assembly respectively, weekly or as otherwise directed by either house, and upon certification by the Secretary or the Chief Clerk the Controller shall draw his warrants in payment of the allowances to the respective members.

Investigating Committees

36. In order to expedite the work of the Legislature either house, or both houses jointly, may by resolution or statute provide for the appointment of committees to ascertain facts and to make recommendations as to any subject within the scope of legislative regulation or control.

The resolution providing for the appointment of a committee shall state the purpose of the committee, and the scope of the subject concerning which it is to act and may authorize it to act either during sessions of the Legislature or, when such authorization may lawfully be made, after final adjournment

In the exercise of the power granted by this rule, each committee may appoint a secretary and adopt and amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may appear necessary and proper to carry out the powers granted and duties imposed under this rule. It may employ such clerical, legal and technical assistants as may appear necessary.

Each such committee is authorized and empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, records and papers of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony, oral and documentary.

Each member of such committees is authorized and empowered to administer oaths, and all of the provisions of Chapter 4, Part 1, Division 2, Title 2 of the Government Code, relating to the attendance and examination of witnesses before the Legislature and the committees thereof, shall apply to such committees.

The Sergeant at Arms of the Senate or Assembly, or such other person as may be designated by the chairman of the committee, shall serve any and all subpoenas, orders and other process that may be issued by the committee, when directed to do so by the chairman or by a majority of the membership of the committee.

Every department, commission, board, agency, officer and employee of the state government, including the Legislative Counsel and the Attorney General and their subordinates, and of every political subdivision, county, city, or public district of or in this State, shall give and furnish to these committees and to their subcommittees upon request such information, records and documents as the committees deem necessary or proper for the achievement of the purposes for which each such committee was created.

Each such committee may meet at any time during the period in which it is authorized to act, even though the Legislature is in session, either, at the State Capitol or at any other place in the State of California, in public or executive session,

and do any and all things necessary or convenient to enable it to exercise the powers and perform the duties herein granted to it or accomplish the objects and purposes of the resolution creating it Each such committee may expend such money as may be made available to it for such purpose but no committee shall incur any indebtedness unless money shall have been first made available therefor.

Members shall not be entitled to any salary because of membership on any such committee but shall be allowed mileage at the rate of fifteen cents ($0.15) per mile each way for travel both within and without the State incurred in connection with their services upon the committee and actual and necessary expenses for living accommodations and meals incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals, an allowance of twenty dollars ($20) per day. No expenses for accommodations or meals or any allowance in lieu thereof shall be allowed for a day when the member is entitled to reimbursement for expenses under Joint Rule No. 35. The chairman of each committee shall audit and approve the expense claims of the members of the committee including claims for mileage in connection with attendance on committee business, or in connection with specific assignments by the committee chairman, but excluding other types of mileage, and shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman.

The chairman of any such committee may appoint subcommittees and chairman thereof for the purpose of more expeditiously handling and considering matters referred to it, and such subcommittees and the chairman thereof shall have all the powers and authority herein conferred upon the committee and its chairman. The chairman of such subcommittee shall audit the expense claims of the members of such subcommittees and other claims and the expenses incurred by it and shall certify the amount thereof to the chairman of the committee who shall, if he approves the same, certify the amount thereof to the Controller, and the Controller shall draw his warrant therefor upon such certification, and the Treasurer shall pay the same Whenever such committee or any subcommittee thereof is authorized to leave the State of California in the performance of its duties, then such committee or subcommittee shall, while out of the State, have the same authority as if it were acting and functioning within the State, and the members thereof shall be entitled to receive the same expense allowances as if the committee were functioning within the State.

This rule governs mileage only with respect to travel to and from committee meetings and with respect to travel necessary to carry out specific assignments made by the chairman of a committee. Such mileage is chargeable to the funds allocated to the specific committee for whom the travel was undertaken. Nothing in this rule shall prevent either house from providing

by rule or resolution for the payment of mileage at the same rate herein specified for travel incurred in connection with committee business generally, payable from the contingent funds of either house after approval by the Rules Committee of that house, or its authorized representative.

Notwithstanding any provision of this rule, if the standing rules of either house require that expense claims of members of committees be audited or approved, after approval of the committee chairman, by another agency of either house, the Controller shall draw his warrants only upon the certification of such other agency.

Except salary claims of employees clearly subject to federal withheld tax and the requirement as to loyalty oaths, claims presented for services or pursuant to contract shall refer to the agreement, the terms of which shall be made available to the Controller.

Expenses of Interim Committee Employees

36.1. Unless otherwise provided by respective house or committee rule or resolution, employees of legislative committees shall, when entitled to traveling expenses, be entitled to allowances in lieu of actual expenses for hotel accommodations, breakfast, lunch, and dinner, at the rates fixed by the Board of Control from time to time in limitation of reimbursement of expenses of state employees generally; provided, that if an allowance for hotel accommodations, breakfast, lunch and dinner is made by a committee at a rate in excess of those fixed by the Board of Control the chairman of the committee shall notify the Controller of that fact in writing.

Appointment of Committees

36.5. The provisions of this rule shall apply whenever a joint interim committee is created by a statute or resolution which either provides that appointments be made and vacancies be filled in the manner provided for in the Joint Rules, or which makes no provision for the appointment of members or the filling of vacancies.

The Senate members of the committee shall be appointed by the Senate Committee on Rules; the Assembly members of the committee shall be appointed by the Speaker; and vacancies occurring in the membership of the committee shall be filled by the respective appointing powers. The members appointed shall hold over until their successors are regularly selected.

Legislative Budget Committee

37. In addition to any other committee provided for by these Rules, there shall be a joint committee to be known and called the Legislative Budget Committee, which is hereby declared to be a continuing body.

It shall be the duty of the committee to ascertain facts and make recommendations to the Legislature and to the houses thereof concerning the State Budget, the revenues and expenditures of the State, and of the organization and functions of the State, its departments, subdivisions and agencies, with a view of reducing the cost of the state government, and securing greater efficiency and economy.

The committee shall consist of seven Members of the Senate and seven Members of the Assembly. The Senate members of the committee shall consist of seven Members of the Senate appointed by the Committee on Rules. The Assembly members of the committee shall consist of seven Members of the Assembly appointed by the Speaker. The committee shall select its own chairman.

Any vacancies occurring between general sessions, in the Senate membership of the Legislative Budget Committee, shall be filled by the Senate Committee on Rules, and the Senators appointed shall hold over until their successors are regularly selected. For the purposes of this provision, a vacancy shall be deemed to exist as to a Senator whose term is expiring whenever he is not re-elected at the general election.

Any vacancies occurring between general sessions, in the Assembly membership of the Legislative Budget Committee, shall be filled by the Speaker of the Assembly, and the Members of the Assembly appointed shall hold over until their successors are regularly selected. For the purposes of this provision, a vacancy shall be deemed to exist as to a Member of the Assembly whose term is expiring whenever he is not re-elected at the general election.

Any vacancy occurring at any time in the Assembly membership of the committee shall be filled by appointment by the Speaker.

The committee shall have the authority to make rules to govern its own proceedings and its employees. It may also create subcommittees from its membership, assigning to its subcommittees any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and may exercise all the powers conferred upon the committee, limited only by the expressed terms of any rule or resolution of the committee defining the powers and duties of the subcommittee. Such powers may be withdrawn or terminated at any time by the committee.

The Legislative Budget Committee may render services to any investigating committee of the Legislature pursuant to contract between the Legislative Budget Committee and the committee for which the services are to be performed. The contract may provide for payment to the Legislative Budget Committee of the cost of such services from the funds appropriated to the contracting investigating committee. All legislative investigating committees are authorized to enter such

contracts with the Legislative Budget Committee. Money received by the Legislative Budget Committee pursuant to any such agreement shall be in augmentation of the current appropriation for the support of the Legislative Budget Committee.

The provisions of Joint Rule 36 above shall apply to the Legislative Budget Committee, and it shall have all the authority provided in such rule or in Article IV, Section 37, of the Constitution.

The committee shall have authority to appoint a Legislative Analyst, to fix his compensation and to prescribe his duties, and to appoint such other clerical and technical employees as may appear necessary. The duties of the Legislative Analyst shall be as follows:

(1) To ascertain the facts and make recommendations to the Budget Committee and under their direction to the committees of the Legislature concerning:

(a) State budget.

(b) Revenues and expenditures of the State.

(c) The organization and functions of the State, its departments, subdivisions and agencies.

(2) To assist the Senate Finance Committee and the Assembly Ways and Means Committee in consideration of the budget and all bills carrying express or implied appropriations and all legislation affecting state departments and their efficiency; to appear before any other legislative committee, and to assist any other legislative committees upon instruction by the Legislative Budget Committee.

(3) To provide all legislative committees and Members of the Legislature with information obtained under the direction of the Legislative Budget Committee.

(4) To maintain a record of all work performed by the Legislative Analyst under the direction of the Legislative Budget Committee and to keep and make available all documents, data and reports submitted to him by any Senate, Assembly or joint committee. The committee may meet either during sessions of the Legislature, any recess thereof, or after final adjournment, and may meet or conduct business at any place within the State of California.

The members of the committee shall serve without compensation but shall be entitled to actual and necessary expenses including expenses for living accommodations and meals incurred in connection with their services on the committee, or in lieu of such expenses for accommodations and meals they shall be entitled to the same allowance as members of other committees authorized to function after adjournment. The chairman of the committee or, in the event of his inability to act, the vice chairman shall audit and approve the expenses of members of the committee or salaries of the employees, and all other expenses incurred in connection with the performance of its duties by the committee, and the chairman shall certify the amount approved to the Controller, and the Controller shall

draw his warrants upon the certification of the chairman, and the Treasurer shall pay the same to the chairman of the committee to be disbursed by him.

On and after the commencement of a succeeding general session those members of the committee who continue to be Members of the Senate and Assembly, respectively, continue as members of the committee until their successors are appointed, and the committee continues with all its powers, duties, authority, records, papers, personnel and staff, and all funds theretofore made available for its use.

Upon the conclusion of its work, any Assembly, Senate, or joint committee (other than a standing committee) shall deliver to the Legislative Analyst for use and custody, available to the Members of the Legislature, all documents, data, reports and other materials that have come into the possession of such committee and which are not included within the final report of such committee to the Assembly, Senate, or the Legislature, as the case may be.

The Legislative Analyst with the consent of the committee shall make available to such members or committees any records, documents or other data under his control or shall secure and provide any information falling within the scope of his employment or which concerns the administration of the government of the State of California. But, except as hereinabove provided, neither the Legislative Analyst nor any employee of the committee shall reveal to any person not a member of or employed by the committee the contents or nature of any matter or the author of any request, except with the permission of the committee or legislator making such request, or under the express direction of the Legislative Budget Committee.

The Legislative Analyst, upon the receipt of a request from any committee or Member of the Legislature, shall at once secure the consent of the committee without disclosing the nature of the request or the name of the requester to provide the requesting committee or legislator with the service or information requested, and thereupon shall notify the requester or committee or legislator that he is authorized to provide the information, and shall inform the committee or legislator the approximate date when this information will be available. Should there be any material delay he shall subsequently communicate this fact to the requester. In the event the committee refuses such authorization, he shall inform such requester forthwith.

Registration of Legislative Representatives

37.5. In addition to the duties hereinabove prescribed the Legislative Analyst is directed, so long as he is designated to

be "clerk" or "secretary" pursuant to Section 9900(d) of the Government Code, to assign one or more members of his staff to carry out the filing duties imposed by Sections 9900 through 9907 of the Government Code, but he shall undertake no duties which are not specifically authorized by the Joint Rules, by contracts entered into pursuant to such rules, or by direction of the Legislative Budget Committee.

Adjournment

38. Adjournment sine die shall be made only by concurrent resolution.

Designating Legislative Sessions

39. All regular sessions of the Legislature shall be designated by the year in which held, and all extraordinary sessions shall be designated in numerical order by the year in which convened.

Joint Committee on Legislative Organization

40. The Joint Committee on Legislative Organization is hereby created. The committee has a continuing existence and may meet, act, and conduct its business during sessions of the Legislature or any recess thereof, and in the interim period between sessions.

The committee shall consist of seven members of the Assembly Committee on Rules and five members of the Senate Committee on Rules, and two Members of the Senate to be appointed by the Senate Committee on Rules. Vacancies occurring in the membership shall be filled by the appointing power.

The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

The committee shall ascertain facts and make recommendations to the Legislature and to the houses thereof concerning:

(a) The relationship between the two houses and procedures calculated to expedite the affairs of the Legislature by improving that relationship.

(b) The legislative branch of the state government and any defects or deficiencies in the law governing that branch.

(c) Methods whereby legislation is proposed, considered and acted upon.

(d) The operation of the Legislature, and the committees thereof, and the means of co-ordinating the work thereof and avoiding duplication of effort.

(e) Aids to the Legislature.

(f) Information and statistics for the use of the Legislature, the respective houses thereof, and the members.

Any matter of business of either house, the transaction of which would affect the interests of the other house, may be referred to the committee for action if the Legislature is in session, and shall be referred to the committee for action if the Legislature is not in session.

The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To allocate space in the State Capitol Building and all annexes and additions thereto as provided by law

(c) To approve, as provided by law, the appearance of the Legislative Counsel in litigation.

(d) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(e) To co-operate with and secure the co-operation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(f) To report its findings and recommendations, including recommendations for the needed revision of any and all laws and constitutional provisions relating to the Legislature, to the Legislature and to the people from time to time and at any time.

(g) The committee, and any subcommittee when so authorized by the committee, may meet and act without as well as within the State of California, and is authorized to leave the State in the performance of its duties.

(h) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

The committee shall succeed to, and is vested with all of the powers and duties of the State Capitol Committee, the Joint Committee on Interhouse Co-operation, and the Joint Standing Committee on the Joint Rules of the Senate and the Assembly.

40.1. In addition to the powers and duties otherwise vested in it, the Joint Committee on Legislative Organization shall succeed to, and is vested with, all the powers and duties of the Joint Legislative Committee for School Visitations, created by Senate Concurrent Resolution No. 8 of the 1955 Regular Ses-

sion and continued by the 1957 and 1959 Regular Sessions of the Legislature.

40.2 In addition to the powers and duties otherwise vested in it, the Joint Committee on Legislative Organization shall succeed to, and is vested with, all the powers and duties of the Joint Legislative Committee on Legislative Reference Library, created by Assembly Concurrent Resolution No. 40 of the 1959 Regular Session. The Joint Committee on Legislative Organization shall appoint and authorize a subcommittee to assume the powers and duties vested in the committee by this paragraph.

Claims for Workmen's Compensation

41. The Chairman of the Rules Committee of each house of the Legislature shall sign any required workmen's compensation report regarding injuries or death arising out of and within the course of employment suffered by any member, officer or employee of the house, or any employee of a standing or interim committee thereof. In the case of a joint committee, the Chairman of the Rules Committee of either house may sign any such report in respect to a member or employee of such joint committee.

Information Concerning Interim Committees

42. The Rules Committee of each house shall provide for a continuous cumulation during interim periods between sessions of the Legislature of information concerning the membership, organization, meetings and studies of legislative investigating committees. Each Rules Committee shall be responsible for information concerning the investigating committees of its own house and concerning joint investigating committees under the chairmanship of a member of that house. To the extent possible, each Rules Committee shall seek to insure that the investigating committees for which it has responsibility under this rule have organized, including the organization of any subcommittees, and have had all topics for study assigned to them within 30 days after the adjournment of each regular session of the Legislature.

The information thus cumulated shall be made available to the public by the Rules Committee of each house and shall be published periodically under their joint direction.

CHAPTER 35

Senate Concurrent Resolution No. 30—Relative to proclaiming Easter Seal Month.

[Filed with Secretary of State March 6, 1963.]

WHEREAS, The California Society for Crippled Children and Adults has for 37 years inspired, organized and provided leadership for citizen-volunteer service on behalf of the physically handicapped children and adults of California; and

WHEREAS, In its role as the statewide Easter Seal Society, the California Society together with its 49 affiliated local societies last year enlisted the voluntary support of over half a million Californians in providing the funds through which services were made possible for 25,000 handicapped children and adults of our State; and

WHEREAS, Through its leadership in increasing public awareness of the capacities of the physically handicapped as well as of their needs and aspirations, the California Society and its local Easter Seal Society affiliates have broadened public understanding and acceptance of the handicapped individual as a fully privileged member of the community, capable of making valuable contributions to the social, economic, political and cultural well-being of our community, our State and our nation; and

WHEREAS, The California Society's role in the founding, expansion and improvement of special programs of care, treatment and education of crippled children and rehabilitation services for handicapped adults has long been recognized as an important factor in California's attainment of national leadership in the development and provision of special services for, and rehabilitation of, the physically handicapped; and

WHEREAS, Through its far-ranging programs of activity on local, state and national levels, the Easter Seal Society movement reflects its dedication to the proposition that the greatest service that can be rendered to our physically handicapped children and adults is to assist them in accomplishing the highest level of independence of which they are capable; and

WHEREAS, The voluntary contributions of California's citizens to their local Easter Seal Society provide the means by which Easter Seal services are made possible for handicapped children and adults without qualification as to age, race, creed or cause of crippling or handicapping condition; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature, in honor of the occasion of the visit to its chambers by California's 1963 Easter Seal Child, Laurie Burton of San Jose, California, hereby designates the period from March 7th through April 14th, 1963 as Easter Seal Month to inspire generous public support of the voluntary Easter Seal fund cam-

paign in order that the benefits of Easter Seal treatment, care and training may be brought to an increasing number of physically handicapped California children and adults during 1963; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a suitably prepared copy of this resolution to Laurie Burton and to the California Society for Crippled Children and Adults.

CHAPTER 36

Assembly Concurrent Resolution No. 32—Relative to the Civil War Centennial Commission.

[Filed with Secretary of State March 6, 1963.]

WHEREAS, In April 1862, Emperor Napoleon III undertook the conquest and exploitation of the Republic of Mexico then headed by President Benito Juárez; and

WHEREAS, President Juárez was the symbol of constitutional government in Mexico and of the election of a president and other officials responsible to the people; and

WHEREAS, Despite the gallant resistance of the Mexican armed forces, the nation was overrun by the minions of Napoleon III and in June 1863 Mexico City was occupied; and

WHEREAS, Through the intrigues of Louis Napoleon, the Archduke Maximilian was declared emperor in April 1864, contrary to the will and wishes of the Mexican people; and

WHEREAS, The government of the United States of America was distracted by a great Civil War raging from April 1861 until April 1865, and was thus unable to prevent and forestall the invasion of Mexico by Napoleon III although the United States of America constantly refused to accede to the conquest of the Republic of Mexico by foreign might, and vigorously protested by President Abraham Lincoln and by President Andrew Johnson against the imposition of tyranny upon the Mexican nation; and

WHEREAS, After the cessation of hostilities in the American Civil War in April 1865, the United States of America demanded the removal by Napoleon III of his invading forces in Mexico and the termination of the purporting rule of Maximilian; and

WHEREAS, The influence of the United States of America was a far-reaching weight to induce Napoleon III to withdraw from Mexico beginning in 1866 and concluding in 1867, and thereafter Maximilian was deposed and overthrown and constitutional government was restored in the Republic of Mexico under triumphant President Juárez; and

WHEREAS, The Civil War Centennial Commission of California is currently engaged in the commemoration in California of the Great American Civil War 1861-1865 which as an event in history is linked closely in part to the invasion and the attempted conquest of Mexico 1861-1867; and

WHEREAS, Sentiment in California in the years 1861-1867 was overwhelmingly in favor and support of the People of the Republic of Mexico and adverse to Napoleon III and to Maximilian and among others United States Senator James A. McDougall of California 1861-1867 repeatedly in the Senate of the United States challenged and condemned the incursions of Napoleon III into Mexico; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Civil War Centennial Commission of California is directed and authorized to observe and commemorate by all proper means the restoration of constitutional government in the Republic of Mexico consequent upon the withdrawal of the imperial forces of Napoleon III and the overthrow of Maximilian; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to the Honorable Edmund G. Brown, Governor of the State of California, and to the Executive Secretary of the Civil War Centennial Commission of California.

CHAPTER 37

Assembly Joint Resolution No. 3—Relative to the establishment of a new national cemetery.

[Filed with Secretary of State March 6, 1963.]

WHEREAS, The Fort Rosecrans National Cemetery is the only national cemetery in Southern California; and

WHEREAS, There being an average of 15 interments for each working day, available space for interments is diminishing at an alarming rate; and

WHEREAS, It is, and will continue to be, traditionally proper to provide fitting memorial cemeteries for the interment of deceased veterans of the armed forces of the United States and for their eligible dependents, as is now evidenced by the memorial cemeteries now in existence; and

WHEREAS, In the area which contains the Counties of San Diego, Riverside, Orange, Imperial and San Bernardino, State of California, there resides a population composed of an extremely high percentage of veterans, as compared to other sections of the United States; and

WHEREAS, In 1945, the office of the Quartermaster General, Department of the Army, recommended to the then Congress,

that a new national cemetery of an adequate size be established in the San Diego area, and if and when legislation is enacted, steps be taken toward the selection of a site and acquisition of the necessary property on which to establish a national cemetery; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States is respectfully memorialized to provide for the establishment of a national cemetery of an adequate size on United States government-owned property at former Camp Elliott Naval Reservation, now declared excess to the General Services Administration, or at another suitable location on United States government-owned property; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 38

Assembly Joint Resolution No. 19—Relative to Edwards Air Force Base.

[Filed with Secretary of State March 11, 1963.]

WHEREAS, The State of California contains within its boundaries Edwards Air Force Base, an existing government-owned facility, adequate in size and almost fully developed as a ground recovery station for orbital space vehicles, over which astronauts in the X-15 rocket plane have been launched more than 50 miles into space and returned; and

WHEREAS, The weather at this location provides more nearly perfect visibility than any other spot in the continental United States, having visibility in excess of 10 miles and a ceiling higher than 10,000 feet 94 percent of the time, and being absolutely clear more than 60 percent of the time; and

WHEREAS, The existing facilities at Edwards Air Force Base include the National Aeronautics and Space Administration Flight Research Center and the Air Force Astronaut Training Center, with more than 250 million dollars worth of complementary, NASA and Air Force buildings, radar, radio telemetry, computer and modular display equipment; and

WHEREAS, Edwards Air Force Base contains nearly 400 square miles of flat and moderately hilly uninhabited land, with several thousand square miles of sparsely inhabited land adjoining to the east and north, over which air traffic is restricted; and

WHEREAS, Edwards Air Force Base and its NASA installation are only 90 miles from Goldstone Radar Tracking Station (one of the best in the world), only 150 miles from Vandenberg Air Force Base and the Pacific Missile Range, and are less than 100 miles from three major universities and NASA's Jet Propulsion Laboratory, and only 100 miles from the highly skilled labor pool and sophisticated research and test facilities of the Los Angeles aerospace complex; and

WHEREAS, Edwards Air Force Base is only 3 degrees north of the 32.5-degree inclination of the Mercury flight orbits and is at the same time well away from international boundaries, providing adequate security in case of secret payloads; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States and all federal agencies with jurisdiction in the matter to designate, actuate, and further develop Edwards Air Force Base as the primary United States space vehicle ground recovery station; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 39

Assembly Concurrent Resolution No 33—Relative to directing the State Department of Social Welfare to inquire into and eliminate duplicative investigative procedures.

[Filed with Secretary of State March 13, 1963]

WHEREAS, The Assembly Interim Committee on Judiciary has found that investigations conducted by federal agencies and the State Department of Social Welfare regarding adoption of foreign-born orphans are, in part, duplicative; and

WHEREAS, To the extent that duplication exists, the time and expense necessary to consummate a foreign adoption are increased; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Department of Social Welfare be directed to inquire into and eliminate investigative procedures duplicative of investigations conducted by federal agencies.

CHAPTER 40

Senate Concurrent Resolution No. 3—Relative to commercial vehicle identification and qualification.

[Filed with Secretary of State March 14, 1963.]

WHEREAS, The owners and operators of commercial vehicles must deal with several different state agencies in order to secure the permits and other approvals necessary to comply with the laws for operation and identification of such vehicles; and

WHEREAS, If the vehicle is to engage in interstate operations, this process must be undertaken in each of the several jurisdictions where the vehicle is to be qualified; and

WHEREAS, The diffusion of vehicle administration among a number of different agencies makes it necessary for owners and operators of vehicles to supply the same information and demonstrate compliance for each separate agency, and the attendant inconvenience and increase in cost experienced by the owners and operators is justified only to the extent that it is necessary to the administration of state laws; and

WHEREAS, The Council of State Governments has proposed a Commercial Vehicle Identification and Qualification Act with the following objectives:

(a) To devise on both an intrastate and interstate basis the consolidation, simplification and uniformity of forms required for the furnishing of information necessary to the administration of laws relating to commercial vehicles;

(b) To designate a single central agency where the owner or operator of a commercial vehicle can accomplish all his business in demonstrating compliance with all state statutes relating to the identification and qualification of his vehicle for operation in the State;

(c) To issue only a single document for each vehicle certifying that the vehicle identified therein is qualified to operate in this state;

(d) To issue for each vehicle an appropriate device to be displayed on the exterior of the vehicle which shall indicate that the vehicle is covered by a qualifying document currently in force; and

WHEREAS, It would seem highly desirable to do as much as possible to streamline the regulatory and tax processes in order to minimize clerical and other demands on the industry; and

WHEREAS, The consolidation and simplification of processes for issuing evidences of compliance with state requirements for identification and qualification of commercial vehicles is in the public interest; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Administrator of the

Highway Transportation Agency, in co-operation with the Department of Motor Vehicles, Department of California Highway Patrol, Public Utilities Commission, State Board of Equalization and any other interested state agency, is hereby requested to conduct a study, and to make a report and recommendations to the Legislature by the fifth calendar day of the 1964 Regular Session, on the extent to which the objectives of the Commercial Vehicle Identification and Qualification Act have been or can be accomplished administratively and what additional legislation, if any, would be necessary to fully implement the proposed act; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the Administrator of the Highway Transportation Agency, Director of the Department of Motor Vehicles, Commissioner of the California Highway Patrol, Public Utilities Commission and the State Board of Equalization.

CHAPTER 41

Senate Concurrent Resolution No. 5—Relating to the naming of a bridge in memory of the late George J. Cole.

[Filed with Secretary of State March 14, 1963]

WHEREAS, The late George J. Cole ably served Humboldt County, the north coast area, and the State of California for more than 40 years as a member of the Board of Supervisors of Humboldt County, as City Councilman and Mayor of Eureka, as Chairman of the Humboldt County Board of Trade, and as President of the County Supervisors Association of California; and

WHEREAS, George J. Cole gave unstintingly of himself in serving his community, his State, and his country with vision and diligence; and

WHEREAS, It is highly fitting that the bridge located at Meyers Flat on U.S. Highway 101 be named the George J. Cole Bridge in memory of the devoted efforts of the late George J. Cole; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the bridge located at Meyers Flat on U.S. Highway 101 is officially designated and named the George J. Cole Memorial Bridge; and be it further

Resolved, That the Division of Highways in the State Department of Public Works is requested to erect and maintain appropriate signs on this bridge showing this official designation; and be it further

Resolved, That the Secretary of the Senate is directed to prepare and transmit copies of this resolution to the Division of Highways in the State Department of Public Works.

CHAPTER 42

Senate Concurrent Resolution No. 7—Relating to the naming of a bridge in memory of the late Richard Fleisher.

[Filed with Secretary of State March 14, 1963.]

WHEREAS, Richard Fleisher, who for many years gave of his time, talent, energy, and financial resources for the improvement of the California highway system in Humboldt County and throughout the State, died in a traffic accident on Highway 101 on August 16, 1962; and

WHEREAS, Richard Fleisher was an energetic and dedicated civic leader, serving as president of the Eureka Real Estate Board, and area vice president, national director, and, at the time of his death, honorary president of the California Real Estate Board and being, for several years, the moving force behind the Humboldt County Crab Feed held annually in Sacramento for the California Highway Commission and the State Department of Public Works; and

WHEREAS, It is highly fitting that the South Scotia Bridge on U.S. Highway 101 be named the Richard Fleisher Memorial Bridge in memory of the outstanding public service of the late Richard Fleisher; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the South Scotia Bridge on U.S. Highway 101 is officially designated and named the Richard Fleisher Memorial Bridge; and be it further

Resolved, That the Division of Highways in the State Department of Public Works is requested to erect and maintain an appropriate memorial plaque dedicating the bridge to the memory of the late Richard Fleisher; and be it further

Resolved, That the Secretary of the Senate is directed to prepare and transmit copies of this resolution to the Division of Highways in the State Department of Public Works.

CHAPTER 43

Senate Concurrent Resolution No. 12—Relative to the naming of highways, freeways and expressways.

[Filed with Secretary of State March 14, 1963.]

WHEREAS, Pursuant to Senate Concurrent Resolution No. 8 (1962 Budget Session) the Department of Public Works conducted a study in the matter of naming highways, freeways and expressways in California; and

WHEREAS, Such study included the establishment of criteria, procedures, methods, and the advisability of designating responsibility for such naming; and

WHEREAS, An advisory committee was appointed by the Legislature to work with the department in this study; and

WHEREAS, The advisory committee, which was composed of citizens representing cities, counties, motorists, business and industry, spent many hours in a concerted and successful effort to make the results of this study outstanding; and

WHEREAS, The study developed excellent criteria for such naming and will aid immeasurably in establishing standards and a system for naming our highways and freeways; and

WHEREAS, The Legislature now has before it Senate Bill 64, which, if enacted, will simplify and clarify the entire renumbering of the state highway system; and

WHEREAS, It appears that the general principles in the report on naming of highways and freeways may be a basis for establishing a system for such naming, to be placed in effect after the renumbering of the state highway system has taken place; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the advisory committee which worked with the Department of Public Works in the study of naming highways, freeways and expressways pursuant to Senate Concurrent Resolution No 8 (1962 Budget Session), and the department, are hereby commended for their excellent study and report on this matter; and be it further

Resolved, That the standards set forth in the report appear to be the proper basis upon which to consider legislation for this important subject; and be it further

Resolved, That the Legislature should consider the enactment of legislation to place a system of naming of highways and freeways into effect in the 1965 session of the Legislature, after the renumbering of the state highway system has taken place; and be it further

Resolved, That until this matter is considered by the Legislature in 1965, the California Highway Commission and the Department of Public Works are requested not to assign any further names to highways, freeways and expressways on the state highway system; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to each member of the advisory committee, to the California Highway Commission and to the Department of Public Works.

CHAPTER 44

Senate Concurrent Resolution No. 13—Relative to naming the Drinking Fountain Bridge on U S Highway 199 the Howard Griffin Bridge.

[*Filed with Secretary of State March 14, 1963.*]

WHEREAS, Howard Francis Griffin, founder and for many years publisher of the Crescent City American, passed away on February 25, 1959; and

WHEREAS, Mr. Griffin was born in Glasco, Kansas, in 1894, and commenced his long and illustrious journalistic career at an early age, working for the Glasco Sun, a weekly newspaper, during weekends and after school hours; and

WHEREAS, After moving to Payette, Idaho, in 1911, where he worked for another weekly newspaper, the Payette Independent, Mr. Griffin served with the United States Navy during World War I; and

WHEREAS, After World War I, Mr. Griffin resumed his journalistic career, and, in 1925, just prior to his moving to Crescent City, he published Glendale, Oregon, News; and

WHEREAS, Mr. Griffin came to Crescent City in 1926 and founded the Crescent City American, with which paper he remained associated for the rest of his life; and

WHEREAS, The wisdom in his editorials, "This Is What I Think," and the humor in his column, "The Super Snooper," are still the subject of many conversations; and

WHEREAS, Thoroughly and throughout a rugged individualist, Mr. Griffin was also a leader and active in community affairs, being a charter member of the Crescent City Kiwanis Club, a member of the Veterans of Foreign Wars, the Elks Club, the Crescent City Fire Department, and the Del Norte Historical Society; and

WHEREAS, Mr. Griffin also took a great interest in 4-H Club activities in Del Norte County, and for many years he presented a plaque to the outstanding girl in 4-H Club work each year; and

WHEREAS, Mr. Griffin, with his characteristic wisdom and foresight, played a large role in obtaining improved highway facilities essential to the development of the Redwood Empire; and

WHEREAS, The Drinking Fountain Bridge on U.S. Highway 199 will alleviate critical transportation problems, and constitute an important link in the transportation system of Northern California; and

WHEREAS, It is fitting that the Drinking Fountain Bridge on U.S. Highway 199 should bear the name of this distinguished man who dedicated his life to the betterment of mankind in another field of communication; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Drinking Fountain Bridge on U.S. Highway 199 be known as the Howard Griffin Bridge; and be it further

Resolved, That the Department of Public Works is requested to erect an appropriate marker for the Howard Griffin Bridge; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to Mr. Wallace Griffin, Mr. Lyle Griffin, and the Department of Public Works.

CHAPTER 45

Senate Concurrent Resolution No. 20—Relative to the California Highway Patrol.

[Filed with Secretary of State March 14, 1963.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of the California Highway Patrol is no longer required to tabulate, classify, and summarize data pertaining to citations issued by the department involving moving violations of the Vehicle Code or to annually compile such information and file with the Legislature the annual report requested in Resolution Chapter 250 of the Statutes of 1959; and be it further.

Resolved, That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to the Department of the California Highway Patrol.

CHAPTER 46

Senate Concurrent Resolution No. 24—Relative to a Civil War marker.

[Filed with Secretary of State March 14, 1963.]

WHEREAS, The Members of the Legislature of the State of California are sincerely pleased and gratified by the gracious offer by the Civil War Centennial Commission of California to obtain a marker for placement in Capitol Park which honors the brave men from California who served gallantly in the Civil War; and

WHEREAS, Although the Federal Enrollment Act (Conscription) was never enforced in California, approximately 16,000 Union volunteers from the State were utilized for arduous military service throughout the West, including campaigning against Indian tribes, replacing regular troops in Pacific garrisons, protecting the mails and telegraph lines and keeping supply routes open to the East; and

WHEREAS, The "California Column" in 1862 aided in keeping the New Mexico and Arizona territories in the Union, and a California "Five Hundred" was enrolled in an eastern state for service on eastern battlefields of the war; and

WHEREAS, California was a state divided in interest and sympathy during the great American Civil War and an estimated 3,000 Californians served bravely with the Confederate forces and followed the dictates of their consciences and their personal convictions; and

WHEREAS, In a country now happily united, the wounds and ravages of civil war have been overcome and there has emerged from the War Between the States a new great nation in which

the State of California may rank foremost and pre-eminent; and

WHEREAS, It is entirely fitting and proper that the memory of these brave Californians in the Civil War should be honored by a marker in Capitol Park; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California does hereby consent to the placement of a marker in Capitol Park by the Civil War Centennial Commission of California which honors the brave men from California who served gallantly in the Civil War and requests the Director of Finance to furnish such assistance to the Commission as may be required for the placement of the marker in Capitol Park; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Director of Finance and to the Civil War Centennial Commission of California.

CHAPTER 47

Senate Concurrent Resolution No. 6—Relating to the naming of a bridge in memory of the late Paul E. Mudgett.

[Filed with Secretary of State March 18, 1963]

WHEREAS, Paul E. Mudgett, who died in a traffic accident on U S. Highway 101 on August 16, 1962, was a distinguished Californian who devoted a great part of his energies to public service; and

WHEREAS, He was a member of the Humboldt County Board of Trade for 35 years, president of the National Rexall Druggists' Association, and founder of the Fortuna Rotary Club; and

WHEREAS, He served the State in 1941 and 1942 as a member of the California State Park Commission and was a member of the Humboldt Democratic Central Committee for 40 years; and

WHEREAS, It is highly fitting that the Robinson Ferry Bridge on U S Highway 101 be named the Paul E. Mudgett Memorial Bridge in memory of the contributions of the late Paul E. Mudgett to his community and the State, now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Robinson Ferry Bridge on U.S. Highway 101 is officially designated and named the Paul E Mudgett Memorial Bridge; and be it further

Resolved, That the Division of Highways in the State Department of Public Works is requested to erect and maintain an appropriate memorial plaque dedicating the bridge to the memory of the late Paul E. Mudgett; and be it further

Resolved, That the Secretary of the Senate is directed to prepare and transmit copies of this resolution to the Division of Highways in the State Department of Public Works.

CHAPTER 48

Assembly Concurrent Resolution No 24—Relative to St. Patrick's Day.

[Filed with Secretary of State March 18, 1963]

WHEREAS, On this seventeenth day of March, 1963, throughout the entire world, those of Irish birth and those of Irish heritage and, yes, even those of other races, are filled with both gaiety and solemnity of heart; for, on this day, they celebrate St. Patrick's Day in honor of a scholar, a servant of God, and one whose memory survives in American minds as a gracious symbol of understanding; and

WHEREAS, It was over fifteen hundred years ago that a simple, sublime young man, with an atmosphere of Heaven about him, walked through the gently sloping hills of Ireland preaching the Word of God and the brotherhood of man; and

WHEREAS, To a pagan and warlike people he offered the nobler aspirations of charity and fraternal love, not to be fulfilled by the sword, and the histories of all peoples will not disclose another instance of as radical a change in the character of a whole nation as he wrought within his lifetime, and without the shedding of one drop of blood; and

WHEREAS, As a direct result of the labors of this young man, in a few years the renown of Irish learning and sanctity caused the outside world to refer to Ireland as the land of "saints and scholars" to which the crowned and other families of Europe and England sent their children for education; and

WHEREAS, When his footsteps were silenced forever, the young man, beloved by all today as St. Patrick, had left the Irish people a heritage of Christianity, a passionate love of liberty and freedom, and the priceless gifts of courage, generosity, and humor; and

WHEREAS, The fact that Irishmen everywhere pay homage to this symbol of Irish virtue with scenes of great rejoicing which marks his feast day every year, bears witness to the spiritual link which joins the Irish all over the world; and

WHEREAS, The Legislature of the State of California deems it fitting and proper that the Patron Saint of Ireland be so honored and revered; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That this body, along with other citizens of the State of California, pay homage to St. Patrick, Patron Saint of Ireland, great scholar and man of God; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a suitably prepared copy of this resolution to the Honorable Eamon de Valera, President of Eire; the Honorable Sean Lemass, Prime Minister of Eire; the Honorable C. V. Whelan, Consul General of Ireland in San Fran-

cisco; Mr. Malachy Ruane, President, San Francisco United Irish Societies; Mr. Timothy Barrett, State President, Ancient Order of Hibernians; Mr. Emmett J. McBride, President, Ancient Order of Hibernians, Sacramento; and the Honorable George R. Reilly, Chairman, St. Patrick's Day Parade, San Francisco.

CHAPTER 49

Senate Concurrent Resolution No. 31—Relative to leaves of absence of the Governor, Lieutenant Governor, Secretary of State, Attorney General, Controller, Treasurer, Superintendent of Public Instruction, members of the Board of Equalization and the State Personnel Board, and the Members of the Senate and Assembly.

[Filed with Secretary of State March 20, 1963.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That leaves of absence from the State for a longer period than 60 days during their terms of office are hereby granted to his Excellency Edmund G. Brown, Governor of the State of California; the Honorable Glenn M. Anderson, Lieutenant Governor of the State of California; to Frank M. Jordan, Secretary of State; to Stanley Mosk, Attorney General; to Alan Cranston, Controller; to Bert A. Betts, Treasurer; to Max Rafferty, Superintendent of Public Instruction; to George R. Reilly, John W. Lynch, Paul Leake, and Richard Nevins, members of the Board of Equalization; to Glenn R. Baker, Ford A. Chatters, Robert S. Ash, Samuel Leask, Jr., and Joseph Wyatt, Jr., members of the State Personnel Board; and to the following Members of the Senate and the Assembly:

Senators Stanley Arnold, L. M. Backstrand, John C. Begovich, Clark L. Bradley, Hugh M. Burns, Ronald G. Cameron, Carl L. Christensen, Jr., James A. Cobey, Randolph Collier, Richard J. Dolwig, Hugh P. Donnelly, Fred S. Farr, Samuel R. Geddes, Luther E. Gibson, Donald L. Grunsky, John W. Holmdahl, Robert J. Lagomarsino, J. Eugene McAteer, John F. McCarthy, George Miller, Jr., John A. Murdy, Jr., Eugene G. Nisbet, Virgil O'Sullivan, Frank S. Petersen, Stan Pittman, Aaron W. Quick, Joseph A. Rattigan, Thomas M. Rees, Edwin J. Regan, Albert S. Rodda, Jack Schrade, Harold T. Sedgwick, Alan Short, Walter W. Stiern, Vernon L. Sturgeon, William Symons, Jr., Stephen P. Teale, Howard Way, Alvin C. Weingand, Robert D. Williams; Assemblymen Don A. Allen, Sr., Alfred E. Alquist, Hale Ashcraft, Robert E. Badham, William T. Bagley, Tom Bane, E. Richard Barnes, Carlos Bee, Anthony C. Beilenson, Frank P. Belotti, Harold E. Booth, Carl A. Britschgi, Clair W. Burgener, Phillip Burton, Tom Carrell, Jack T. Casey, Charles Edward Chapel, John L. E. Collier, Gordon Cologne, Charles J. Conrad, Robert W.

Crown, Lou Cusanovich, George E. Danielson, William E. Dannemeyer, Pauline L. Davis, George Deukmejian, Clayton A. Dills, Richard J. Donovan, Mervyn M. Dymally, Edward E. Elliott, F. Douglas Ferrell, Houston I. Flournoy, John F. Foran, Myron H. Frew, Edward M. Gaffney, Charles B. Garrigus, Joe A. Gonsalves, Leroy F. Greene, Burt M. Henson, Stewart Hinckley, James L. Holmes, Harvey Johnson, Joseph M. Kennick, John T. Knox, Frank Lanterman, Paul J. Lunardi, Milton Marks, Lester A. McMillan, Charles W. Meyers, George W. Milias, James R. Mills, Robert T. Monagan, John Moreno, Don Mulford, Alan G. Pattee, Nicholas Petris, Carley V. Porter, Walter W. Powers, John P. Quimby, William B. Rumford, Leo J. Ryan, Alfred H. Song, Philip L. Soto, William F. Stanton, Robert S. Stevens, Howard J. Thelin, Vincent Thomas, Jesse M. Unruh, John G. Veneman, Victor V. Veysey, Tom Waite, Jerome R. Waldie, Charles Warren, James E. Whetmore, John C. Williamson, George A. Willson, Gordon H. Winton, Jr, Pearce Young, Edwin L. Z'berg, George N. Zenovich.

The leaves of absence granted by this resolution are also granted to the successors of any of the above-named officers during their terms of office as such successors.

CHAPTER 50

Assembly Concurrent Resolution No. 29—Relative to issuing additional sets of motor vehicle license plates and tabs to each Member of the Congress from the State of California.

[Filed with Secretary of State March 21, 1963.]

WHEREAS, One set of distinctively numbered motor vehicle license plates is presently issued by the Department of Motor Vehicles to each Member of the Congress from California; and

WHEREAS, Such distinctive license plates serve as a means of identifying these officers to the public, and are of great assistance to such representatives in the performance of their duties; and

WHEREAS, An additional set of distinctively numbered license plates and appropriate tabs should be furnished to each Member of the Congress from California who might need them to assist him in the performance of his duties; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That each Member of the Congress from California who desires an additional set of distinctively numbered license plates may submit his request therefor to the Department of Motor Vehicles; and be it further

Resolved, That the Department of Motor Vehicles is hereby requested to furnish upon request of a Member of the Con-

gress from California, an additional set of distinctively numbered license plates and appropriate tabs to each Member of the Congress from California; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Motor Vehicles.

CHAPTER 51

Senate Concurrent Resolution No. 35—Approving an amendment to the Charter of the City of Petaluma, a municipal corporation in the County of Sonoma, State of California, ratified by the qualified electors of the city at an election held therein on the 22d day of January, 1963.

[Filed with Secretary of State March 21, 1963.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of an amendment to the Charter of the City of Petaluma, a municipal corporation in the County of Sonoma, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF AMENDMENT TO CHARTER OF THE CITY OF PETALUMA, CALIFORNIA

State of California
County of Sonoma
City of Petaluma

We, the undersigned Everett A. Matzen, Mayor of the City of Petaluma, and Gladys R. Wallin, City Clerk of the City of Petaluma, do hereby certify and declare as follows:

That the City of Petaluma is a Municipal Corporation in the County of Sonoma, State of California, and is now, and at all times hereinafter referred to, was a City containing a population of more than 3,500 inhabitants and less than 50,000 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States.

That said City of Petaluma is now organized, existing and acting under a Freeholders' Charter, adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City at an election duly held for that purpose on June 10, 1947, and approved by the Legislature of the State of California by concurrent Resolution No. 64 filed with the Secretary of State on June 20, 1947.

That in pursuance of Section 8, Article XI of the Constitution of the State of California and on its own motion, the Council of the City of Petaluma, being the legislative body of said City, duly and regularly submitted to the qualified electors

of said City of Petaluma, proposal for amendment of the Charter of said City to be voted upon by said qualified electors at a special election held in said City on the 22nd day of January, 1963.

That said proposed amendment was published and advertised in the form and manner and for the length of time, and in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, in the Argus Courier, a newspaper of general circulation printed and published at and within the City of Petaluma, County of Sonoma, State of California, and the official newspaper of said City. The publication of said proposed amendment was completed November 27, 1962, a date which was not less than forty (40) days and not more than sixty (60) days from the date of the election set and called for the 22nd day of January, 1963.

That the election at which said proposed charter amendment was voted upon was, by resolution, set and called for the 22nd day of January, 1963, which date was not less than fifty-four (54) days, nor more than seventy-five (75) days after the completion of the publication of the notice of said election and which date was not less than fifty-four (54) days and not more than seventy-five (75) days after the completion of said advertising in the official newspaper as aforesaid, said advertising having been completed on the 27th day of November, 1962.

That thereafter the City Council of the City of Petaluma did, in the manner provided by law, duly and regularly canvass the returns of said election and that said Council, by resolution adopted on the 18th day of February, 1963, declared the results of said election as determined from the canvass of the returns thereof.

That at said election held on the 22nd day of January, 1963, one (1) charter amendment was submitted to the electorate of the City of Petaluma and said proposed charter amendment was ratified and adopted by a majority of said City; that said proposed charter amendment so ratified by the electors of the City of Petaluma propose to amend Section 75 of the Charter of the City of Petaluma to read as follows:

"Section 75. The Council may by ordinance provide a procedure for the granting of franchises or leases or grant franchises pursuant to the procedure provided by the State law. Franchises or leases may be granted for the use of the streets, public places or property of the City upon such terms, conditions, restrictions and limitations as may be prescribed by ordinance, but no franchise or lease shall be granted without reserving to the City adequate compensation for the privilege conferred. Franchises or leases may be granted for a period of 50 years with the option to renew for an additional 25 years. No franchises or leases shall be granted for a longer period than herein specified except that franchises or leases granted to a public utility may be granted for a longer period provided

there is reserved to the City the right to take over at any time the portion of such utility located within the City without compensation for the value of franchise or lease granted."

That we have compared the foregoing amendment with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true, correct and exact copy thereof.

That in all matters and in all things pertaining to said Charter amendment, all the provisions of Section 8 of Article XI of the Constitution of the State of California, and the laws of said State, have been fully complied with in each and every particular.

In witness whereof, we have hereunto set our hands and caused the corporate seal of said City of Petaluma to be affixed hereto this 20th day of February, 1963.

(SEAL) EVERETT A. MATZEN
Mayor, City of Petaluma

Attest: GLADYS R. WALLIN, City Clerk

WHEREAS, The proposed charter amendment as ratified as hereinabove set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendment to the Charter of the City of Petaluma, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without alteration or amendment, for and as an amendment to and as part of the Charter of the City of Petaluma.

CHAPTER 52

Senate Joint Resolution No. 4—Relative to conveyance of federal lands in Marin County to the State of California

[Filed with Secretary of State March 22, 1963.]

WHEREAS, It was with great pleasure that the people of California greeted the recent announcement that all of Angel Island in San Francisco Bay has been turned over to the State of California by the federal government for development as a state park; and

WHEREAS, The continued growth of California, and the San Francisco Bay area in particular, requires still more park and recreational developments; and

WHEREAS, There are within the areas of Fort Barry, Fort Cronkhite, and Fort Baker in Marin County thousands of acres of extremely beautiful land, including desirable beach land, which is exceptionally well suited for recreational purposes; and

WHEREAS, The federal government already has declared certain of these lands to be surplus as unnecessary for military purposes, and indicated its plans to dispose of such lands; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California wishes to express the appreciation of the people of California upon the conveyance of Angel Island to the State of California for park development, and respectfully requests that the lands in the areas of Fort Barry, Fort Cronkhite, and Fort Baker in Marin County which are unnecessary for military purposes, also be turned over to the State for state park purposes; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of the Interior, and to the Administrator of General Services.

CHAPTER 53

Assembly Joint Resolution No. 15—Relative to memorializing Congress to enact legislation authorizing flood control appropriations to the Yuba County Water Agency.

[Filed with Secretary of State March 26, 1963.]

WHEREAS, The Yuba County Water Agency was created by special act of the Legislature of the State of California, approved June 3, 1959, to develop and promote the beneficial uses and regulation of the water resources of Yuba County, including flood control; and

WHEREAS, The people of Yuba and Sutter Counties have been subjected to devastating floods; and

WHEREAS, The flood experienced during the Christmas season, 1955, was of particular severity, requiring three major evacuations from the Marysville-Yuba City area and causing loss of lives and millions of dollars of property; and

WHEREAS, The Yuba County Water Agency has completed studies and has proceeded expeditiously and at great expense to the taxpayers of Yuba County to develop the water resources of the Yuba River for the conservation of water for agriculture, domestic, and recreational uses, for the generation of power, and for flood control; and

WHEREAS, It is the policy of the Congress of the United States as manifested in many enactments adopted by the Congress over the years to allocate to flood control, on a nonreimbursable basis, such costs of construction of a project as may be found to be proper for the purposes of flood control under criteria established by the appropriate agencies of the United States; and

WHEREAS, Authorization for flood control appropriations is essential to the economic feasibility of the Yuba River development as proposed by the Yuba County Water Agency; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature memorialize the Congress of the United States to enact legislation authorizing flood control appropriations to be made to the Yuba County Water Agency under appropriate criteria established in such legislation: and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States

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CHAPTER 54

Assembly Concurrent Resolution No. 16—Relative to disposition of power from the State Water Project.

[Filed with Secretary of State March 26, 1963.]

WHEREAS, The Department of Water Resources is constructing Oroville Dam and Reservoir and related facilities, which will produce substantial amounts of hydroelectric power in the neighborhood of 685 megawatts of dependable peaking capacity with an average annual generation of 2½ billion kilowatt-hours; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Water Resources is hereby requested to investigate all possible means of disposing of the hydroelectric power to be generated by Oroville Dam and Reservoir and related facilities, including, but not limited to, possible disposal to all agencies engaged in the transmission and distribution of electric power to the end that optimum benefits may accrue from the disposal of such hydroelectric power, and to report thereon to the Legislature not later than February 15, 1964; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Director of Water Resources.

CHAPTER 55

Assembly Concurrent Resolution No. 39—Relative to Isabella Reservoir.

[Filed with Secretary of State March 26, 1963]

WHEREAS, The furnishing of outdoor recreation facilities has become one of the major problems in California, the nation's most populous State; and

WHEREAS, Lake Isabella has become a major source of recreation for the Southern California community; and

WHEREAS, The Corp of Engineers of the Department of the Army of the United States, under the direction of the United States Senate, is undertaking a resurvey of the Isabella Reservoir in an attempt to further enhance its potential as an outdoor recreation facility for California residents; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California urges the Corps of Engineers of the Department of the Army of the United States to give due consideration to the importance of increasing the size of the recreational pool at Isabella Reservoir to insure maximum use for all purposes; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the commanding officer of the Corps of Engineers of the Department of the Army of the United States.

CHAPTER 56

Senate Concurrent Resolution No. 17—Relative to the economic growth of California.

[Filed with Secretary of State March 27, 1963]

WHEREAS, California is now the most populous state in the nation and the population of California increases approximately 1,800 each day; and

WHEREAS, Edmund G. "Pat" Brown, the Governor of the State of California, has stated that we will reach our goals "only if we exploit to the fullest our economic potential" and that "In order to achieve full employment, we must accelerate our efforts to attract new industries; to maintain a secure and skillful work force; create new foreign and domestic markets for the products of our farms and factories"; and

WHEREAS, The California Legislature believes that the development of new jobs by the State's business community through capital investment and individual initiative is necessary for California to supply the employment for our ever-

growing work force and remain in its pre-eminent position in the United States of America; and

WHEREAS, A favorable environment to encourage business expansion and to attract new industry through capital investment and individual initiative is essential for the broadening of employment opportunities for all the people; and

WHEREAS, Such an environment is comprised of elements that are economic, political and social and includes attitudes of government and all other groups and individuals toward business; and

WHEREAS, The actions of the Legislature to improve the environment in which business and industry must operate to increase its competitive strength will contribute directly to the continuing prosperity of our State and to the constantly rising standard of living of all our citizens; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature, in its deliberations henceforth, shall continue to give primary consideration to, among other things, the retention and increase of job opportunities, capital investment and individual initiative in this State; and be it further

Resolved, That the Members of the Legislature hereby request the Governor and the head of each department of state government to examine their own discretionary actions and orders that relate in any way to capital investment and individual initiative in terms of the effect that such governmental actions have on job opportunities and payrolls in California commerce, industry and agriculture; and be it further

Resolved, That the Legislature reaffirms its dedication to fair and just treatment in legislation and regulation for all segments of our economy; of fair and equitable policies of taxation; of impartial treatment for labor and management in their relationships with government; and of recognition of the basic rights of all our citizens, both individual and corporate; and be it further

Resolved, That a copy of this resolution, officially authenticated, shall be forwarded to the Governor and to the head of each principal department of the state government.

CHAPTER 57

Assembly Concurrent Resolution No. 46—Relative to "American Heritage Day."

[Filed with Secretary of State March 28, 1963.]

WHEREAS, The people of the State, as well as of the nation, would do well to pause and consider the true meaning of our independence as reflected in our past history; and

WHEREAS, With this in mind, the California-Nevada-Hawaii District of Kiwanis International has initiated a campaign to

have the third day of July observed as "American Heritage Day," a day when citizens everywhere may meditate upon America's great past and rededicate themselves to the ideals of Americanism; and

WHEREAS, An observance of this type can do much to strengthen the moral and spiritual fiber of our people in these troublous times; and

WHEREAS, Governor Edmund G. Brown has called on all Californians to take time out on the third day of July to contemplate our historical heritage and the significance of our independence; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature, too, urges all Californians to pause on the third of July and contemplate the meaning that the Fourth of July—our Independence Day—has for each of us; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a suitably prepared copy of this resolution to Mr. Ralph Zellers, the 1963 Chairman of the Public and Business Affairs Committee of Kiwanis International, California-Nevada-Hawaii District.

CHAPTER 58

Assembly Joint Resolution No. 8—Relative to the Auburn Dam and Folsom South Canal.

[Filed with Secretary of State April 5, 1963]

WHEREAS, There has been submitted to the Congress of the United States legislation to authorize construction by the Secretary of Interior, as part of the Central Valley Project, of both the Auburn Dam on the American River and the Folsom South Canal; and

WHEREAS, This proposed development is known to be economically justified, and has been determined to be engineeringly feasible; and

WHEREAS, The multiple-purpose project of the Auburn Dam will furnish additional water which can be used in the American River watershed, the Sacramento-San Joaquin Delta region, the San Joaquin Valley, and areas to the south, and will produce additional electric power which would be available for pumping water to areas of deficiency in California's statewide water program; and

WHEREAS, The Folsom South Canal will serve to bring urgently needed supplemental water supplies to areas in the Sacramento-San Joaquin Delta region and the northern San Joaquin Valley area, which supplies would be made available from storage of water in Folsom Reservoir, as supplemented by the proposed Auburn Dam and Reservoir; and

WHEREAS, Both the proposed Auburn Dam and the Folsom South Canal are part of the California Water Plan and would complement the State's efforts to meet the water requirements of California's rapidly expanding population; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact into law, at the earliest possible time, the necessary legislation to authorize the construction of the Auburn Dam and the Folsom South Canal, including authorization to include in such canal and related operating structures such additional works or capacity as the Secretary of Interior deems necessary and economically justified to provide for the future construction of the east side division of the Central Valley Project, provided that the incremental cost of providing additional works or capacity in the Folsom South Canal to serve the east side division of the Central Valley Project shall be assigned to deferred use for repayment from Central Valley Project revenues; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States

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CHAPTER 59

Senate Joint Resolution No. 8—Relative to the economic development of California tide and submerged lands.

[Filed with Secretary of State April 5, 1963.]

WHEREAS, There is a controversy between the United States of America and the State of California as to the title to, the ownership of, and the right and power to manage, administer, lease, develop and use large and important areas lying off the California shore; and

WHEREAS, Significant portions of these areas are believed to contain commercially valuable deposits of oil, gas, and other hydrocarbon substances and other minerals; and

WHEREAS, The exploration and economic development of these areas is in the best interests of both the United States and the State of California; and

WHEREAS, The existence of said controversy tends to impede or delay such exploration and development; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California strongly urges the responsible officials of both the United States of America and the State of California, as a joint venture, to

take all measures necessary or expedient to promote the early and efficient exploration and economic development of these offshore areas regardless of the pendency of this controversy; and be it further

Resolved, That the said officials are hereby strongly urged to agree on leasing methods permitting such exploration and economic development and providing for a royalty or rental which is a fair return to the State and adequate safeguards for the protection of marine life, the coastline, and aesthetics and for the protection of existing activities of this sort along the coast; and be it further

Resolved, That said officials are hereby strongly urged to seek and explore methods of resolving said controversy, if possible by means of negotiation, agreement, or federal and state legislation; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Attorney General of the United States, to the Secretary of the Interior of the United States, to the Solicitor General of the United States, to the Attorney General of the State of California, and to the California State Lands Commission.

CHAPTER 60

Assembly Concurrent Resolution No. 42—Relative to the career of U.S. Senator James A. McDougall.

[Filed with Secretary of State April 8, 1963.]

WHEREAS, The Civil War Centennial has focused attention on a Californian who played a significant role in that struggle—James A. McDougall, United States Senator from this State from 1861 to 1867; and

WHEREAS, The reported record of proceedings of the United States Senate preserved in the "Congressional Globe" of the years 1861-1867 reveals that Senator McDougall spoke eloquently and convincingly on several of the most critical issues of that period, including, among others, Reconstruction, the Enrollment (Conscription) Act of 1863, Emancipation, the Pacific Railroad and Telegraph Line, Slavery in the District of Columbia, Restoration of the Southern States, the Arrest of General Charles P. Stone, Expulsion of Senator Bright of Indiana and of Senator Johnson of Missouri, Confiscation of Confederate Property, and against the Napoleon III-Maximilian Invasion of the Republic of Mexico; and

WHEREAS, Senator McDougall, a member of the Senate Pacific Railway Committee, led the successful contest which secured the passage in the Senate of a measure for the completion of a transcontinental railroad linking the eastern and the western areas of this great nation; and

WHEREAS, Despite his statesmanlike record of accomplishments in behalf of the State of California, comparatively little is known of the early life of James A. McDougall prior to his arrival in California in 1850 from Illinois in which state he was elected for two terms as attorney general; and

WHEREAS, In addition to serving in the United States Senate, James A. McDougall was elected Attorney General of California for one term, and was elected to the United States House of Representatives for at least one term, and was a distinguished member of the bar of this State; and

WHEREAS, A directed research into the early life and accomplishments of James A. McDougall in eastern United States and the further development of the otherwise obscure facts of his life and public career in California would aid greatly to preserve for posterity an accurate knowledge of this outstanding statesman and officeholder; and

WHEREAS, The Civil War Centennial Commission of California is currently engaged in the commemoration in California of the great American Civil War 1861-1865 which as an epochal event in history is associated in part with a broad phase of the life and achievements of Senator James A. McDougall; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Civil War Centennial Commission of California is directed and authorized to undertake research and study concerning the life and the record of achievements of James A. McDougall; and to this end the said commission may in its discretion utilize upon a donation basis the facilities of agencies of the State of California, including, but not limited to the University of California in any branch and the California State Library; and the said commission may work in co-operation with any United States agencies and may utilize the facilities of any otherwise private universities, institutions, individuals and/or historical societies existing within or without the State of California; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to the Honorable Edmund G. Brown, Governor of the State of California, and to the Executive Secretary of the Civil War Centennial Commission of California, and to the Executive Director of the United States Civil War Centennial Commission.

CHAPTER 61

Assembly Concurrent Resolution No. 44—Relative to the Civil War Centennial Commission.

[Filed with Secretary of State April 8, 1963.]

WHEREAS, The years 1861-1867 were fraught with the greatest significance to the United States of America and to the State of California in connection with momentous events including the great American Civil War which raged from 1861 into 1865; and

WHEREAS, During these critical years 1861-1867, the neighboring Republic of Mexico was invaded by European powers and a devastating civil war prevailed in that nation; and

WHEREAS, The United States Navy was faced from 1861-1867 with the formidable task of protecting national interests linked to the Pacific Coast, the Gulf of Mexico and the Atlantic Coast adjoining United States territory; and

WHEREAS, The United States Naval Squadron of the Pacific in 1861 is reported to have comprised six small vessels or sloops mounting 100 guns total and manned by less than 1,000 officers and men, and yet the Pacific Squadron undertook to patrol a vast area extending from Alaskan waters southward to Chile and thence westward to the Kingdom of Hawaii and beyond to the lands of Asia and to the South Seas; and

WHEREAS, Despite a scarcity of ships and men, under the superior leadership of Admiral John B. Montgomery and later Admiral Charles H. Bell the Pacific Squadron personnel achieved an outstanding record of accomplishment in protecting American interests in the face of great danger and distress, and, as expressed in the language of a contemporary writer:

> "The Squadron of the Pacific contributed much to the safety of the long Pacific coast line and by a close cooperation with the Army of the Pacific maintained peace on the western shore";

and

WHEREAS, The Civil War Centennial Commission of California is currently engaged in the commemoration in California of the great American War between the States 1861-1865 which as an epochal event in history is associated in part with the praiseworthy record of the Squadron of the Pacific; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Civil War Centennial Commission is urged to observe and commemorate by all proper means the pre-eminent role performed by the United States Naval Squadron of the Pacific during the years 1861-1867, and to this end the agencies of the State are urged to permit the use of their facilities by the commission; and the

commission is requested to work in co-operation with any United States agencies and with the United States armed forces and any branch and reserve component thereof, and to co-operate with the Civil War Centennial Commissions in other states and the District of Columbia and with the United States Civil War Centennial Commission; and be it further

Resolved, That private universities, institutions, individuals and historical and veterans societies within or without the State of California are urged to permit the use of their facilities by the California Commission; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to the Honorable Edmund G. Brown, Governor of the State of California, and to the Executive Secretary of the Civil War Centennial Commission of California, and to the Executive Director of the United States Civil War Centennial Commission, and to the Secretary of Defense

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CHAPTER 62

Assembly Joint Resolution No. 13—Relative to pensions for veterans of World War I.

[Filed with Secretary of State April 8, 1963]

WHEREAS, Congressman Denton has introduced H.R. 2332 which would provide a pension for World War I veterans whose income is under $2,400 annually, if they are single, and $3,600 annually, if they have dependents; and

WHEREAS, One of the principal domestic problems in all areas of the nation is the care of the aged, the importance of which is emphasized by the fact that there are now approximately 16,000,000 men and women over the age of 65 years; and

WHEREAS, Of this number, about 2,000,000 are those who served in the armed forces of the United States during the first World War, and whose present circumstances are below the average for the nation, which fact may be traced in part to the service rendered their country during that war; and

WHEREAS, These veterans have not enjoyed the extensive benefits accorded their younger brethren who served during World War II and who were given the opportunity for training at government expense and assistance in securing home and business loans; and

WHEREAS, The government of the United States has not given any general pension to the veterans of World War I; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States is urged to enact H.R. 2332 to alleviate the dire conditions in which

those who made the sacrifices for this country, in their youth, now find themselves; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to send copies of this resolution to the President of the United States, the President pro Tempore of the Senate, the Speaker of the House of Representatives and each member of the California delegation in the Congress of the United States.

CHAPTER 63

Assembly Joint Resolution No 14—Relating to Red Bluff Diversion Dam boat bypass.

[Filed with Secretary of State April 8, 1963]

WHEREAS, The United States Department of the Army permit to the Bureau of Reclamation authorizing the construction of the Red Bluff Diversion Dam contains a proviso that "If at any time in the future the interests of navigation shall require it, such alteration in the structure, or construction of lockage facilities, as may be required by the Secretary of the Army in the interest of navigation, shall be promptly executed by the permittee at its expense, so as to render means for navigation to pass the damsite"; and

WHEREAS, The recent report of the Bureau of Reclamation entitled "Passage of Small Boats, Red Bluff Diversion Dam, Sacramento Canals Unit, Central Valley Project," contains a study of three alternative plans, two incorporating methods to lift or carry boats over or around the dam at the damsite, and Plan C including a four-mile channel through Paynes Creek Slough to transfer the boats from below the dam to the river above the dam; and

WHEREAS, Plan C would give boaters on the river much better utilization of the river and avoid the hindrance and delay caused by a lift or ramp which would be manually operated; and

WHEREAS, Plan C would provide an excellent means of preserving the existing salmon and steelhead fishery which otherwise would be endangered by the dam even with a fish ladder, since many of such fish will not use a fish ladder, but under Plan C, since the fish could use a natural waterway, these fish would be allowed free migration; and

WHEREAS, The initial cost of Plan C would be higher than the cost of Plans A or B; but in the long run Plan C, which does not require daily maintenance or supervision as do Plans A or B, would cost no more, and in fact may even be less expensive than the other plans; and

WHEREAS, The local interests are heartily in support of Plan C for this project; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Bureau of Reclamation, the Secretary of the Army and all other persons or agencies involved are respectfully requested to approve Plan C for the passage of small boats at the Red Bluff Diversion Dam; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the Bureau of Reclamation, the Secretary of the Army, the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 64

Senate Concurrent Resolution No. 40—Approving a certain amendment to the Charter of the City of Bakersfield, County of Kern, State of California, voted for and ratified by the electors of said City of Bakersfield at an election held therein on the sixth day of November, 1962.

[Filed with Secretary of State April 9, 1963.]

WHEREAS, The City of Bakersfield, in the County of Kern, State of California, has at all times mentioned herein been and now is a municipal corporation of the State of California, containing a population of 57,382 inhabitants as ascertained by the last preceding census taken under the authority of Congress of the United States, and is now and has been ever since the 23d day of January, 1915, organized and existing under a freeholders' charter adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the seventh day of November, 1914, and approved by the Legislature of the State of California in January, 1915; and filed with the Secretary of State on January 23, 1915; and

WHEREAS, On the 31st day of August, 1962, the legislative body of the City of Bakersfield, to wit: the city council, on its own motion passed a resolution to submit to the electors of said city, at a special election to be held November 6, 1962, certain proposed amendments to the City Charter of the City of Bakersfield, on said date, the City Council of the City of Bakersfield duly and regularly called a special election for the purpose of voting on said proposed amendments, to be held on the sixth day of November, 1962, which said date was fixed by the said City Council of the City of Bakersfield as the time for voting on said amendments as proposed, and which said election was consolidated with the state general election held within said city on said date, and

WHEREAS, On the 10th day of September, 1962, the said city council passed Resolution No. 60-62 requesting the Board of

Supervisors of the County of Kern to order that Proposition No. 2, one of the proposed amendments, be withdrawn from the special municipal election and that said Proposition No. 2 be removed from the ballot; and

WHEREAS, Said remaining proposed amendment was published on the 18th day of September, 1962, in each edition of The Bakersfield Californian, a newspaper of general circulation printed and published in the City of Bakersfield, and having a general circulation therein, the said paper being the official newspaper of the City of Bakersfield, and said publication was made at the time and in the manner prescribed in Section 8 of Article XI of the Constitution of the State of California; and

WHEREAS, On the 21st day of September, 1962, the City Clerk of the City of Bakersfield caused to have copies of said proposed charter amendment printed in a one-sheet pamphlet form; subsequently from October 10, 1962 through October 15, 1962 the County Clerk of the County of Kern had a copy of the one-sheet pamphlet setting forth said proposed charter amendment, mailed to all the qualified electors of the City of Bakersfield; and

WHEREAS, Said special election was duly and regularly held on the sixth day of November, 1962, which said date of the election was not less than 40 nor more than 60 days after the completion of the advertising in said official newspaper of said proposed amendment, and at said special election the said proposed amendment to said charter was voted upon by the qualified electors of the City of Bakersfield, and at said special election a majority of the qualified electors voting thereon voted in favor of ratifying and did ratify said proposed amendment to said charter, and that said proposed amendment which was ratified is set out herein.

That the Charter of the City of Bakersfield be amended as follows:

That Section 12 of the Charter of the City of Bakersfield be amended to read as follows:

RIGHTS AND LIABILITIES

Section 12. The City may use a corporate seal; may sue and be sued; may acquire property in fee simple or lessor interest, by estate, purchase, gift, appropriation, devise, lease, lease with privilege to purchase, for any municipal purpose; may sell, lease, hold, manage and control such property; may make any and all rules and regulations, to carry out all covenants or conditions of any conveyance, deed, gift, bequest or lease; may acquire, construct, own, lease, operate and regulate public utilities, may engage in the manufacture, sale or distribution of any commodity generally used by the inhabitants of the City of Bakersfield; may assess, levy and collect taxes and provide penalties for non-payment thereof, for general and special purposes, on all subjects or objects which the City may

lawfully tax; may enforce the lien of taxes and penalties against property, for taxes assessed and levied thereon, by sale thereof; may borrow money on the faith and credit of the City, by sale of bonds or notes of the city; may appropriate the money of the City for all lawful purposes; may create, provide for, construct, regulate, and maintain all things of the nature of public works and improvements, hospitals, parks, playgrounds or other places of amusement or entertainment, may for purposes of regulation and revenue, license all persons, corporations and associations engaged in any business, occupations and associations engaged in any business, occupation, profession or trade; may establish and maintain a free municipal employment office; may define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the City, and may abate all nuisances and causes thereof; may regulate the construction, height and material used in all buildings, and the maintenance and occupancy thereof; may regulate and control the use of the streets and other public places; may create, establish, abolish and organize offices other than those herein provided, and except as herein provided, fix the salaries and compensations and hours of labor of all officers and employees, may make and enforce local police, sanitary and other regulations; and may pass such ordinances as may be expedient for maintaining and promoting the peace, good government and welfare of the city; the city shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this charter; provided, however, that nothing herein shall be construed to prevent or restrict the city from exercising or consenting to, and the city is hereby authorized to exercise, any and all rights, powers and privileges heretofore or hereafter granted or prescribed by general laws of the state, and the city shall have all powers that now are, or hereafter may be granted to municipalities by the constitution or laws of the State of California; and all such powers, whether expressed or implied, shall be exercised and enforced in the manner prescribed by this charter, or when not prescribed herein, in such manner as shall be provided by ordinance or resolution of the Council. The enumeration of particular powers by this charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated herein, the city shall have, and may exercise all other powers, which, under the constitution and laws of California, it would be competent for this charter specifically to enumerate. and

WHEREAS, The Council of the City of Bakersfield, County of Kern, State of California, in acordance with the law in such cases made and provided, did meet at its usual place of meeting, at the time and in the manner provided by law, and duly canvassed the returns of said election as certified by the election boards, and duly found, determined and declared that the ma-

jority of the qualified electors of said city voting thereon had voted in favor of, and ratified said amendment to the Charter of the City of Bakersfield as hereinabove last set forth, and alleged to have been so ratified; and

WHEREAS, That the foregoing is true is shown by the certificate of Gene Winer, Mayor of the City of Bakersfield, and Marian S. Irvin, Clerk of said city, whose certificate is in words and figures as follows, to wit:

State of California }
County of Kern } ss.
City of Bakersfield }

This is to certify that we, Gene Winer, Mayor of the City of Bakersfield, and Marian S. Irvin, Clerk of the City of Bakersfield, have compared the foregoing proposed and ratified amendment to the Charter of the City of Bakersfield with the original proposed amendment submitted to the qualified electors of the said City of Bakersfield at an election held within the City of Bakersfield on November 6, 1962, and find that the foregoing is a full, true, correct and exact copy of said amendment.

We further certify that the facts set forth in the preamble preceding said amendment to said Charter, and the matters set forth therein are and each of them is true.

In witness whereof, we have hereunto set our hands and caused the corporate seal of the City of Bakersfield to be attached this 15th day of March, 1963.

GENE WINER
(SEAL) Mayor of the City of Bakersfield.
MARIAN S. IRVIN
Clerk of the City of Bakersfield.

and

WHEREAS, The said amendment to the Charter of the City of Bakersfield so ratified as hereinbefore set forth has been duly presented and submitted to the Legislature of the State of California, for approval or rejection, without power of alteration or amendment, all in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate, the Assembly concurring, a majority of all members elected to each house voting for the adoption of this resolution and concurring therein, That the said amendment to the Charter of the City of Bakersfield herein set forth as presented and submitted to and ratified and adopted by the qualified electors of the City of Bakersfield, be and the same is hereby adopted as a whole for and as an amendment to the said Charter of the City of Bakersfield.

CHAPTER 65

Senate Joint Resolution No. 9—Relative to memorializing Congress to aid the San Francisco Bay Area Rapid Transit District.

[Filed with Secretary of State April 9, 1963.]

WHEREAS, The people in the Counties of Alameda, Contra Costa and San Francisco in November, 1962, approved construction of a three-county rapid transit system and authorized general obligation bonds to cover the cost of such project in the amount of $792,000,000; and

WHEREAS, These bonds and bond service will be supported in part out of a uniform property tax levied throughout the three counties comprising the San Francisco Bay Area Rapid Transit District; and

WHEREAS, Certain financial provisions will make it necessary to extend the construction period over an 8½-year period; and

WHEREAS, The Board of Supervisors of Alameda County and other public agencies have indicated their desire to supplement the property tax base as a means of financing construction of the rapid transit system; and

WHEREAS, The Congress of the United States has recognized the importance of federal participation in the financing of transportation systems in order to provide better balance and has provided certain funds and federal aid for urban mass transportation; and

WHEREAS, Federal financial aid for the Bay area rapid transit system would have the dual beneficial effect of reducing the property tax rate which Bay area property owners would otherwise be required to pay, and would make it possible to reduce the construction period by at least three years, thus bringing the benefit of rapid transit to the Bay area populace many years earlier than otherwise would be possible; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully urges Congress to enact federal legislation to provide federal grants and low-interest loans in sufficient amounts to substantially help construct and develop new transit facilities and to expand existing systems in the national metropolitan areas, and in the San Francisco Bay area in particular; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 66

Assembly Concurrent Resolution No. 38—Relative to a study relating to glass breakage in vehicle accidents.

[Filed with Secretary of State April 11, 1963.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of the California Highway Patrol is hereby requested to conduct a study, in co-operation with Cornell University, of side window glass breakage in vehicle accidents, compiling statistics as to the damage to persons and property from such glass breakage and comparing the safety of laminated glass and tempered glass used in vehicles, and to submit a report thereon to the Legislature by not later than the fifth calendar day of the 1965 Regular Session; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the Commissioner of the California Highway Patrol.

CHAPTER 67

Assembly Concurrent Resolution No. 52—Commending Y. Frank Freeman.

[Filed with Secretary of State April 11, 1963.]

WHEREAS, Y. Frank Freeman, board chairman of the Association of Motion Picture Producers and vice president of Paramount Pictures, is being honored on April 28 for his long and distinguished service to the Hollywood motion picture industry; and

WHEREAS, For nearly 25 years Mr. Freeman as a respected and beloved leader of the Hollywood community has been one of the State's leading citizens; and

WHEREAS, For all of this time he has devoted himself to innumerable civic, charitable and worthwhile endeavors for the betterment of his industry, community, State and country; and

WHEREAS, For 16 years as chairman of the Association of Motion Picture Producers, he has helped make Hollywood, California, synonymous with the best in entertainment for millions of people throughout the world; and

WHEREAS, His devotion to the highest principles of Americanism have been an example and inspiration to his fellow men; and

WHEREAS, His industry and his community have chosen to honor him for all of these and many more of his magnificent contributions during the past quarter century; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature join with his thousands of friends throughout the State and nation in paying tribute to Y. Frank Freeman as one of Hollywood's foremost citizens and statesmen; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to Y. Frank Freeman.

CHAPTER 68

Assembly Concurrent Resolution No. 35—Relative to merit awards to state employees.

[Filed with Secretary of State April 16, 1963]

WHEREAS, Section 13926 of the Government Code provides awards may be made to state employees in excess of one hundred fifty dollars ($150) when such awards are approved by concurrent resolution of the Legislature; and

WHEREAS, An award of one hundred fifty dollars ($150) divided equally has already been made to Helen K. Adley and Ronald E. Throp, Department of Public Works and Reclamation Board, respectively, for a suggestion that results in annual savings of four thousand seven hundred forty-four dollars ($4,744) by recommending that real estate descriptions be typed on multilith masters to permit the reproduction of as many copies as are desired without the need of retyping and reproofing each time additional copies are required; and

WHEREAS, An award of one hundred fifty dollars ($150) divided equally has already been made to Dewey C. Alderson and George A. Ornay, Division of Highways, for a suggestion that resulted in a one-time saving of seventeen thousand eight hundred sixty dollars ($17,860) and continuing annual savings of three thousand dollars ($3,000) by recommending that small reflectorized construction signs be fabricated from plywood or plyglass instead of aluminum; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Elliott G. Allen, Department of Insurance, for a suggestion that results in annual savings at three (3) state hospitals of one thousand eight hundred ninety-four dollars ($1,894) by recommending that the typing of each patient's name on the monthly billing to the counties for the care of mentally retarded patients be discontinued and show only each month's admissions by name and deducting those discharged, deaths, or transfers. This resulted in the elimination of typing eleven thousand one hundred thirty-six (11,136) names each month on monthly statements; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Frank M. Allen, Department of Finance, for a suggestion that results in annual savings of three thousand

two hundred one dollars and thirty-seven cents ($3,201.37) by recommending that watermeters be installed on all state buildings that are served by the City of Sacramento. Previously the charges were on a flat rate based upon each one thousand (1,000) square feet of floor space, and this results in the payment of lower water charges and affords the same rates to state buildings as to commercial buildings. Four (4) buildings have had the meters installed and the process is still continuing; and

WHEREAS, An award of one hundred fifty dollars ($150) divided equally has already been made to Roy E. Atwood, Wilbur H. Cox, Walter E. Gramith, Joseph S. Hare, George P. Smith and Melvin Woldstad, Department of Corrections, for a suggestion that results in annual savings of three thousand eight hundred fifty-two dollars ($3,852) by proposing that particle board cores, faced with veneer, be used in place of plywood in the shelves, bottoms and end panel components utilized in bookcases, miscellaneous modular units, and credenzas when a superior panel is desired. The use of the particle board with veneer overlay and hardwood bands eliminates the three-quarter-inch (¾") exterior plywood panels and provides greater construction strength and rigidity; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Dorothy A. Boisa, Department of Motor Vehicles, for a suggestion that results in annual savings of three thousand one hundred thirty dollars ($3,130) by recommending a revision in the procedure that eliminated one complete step in the processing of "holds" on drivers' licenses requiring further information before issuance or suspension; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to John C. Brown, Division of Highways, for a work improvement proposal that resulted in annual savings of two thousand seven hundred dollars ($2,700) by recommending the use of a Remington Rand sorting machine in lieu of an IBM machine for sorting transaction cards on the toll collectors daily reports at the San Francisco-Oakland Bay Bridge Toll Plaza; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Kenneth H. Cash, Department of Social Welfare, for a suggestion that results in additional net interest earnings of ninety-two thousand three hundred eighty-two dollars ($92,382) annually, by suggesting a revision in the method of advancing extended payments for aid to public welfare recipients by the State to the various counties. The amount of savings excludes the interest earnings of those counties which invest welfare funds on a short-term basis or commingle such funds with regular funds, thus making equivalent amounts available for inclusion in their county investment programs; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to H. Ross Clinton, Division of High-

ways, for a suggestion which results in annual savings of twenty-five thousand dollars ($25,000) by proposing that full circle corrugated metal culvert pipe be spot welded instead of riveted. This has resulted in a savings of twenty percent (20%). The Division of Highways states that a study of the proposal indicated the welded pipe to be comparable to or better than riveted pipe in strength and possible corrosion resistance; and

WHEREAS, An award of one hundred fifty dollars ($150) divided equally has already been made to Clare W. Copleman and Paul Howlett, Department of Conservation, for a suggestion that results in annual savings of two thousand seven hundred dollars ($2,700) by recommending that precut redwood box culverts be used on park and fire roads instead of the reinforced concrete culverts or corrugated metal pipe. The department states the material used would come from salvage or "down" timber, and the use of such material would not conflict with private industry or be contrary to the general policy of forest operations in the state forests; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Kenneth G. Corbin, Division of Highways, for a suggestion resulting in annual savings of two thousand four hundred dollars ($2,400) by recommending the development of a basic set of strip maps on a common scale for all state highways. These strip maps are used for project report strip maps, for plotting requests for aerial surveys and index maps, for plotting material sites, for preliminary study maps, and for other purposes; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Lester G. Crouse, Department of Finance, for a suggestion that resulted in annual savings of thirteen thousand six hundred seven dollars ($13,607) by recommending the elimination of the adjustment and changing of automatic transmission fluid on Ford and Studebaker cars equipped with automatic transmissions. Previously these transmission band adjustments and transmission fluid changes were made every twenty thousand (20,000) miles. During the first year the idea was in effect, they made such adjustments and changes every forty thousand (40,000) miles instead of eliminating the adjustment entirely. It is this saving upon which this award recommendation is based. However, effective January 2, 1963, because this first year's experience indicates that it will be possible to eliminate the second forty thousand (40,000) mile adjustment and change and not make any brake band adjustment or oil changes during the entire one hundred thousand (100,000) mile life expectancy in state service, an additional comparable saving is indicated and both the Board of Control and the State Merit Award Board have authorized review at the end of this calendar year to determine if further savings are realized; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to A. Nelson Culver, Department of

Fish and Game, for a suggestion that results in annual savings of five thousand five hundred ninety dollars ($5,590) by designing and having built to his specifications a cylinder-type mechanical dry fish feed dispenser. The savings result through elimination of nine (9) man-months of seasonal aid time and a decrease of two thousand six hundred twenty-nine dollars ($2,629) in fish food costs; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Evelyn J. DeVerter, Board of Equalization, for a suggestion that results in annual savings of four thousand nine hundred ninety-six dollars ($4,996) by recommending the elimination of Form S-52, twelve thousand (12,000) of which were prepared each year in the Delinquency Control Section, and to revise Form S-523 to include those data that were not previously incorporated on the form; also to prepare the new Form S-523 in sufficient copies so that one copy could be sent to the Ledger Unit and then to the Delinquency Control Section. This change eliminated two (2) clerical positions, one of which was absorbed in the Ledger Unit, as well as savings in the Central Files, Electronic Data Processing Section, and the district offices; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to David L. Dewey, Division of Highways, for a suggestion that results in annual savings of one thousand nine hundred dollars ($1,900) by proposing the adoption of a table, compiled by the suggester, for predetermining letter width and spacing for computing sign lengths on highway signs; and

WHEREAS, An award of one hundred fifty dollars ($150) divided equally has already been made to Murray Dosch and Aaron D. Stockton, Department of Conservation, for a suggestion resulting in annual savings of four thousand two hundred thirty-six dollars ($4,236) by designing and building on their own time an optical enlarger-reducer machine utilized daily by the Division of Oil and Gas for rapid and accurate reproduction of graphical material necessary in the preparation of engineering-geologic projects and reports; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Jack DuBois, Department of Corrections, for a suggestion resulting in annual savings of four thousand ninety-five dollars ($4,095) by recommending a change in the feeding procedure for inmates employed at the cannery at Folsom Correctional Industries. Previously they shut down the cannery at approximately four-thirty p.m. (4.30 p m.) for about one and one-half hours so that the "main line" inmates could eat. Now a smaller crew are eating first with the production line still operating, and then, when they have finished their meal they relieve the "main line" so there is no interruption in production. This change enabled the cannery production line to gain one hour's production and resulted in the saving of two (2) man-hours of tower time (two (2)

towers with one (1) man each) plus two (2) hours of supervisory time, for a total of six (6) man-hours per day; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Laura M. Gipson, Department of Motor Vehicles, for a suggestion resulting in annual savings of four thousand sixty-four dollars ($4,064) by recommending that a special form be attached to the driver record with sufficient information noted to enable a person reviewing the application at some future date to determine, without further checking, just what action has been taken; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Martha Grivas, State Compensation Insurance Fund, for a suggestion that results in annual savings of eight thousand nine hundred forty-six dollars ($8,946) by proposing that all medical bills for compensation insurance cases be paid on a weekly basis rather than daily. This reduced the number of medical checks written by twenty-eight percent (28%), or a reduction in typed checks of seventy thousand (70,000), and, as more than one check can be mailed per envelope when necessary, eliminates the use of eighty thousand (80,000) envelopes annually; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Pauline E. Kelley, Department of Alcoholic Beverage Control, for a suggestion that results in annual savings of six thousand nine hundred three dollars ($6,903) by recommending a revision in the procedure in submitting remittances by district offices of the Alcoholic Beverage Control to the headquarters' cashier for deposit. The savings are the result of the elimination of deposit charges, cost of forms, clerical time and, in addition, time required to drive a cashier or clerk to make a bank deposit; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made for a suggestion that resulted in annual savings of one thousand nine hundred dollars ($1,900), Mr. Joseph B. LaClair, Department of Agriculture, participated in developing the procedure that permitted the use of blanket purchase orders for yearly requirements of high use chemicals and reagents. The adoption of this suggestion involved reference to and compliance with the State Industrial Accident Commission, National Board of Fire Underwriters, and State Fire Marshal, and provisions for the storage of flammable solvents The award is to be paid to the estate of the suggester; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to George W. Lunsford, Department of Finance, for a suggestion that results in annual savings of eight thousand eight hundred dollars ($8,800) by proposing that the contracts for the purchase and installation of automobile glass be separated from the regular statewide glass contract used for the purchase of all other types of glass. This resulted in stabilizing the labor costs for the installation

of automobile glass and a new service agreement wherein the State is given a discount of fifty percent (50%) of the retail price instead of the varying discounts previously offered.

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Raymond M. Miller, Department of Fish and Game, for a suggestion resulting in annual savings of one thousand eight hundred eighty-three dollars ($1,883) by recommending the purchase and installation of a folding machine for folding approximately six (6) sheets of 20-pound substance paper of weekly press releases and other material when small enough for self-mailer and the automatic collating of such material instead of performing the whole operation by hand; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Lester M. Minetti and Frank J. Plesko, Division of Highways, for a suggestion which results in annual savings of three thousand dollars ($3,000) by recommending the elimination of hand coloring on exhibit maps and that opaquing be used instead, which will give an accurate and clear symbol of the freeway lanes and the portions of interchange ramps over which it is desirable that the department retain control; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Betty L. Penrose, Department of Motor Vehicles, for a suggestion resulting in net annual savings of three thousand six hundred fifty-two dollars ($3,652) by revising three (3) motor vehicles forms to include an address box and instructions for filing with the department. This eliminates the department having to type this information on the forms and also eliminates typing the cover sheet and does not require hand feeding in the folding and inserting machine used in the mailroom; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Sam J. Rosenfield, Military Department, for a suggestion which results in annual savings of four thousand five hundred eighty dollars and three cents ($4,580.03) for suggesting that the State discontinue the payment of public liability premium on approximately four thousand five hundred thirty (4,530) federal vehicles issued to the California National Guard. This was made possible because the federal government is now responsible for all claims for damage done by federal vehicles in the National Guard service while being operated by National Guard personnel on active duty. Approximately one hundred ninety-eight (198) vehicles in this category being operated by civilian employees still require this liability insurance; and

WHEREAS, An award of one hundred fifty dollars ($150) divided equally has already been made to Dana Seale and Violet Smithson, Franchise Tax Board, for a suggestion resulting in annual savings of two thousand three dollars ($2,003) by recommending that blocks of corporation plates be assessed

without first being identified and processed by alpha file clerks. Inasmuch as these plate blocks bear the taxpayer's correct name, corporate number, address, and accounting period shown by their records (except for recent changes including those shown on returns being processed) the identification of these items is unnecessary; and

WHEREAS, An award of one hundred fifty dollars ($150) divided equally has already been made to Paul Thorgrimson and Francis Watson, Department of Motor Vehicles, for a suggestion resulting in annual savings of eighty thousand eight hundred seventy-eight dollars ($80,878) by recommending a change in the procedures for handling dishonored checks received by the Department of Motor Vehicles. All checks received in the local offices are now being endorsed with the headquarters bank stamp endorsement (bearing the bank number) so that the handling and processing of dishonored checks is concentrated in one spot instead of being handled personally by each local office manager where the checks are first accepted. Previously, when a dishonored check was received in the local office, the manager would teletype the central office for a revolving fund check and he would then have to personally go to the bank, hand in the state check, secure the dishonored checks, and then forward them with the entire files to the headquarters office, which then attempted to collect the amounts due. Now the checks are immediately redeposited by the headquarters office and, if cleared upon redeposit, no further action is necessary. However, those failing to clear the second time are immediately handled by Headquarters Unit 17 and prompt collection enforced. In addition to savings in the headquarters and district offices, this idea has also resulted in an increase in the collection of penalties, as all delinquent renewals are now being penalized for the first time. Although the departmental savings equal the amount of eighty thousand eight hundred seventy-eight dollars ($80,878), fifty-nine thousand one hundred seventy-three dollars ($59,173) accrued to the Division of Registration where these employees work and the savings accruing in their own division have been omitted as a basis for award determination. The award is computed on twenty-one thousand seven hundred five dollars ($21,705) savings that accrued to the Divisions of Field Operations and Administration; and

WHEREAS, The suggestions of these employees have resulted in one-time and recurring savings amounting to three hundred twenty-three thousand eight hundred ninety-six dollars forty cents ($323,896.40) annually; and

WHEREAS, As a result of these savings it is unnecessary to appropriate additional funds for the payment of these awards; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the following additional awards,

which have been approved by the State Board of Control, are hereby authorized to the employees named:

Helen K. Adley, one hundred three dollars ($103);
Dewey C. Alderson, four hundred seventy-six dollars ($476);
Elliott G. Allen, thirty-nine dollars ($39);
Frank M. Allen, one hundred seventy-five dollars ($175);
Roy E. Atwood, thirty-nine dollars ($39);
Dorothy A. Boisa, one hundred sixty-three dollars ($163);
John C. Brown, one hundred twenty dollars ($120);
Kenneth H. Cash, six thousand nine hundred twenty-eight dollars ($6,928);
H. Ross Clinton, two thousand three hundred fifty dollars ($2,350);
Clare W. Copleman, sixty dollars ($60);
Kenneth G. Corbin, ninety dollars ($90);
Wilbur H. Cox, thirty-nine dollars ($39);
Lester G. Crouse, five hundred thirty dollars ($530);
A. Nelson Culver, four hundred nine dollars ($409);
Evelyn J. DeVerter, three hundred fifty dollars ($350);
David L. Dewey, forty dollars ($40);
Murray Dosch, two hundred forty-two dollars ($242);
Jack DuBois, two hundred fifty-nine dollars ($259);
Laura M. Gipson, two hundred fifty-six dollars ($256);
Walter E. Gramith, thirty-nine dollars ($39);
Martha Grivas, seven hundred forty-five dollars ($745);
Joseph S. Hare, thirty-nine dollars ($39);
Paul Howlett, sixty dollars ($60);
Pauline E. Kelley, five hundred forty dollars ($540);
To the estate of Joseph B. LaClair, fifty-seven dollars ($57);
George W. Lunsford, six hundred thirty dollars ($630);
Raymond M. Miller, forty-nine dollars ($49);
Lester M. Minetti, seventy-five dollars ($75);
George A. Ornay, four hundred seventy-six dollars ($476);
Betty L. Penrose, two hundred dollars ($200);
Frank J. Plesko, seventy-five dollars ($75);
Sam J. Rosenfield, three hundred eight dollars ($308);
Dana Seale, twenty-six dollars ($26);
George P. Smith, thirty-nine dollars ($39);
Violet Smithson, twenty-six dollars ($26);
Aaron D. Stockton, two hundred forty-two dollars ($242);
Paul Thorgrimson, one thousand ten dollars ($1,010);
Ronald E. Throp, one hundred three dollars ($103);
Francis Watson, one thousand ten dollars ($1,010);
Melvin Woldstad, thirty-nine dollars ($39);

and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the State Board of Control and the State Controller.

CHAPTER 69

Assembly Concurrent Resolution No. 47—Relative to the preparation of the Summary Digest.

[Filed with Secretary of State April 16, 1963]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislative Counsel is directed to prepare a Summary Digest of statutes enacted and constitutional amendments proposed at the 1963 Regular Session of the Legislature; and be it further

Resolved, That copies of this publication be mailed to the Members of the Legislature by the Chief Clerk of the Assembly as soon as possible after printing; and be it further

Resolved, That the Chief Clerk of the Assembly shall cause to be printed 2,000 copies of the Summary Digest, the cost thereof to be payable from the legislative printing appropriation.

CHAPTER 70

Senate Concurrent Resolution No. 2—Relative to efficiency and economy in state printing.

[Filed with Secretary of State April 17, 1963]

WHEREAS, The Legislature has undertaken to economize in the cost of its operation as it relates to legislative printing and is currently engaged in a study of this problem through the Joint Committee on Legislative Organization as provided by Assembly Concurrent Resolution No. 60 of the 1961 Regular Session (Res. Ch. 187); and

WHEREAS, The Joint Budget Committee has recommended certain changes in the accounting and cost analysis system of the State Printing Office to improve its efficiency; and

WHEREAS, Such studies as have been made to date indicate that all state printing is interrelated and that legislative printing averages less than one-tenth of the total amount of ten million dollars ($10,000,000) expended annually for state printing; and

WHEREAS, Recent events have indicated that the public interest requires a careful study of the printing of school textbooks in the State Printing Office and the effect thereof on other state printing costs; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Joint Committee on Legislative Organization is hereby directed to continue and expand

its study of state printing to include a study and investigation of all facts relating to state printing and the operation of the State Printing Office, including the printing of school textbooks, and to report to the Legislature thereon not later than the fifth calendar day of the 1965 Regular Session, and to include in its report any recommendations it may have designed to bring about greater economy and efficiency in state printing.

CHAPTER 71

Senate Concurrent Resolution No. 36—Relative to making additional funds available to the Legislative Budget Committee, established by Chapter 1667, Statutes of 1951.

[Filed with Secretary of State April 17, 1963]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That in addition to any money heretofore made available to it, the sum of four hundred fifty thousand dollars ($450,000) or so much thereof as may be necessary is hereby appropriated from the Contingent Funds of the Senate and of the Assembly for the payment of any and all expenses incurred by the Legislative Budget Committee or its members pursuant to and under authority of the provisions of Joint Rule No. 37 to be expended equally from the Contingent Funds of the Senate and of the Assembly.

CHAPTER 72

Senate Joint Resolution No. 5—Relative to itinerant offices for unemployment insurance benefits.

[Filed with Secretary of State April 17, 1963]

WHEREAS, Unemployment is not limited to the heavily concentrated population areas but extends into the suburban areas; and

WHEREAS, Individuals who are unemployed are often required to go great distances in order to negotiate and claim their accrued state unemployment benefits; and

WHEREAS, The burden of the travel expense falls upon those who are in a position least able to shoulder such expense and this added expense tends to vitiate the objectives of the unemployment compensation program; and

WHEREAS, A program conducted in Anderson, California, has indicated that establishment of itinerant offices to handle unemployment benefits is administratively feasible and will result in only a small added cost; and

WHEREAS, This program at Anderson, California, has saved those claimants using the local unemployment insurance benefits office in 1962 a total travel mileage of 39,314 miles; and

WHEREAS, The above 39,314 miles saved represented an approximate 25 percent of those eligible to receive pay in the Anderson area and had the other 75 percent of those eligible received their pay in the Anderson office there would have been a total mileage saving of 167,000 miles at a cost to the unemployment insurance agency of only 600 miles. The other 75 percent of those eligible to receive pay in the Anderson office penalized themselves an additional 127,686 miles of travel in order to receive their pay weekly instead of semimonthly, as the Anderson office is on a semimonthly basis; and

WHEREAS, Additional funds from the United States government are necessary in order for the State of California to implement a regular program of itinerant unemployment insurance offices; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Congress of the United States is urged to enact legislation granting additional funds which will enable the states to establish a system of itinerant unemployment insurance benefit offices, on a weekly payment basis, for suburban areas; and be it further

Resolved, That the Secretary of the Senate be hereby directed to send copies of this resolution to the President of the United States, the President pro Tempore of the Senate, the Speaker of the House of Representatives, and each member of the California delegation in the Congress of the United States.

CHAPTER 73

Senate Concurrent Resolution No. 52—Approving amendments to the Charter of the City of San Buenaventura, a municipal corporation in the County of Ventura, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held therein on the ninth day of April, 1963.

[Filed with Secretary of State April 18, 1963]

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of amendments hereinafter set forth to the charter of the City of San Buenaventura, a municipal corporation, in the County of Ventura, State of California,

as set out in the certificate of the mayor pro tem and the city controller and ex-officio city clerk of said city as follows:

CERTIFICATE OF AMENDMENTS TO THE CHARTER OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA

State of California
County of Ventura } ss.
City of San Buenaventura

We, DAVID R. DRAPEAU, Mayor pro tem of the City of San Buenaventura, California, and SCOTT RUCKMAN, City Controller and Ex-Officio City Clerk of said City, do hereby certify and declare as follows:

That the City of San Buenaventura, a municipal corporation in the County of Ventura, State of California, is now, and was at all times herein mentioned: (a) a city containing a population of more than three thousand five hundred, but less than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; (b) a city organized and existing under a freeholders' charter, adopted under the provisions of Section 8 of Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the qualified electors of said City at an election duly held for that purpose on the 7th day of January, 1932, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 26th day of January, 1933, (Statutes of 1933, p. 2870).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of San Buenaventura, being the legislative body of said City, on its own motion, by Ordinance No. 1243, duly and regularly submitted to the qualified electors of said City certain proposals for the amendment of the charter of said City to be voted on by said qualified electors at the general municipal election called and held for that purpose in said City on the 9th day of April, 1963.

That on the 28th day of February, 1963, the said proposed amendments were published and advertised in accordance with Section 8 of Article XI of the California Constitution and the charter of the City of San Buenaventura, in each and every edition of said day of February 28, 1963, in "The Ventura County Star-Free Press", a daily newspaper of general circulation printed and circulated in said City, and being the official newspaper of said City; all as shown by the affidavit of publication on file in the office of the City Controller and Ex-Officio City Clerk of said City.

Such proposed charter amendments were submitted to the electors of said City for adoption and ratification at a general municipal election held on April 9, 1963, which was not less

than forty, nor more than sixty, days after completion of the advertising in the official newspaper of the proposed charter amendments aforesaid

At said election a majority of the qualified electors voting upon the proposed charter amendments voted in favor thereof and adopted and ratified the same, as appears by the official canvass of the returns thereof by the Council of the City of San Buenaventura, which pursuant to law met on April 15, 1963, and duly declared the result of said canvass of the returns of said election by Resolution No. 5520.

That the said amendments to the charter of the City of San Buenaventura, so adopted and ratified by the qualified electors of said City, and which shall be submitted to the Legislature for approval or rejection, are in words and figures as follows:

AMENDMENT NO. 1: That Section 2 and Subsections 1 and 2 of Section 3 of Article V of the Charter of the City of San Buenaventura be amended to read:

"SECTION 2: CALLING FOR ELECTION: The Council shall by ordinance order the holding of all elections. Such ordinance shall establish precincts for the holding of such election either by adopting or consolidating precincts established for holding general elections or by setting forth their boundaries, and shall specify the objects and time for holding such elections, and the number and the names of the officers of election and the polling place for each voting precinct. The number of election officers at each precinct shall not exceed six; at least three of whom shall be present at all times during the election. Said ordinance shall be published once in the official newspaper, not more than 75 days nor less than 54 days before the time appointed for holding the election, and no other notice thereof need be given. Elections submitting amendments to this Charter shall comply with the provisions of Section 8, Article XI, of the Constitution of the State of California.

(Subsections 1 and 2 of SECTION 3): "1. Not earlier than the 75th day nor later than 12 o'clock noon on the 54th day before any general municipal election, electors of the city may, by written nomination paper present names of candidates for election. Each candidate shall be proposed by not less than five nor more than ten qualified electors, but only one candidate shall be named in any one nomination paper. No elector may sign more than one nomination paper for the same office, but each seat on the Council shall be deemed a separate office. Any person or persons may circulate a nomination paper.

2. The signatures to each nomination paper shall all be appended on the same sheet of paper and each signer shall add thereto the date and his place of residence. All such nomination papers shall be filed with the City Clerk not later than 12 o'clock noon on the 54th day before such election, and shall have annexed thereto an affidavit of the person who circulated

the same to the effect that he saw all the signatures appended thereto and knows that they are the bona fide signatures of the persons whose names they purport to be. Each nomination paper shall be accompanied by a verified statement of the candidate that he will accept the nomination and also accept the office in the event of his election."

AMENDMENT No. 2: That Section 2 of Article VI of the Charter of the City of San Buenaventura be amended to read:

"SECTION 2: COMPENSATION. Each Councilman shall receive $50.00 for each regular Council meeting attended, not to exceed $100.00 per month, effective April 12, 1963. The Library Trustees and the Board of Education shall serve without compensation. The compensation for services rendered of all appointive officers and employees of the City, except officials and members of boards, commissions and committees, serving gratuitously, shall be fixed or changed by the annual appropriation ordinance adopted by four-sevenths vote of the Council, and except the office of Manager, upon the recommendation of the Manager only. No officer or employee shall be allowed any fee, perquisite, emolument or stipend, in addition to, or save as embraced in the salary or compensation fixed for such office by the Council, and all fees received by such officer or employee in connection with his official duties shall be paid by him into the City Treasury."

AMENDMENT No. 3: That Article VIII of the Charter of the City of San Buenaventura be repealed and Section 1 of Article VI and Subsection 5 of Section 5 of Article VII of the Charter of the City of San Buenaventura be amended to read:

"(SECTION 1, ARTICLE VI): OFFICERS. The officers of the City of San Buenaventura shall be seven members of the Council, five members of the Board of Education, five Library Trustees, a City Manager, a City Attorney, a City Controller who shall be Ex-Officio City Clerk, a City Treasurer who shall be Ex-Officio City Tax Collector, a City Assessor, a City Engineer, a Chief of Police, a Fire Chief, a Health Officer, and such other officers or boards under the control of the Manager as the Council may create by ordinance. The members of the Council shall be elected from the City at large, as provided in this Charter; the members of the Board of Education shall be elected from the San Buenaventura School District at large; provided, however, that all qualified electors of the San Buenaventura School District shall have the right to vote for members of the Board of Education. All other officers, assistants, deputies, clerks, and employees appointed as provided in this Charter, shall hold their respective offices or positions at the pleasure of the appointing power. Where the appointment of any of said officers is vested in the Council, such appointment and any removal must be made by a four-sevenths vote of the Council.

"(Subsection 5, Section 5, Article VII): 5. Appoint a City Manager, a City Attorney, and five Library Trustees."

AMENDMENT No. 4 That Article VI of the Charter of the City of San Buenaventura be amended by adding Section 7 thereto, said new section to read:

"SECTION 7: WHAT CONSTITUTES INTEREST. An officer or appointee serving on the Council, a Board, or Commission shall not be deemed to be interested in a contract, business, sale, purchase, or transaction with the City as the term is used in Section 6, Article VI, or Subsection 5, Section 9, Article VII of this Charter if he has only a remote interest therein and if the fact of such interest is disclosed to the body or board of which he is a member and noted in its official records, and thereafter the body or board authorizes, approves or ratifies the contract or transaction in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer or member with the remote interest. As used herein, "remote interest" includes: 1. That of a nonsalaried officer of a non-profit corporation; 2. That of an employee of the contracting party, if such contracting party has 10 or more employees and if the officer was an employee of said contracting party for at least three years prior to his initially accepting his office; 3. That of a parent in the earnings of his minor child for personal services; 4. That of a landlord or tenant of the contracting party; 5. That of an attorney for the contracting party; or 6. That of a member of a non-profit corporation formed under the Agricultural Code or a non-profit corporation formed under the Corporations Code for the sole purpose of engaging in the merchandising of agricultural products; 7. The ownership of less than 3 percent of the shares of a corporation for profit; 8. That of an officer in being reimbursed for his actual and necessary expenses incurred in the performance of official duty.

Any officer or appointee who influences or attempts to influence another member of the body or board of which he is a member to enter into a contract or transaction shall be considered to be interested in said contract or transaction even though his interest would have otherwise been a remote interest pursuant to this section.

The willful failure of an officer or appointee to disclose the fact of his interest in a contract or transaction shall be punishable as provided in Section 6 of Article VI. Such violation shall not void the contract, however, unless the contracting party had knowledge of the fact of the remote interest of the officer at the time the contract was executed.

Any contract made in violation of this section may be avoided at the instance of any party except the officer interested in the contract, provided that no such contract may be avoided because of the interest of an officer therein unless such contract is made in the official capacity of such officer, or by a board or body of which he is a member."

We further certify that we have compared the text of the foregoing amendments to the charter of the City of San Buenaventura with the original proposals submitting the same to the electors of said City, and find that the foregoing are full, true, correct and exact copies of said amendments. That as to all of said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and have caused the seal of the City of San Buenaventura to be affixed hereto this 15th day of April, 1963.

(SEAL)

DAVID R. DRAPEAU
Mayor pro tem of the City of
San Buenaventura, California
SCOTT RUCKMAN
City Controller and Ex-Officio
City Clerk of the City of
San Buenaventura, California

and

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth, have been and are now duly presented and submitted to the Legislature of the State of California for approval, or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of San Buenaventura as proposed to, and adopted and ratified by the electors of said city and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the Charter of said City of San Buenaventura.

CHAPTER 74

Assembly Concurrent Resolution No. 50—Relative to the Civil War Centennial Commission.

[Filed with Secretary of State April 22, 1963]

WHEREAS, By Assembly Concurrent Resolution No. 11, filed on January 18, 1961 with the Secretary of State, the Legislature of California commended the appointment by the Governor of California of an executive committee to prepare for California's participation in a national observance of the centennial of the great American Civil War 1861-1865; and

WHEREAS, Since January 1961, the said executive committee has operated capably and actively under the name Civil War Centennial Commission and has functioned to commemorate in California all applicable phases of the Civil War including causes, consequences, events and personalities; and

WHEREAS, On March 20, 1963, William Lawrence Shaw, a resident of Sacramento, has accepted appointment as Chairman of the Civil War Centennial Commission, after having previously served as executive secretary of the commission since May 14, 1962; and

WHEREAS, The Legislature of California is desirous to provide for the continuance of the observance and commemoration of the centennial of the War between the States and other events related to that war; and

WHEREAS, The Legislature has considered directing and authorizing the commission to undertake certain activities linked to the centennial and including among others the commemoration of the successful role performed by the United States Naval Squadron of the Pacific 1861-1867, and the commemoration of the restoration of constitutional government in the Republic of Mexico in 1867, and the conduct of research as to the life and accomplishments of United States Senator James A. McDougall of California 1861-1867; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the presently existing and functioning Civil War Centennial Commission of California is directed to pursue further its sphere of operations in behalf of the observance in California of the centennial of the American Civil War and related events; and be it further

Resolved, That the commission shall continue to have all such powers and duties, including, but not limited to, those hereafter set forth, as may be necessary to carry out the purposes of this resolution; and be it further

Resolved, That the commission is authorized to accept donations or grants of money, property or personal services; and be it further

Resolved, That other state agencies are directed to continue to co-operate with the commission, and in such manner as it deems suitable the commission is urged to continue to cooperate with cities, counties, cities and counties, and districts, and with historical and patriotic bodies and societies and institutions of learning which may be involved in or out of California in similar programs; and be it further

Resolved, That the commission is urged to continue to cooperate with the United States Civil War Centennial Commission and with the Civil War centennial commissions of other states and the District of Columbia and with all federal agencies and instrumentalities insofar as practicable and with the United States armed forces and any branch or reserve component thereof in the attainment of the aims and objectives of the commission; and be it further

Resolved, That the commission is urged, by the award of medals and certificates or by other appropriate means, to extend suitable recognition to persons or organizations within or without California for notable achievements in furthering the objectives linked to the commemoration in California of the Civil War and related events; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to the Hon. Edmund G. Brown, Governor of the State of California, and to the Chairman of the Civil War Centennial Commission of California, and to the Executive Director of the United States Civil War Centennial Commission, and to each of the United States Senators from California.

CHAPTER 75

Assembly Concurrent Resolution No. 55—Relative to Dr. Lee A. DuBridge.

[Filed with Secretary of State April 25, 1963]

WHEREAS, Dr. Lee A. DuBridge is the distinguished President of the California Institute of Technology which is one of the great institutions of higher education; and

WHEREAS, Dr. DuBridge is one of the world's leading men of science, a scholar, an author, and an educational leader; and

WHEREAS, Dr. DuBridge has been recognized for his achievements with 19 honorary degrees and has been president of the American Physical Society; and

WHEREAS, Dr. DuBridge has served his country and the cause of freedom as the director of the Radiation Laboratory at the Massachusetts Institute of Technology during World War II, and has been a member of scientific advisory boards for all three of the armed services, has been a member of the General Advisory Committee of the Atomic Energy Commission, is a member of the National Manpower Council, has served on the Panel on Science and Engineering Education of the President's Science Advisory Committee; and has recently been appointed by President Kennedy as one of the members of the Distinguished Civilian Service Awards Board to recommend persons to receive the Presidential Medal of Freedom; and

WHEREAS, Dr. DuBridge has served the cause of higher education in California as President of the Western College Association and is now President of the Association of Independent California Colleges and Universities; and

WHEREAS, The California Institute of Technology educates some of the finest young minds in our nation and has an eminent faculty noted for its contributions to science and expanding the frontiers of scientific knowledge; and

WHEREAS, The California Institute of Technology includes the Jet Propulsion Laboratory which developed America's first satellite and the Mariner II flight to Venus; and

WHEREAS, The California Institute of Technology has made contributions to the development of the space age and because of it many space age industries were started or located in California and the economy of the State benefits immeasurably from the space industries; and

WHEREAS, Dr. DuBridge and the California Institute of Technology continue to provide leadership and direction for the space age; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That Dr. Lee DuBridge be invited to address a joint session of the Legislature on May 3, 1963, 11.30 a.m., on the topic, California and the Space Age; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a copy of this resolution to Dr. DuBridge.

CHAPTER 76

Assembly Concurrent Resolution No. 60—Relative to Father Junípero Serra.

[Filed with Secretary of State April 26, 1963.]

WHEREAS, The year 1963 marks the 250th anniversary of the birth of Father Junípero Serra; and

WHEREAS, Father Serra played a major role in the colonization of California, and is the symbol of the Spanish influence and contributions to the culture and growth of this great State; and

WHEREAS, He was an exceptional man among those who appear now and then on this earth to give testimony of the greatness of the Creator and His works; and

WHEREAS, His great love for men, especially those who most needed protection and guidance, acted to enkindle strength of spirit in all with whom he came in contact; and

WHEREAS, When Father Serra first came to California, he had in front of him a new country for his civilizing mission, and to this mission, he gave his body and soul, founding that chain of missions that even today is admired by the whole world; and

WHEREAS, Every one of the nine missions founded by Father Serra was a monument to spiritual and material activity, was a beacon of civilization, and a market place for the exchange of ideas; and

WHEREAS, It is natural and it is fitting that it be remembered that Father Serra contributed so much to the welfare

of California, and his merits should be presented to the entire world; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature take this means to honor the memory of Father Junípero Serra, and to urge all Californians to commemorate the 250th anniversary of his birth.

CHAPTER 77

Senate Concurrent Resolution No. 49—Relative to the passing of Ernest L. Smith.

[Filed with Secretary of State April 29, 1963]

WHEREAS, The Members of the Legislature have learned with profound regret and deep sorrow of the sudden death of the noted veteran pioneer aviator and airline executive, Ernest L. Smith; and

WHEREAS, Ernest L. Smith, affectionately called "Ernie" by his many friends, was born in Reno, Nevada on January 10, 1893, and received his education at Fremont High School in Oakland, California, and later at the University of California where he studied medicine and dentistry until the outbreak of World War I when he left school to join the Army as a cadet and fledgling aviator; and

WHEREAS, Upon the cessation of hostilities in 1918, "Ernie Smith" became a civilian barnstormer, thrilling spectators with his marvelous air feats and in this early dawning of the air age he demonstrated to the people the potential and the capability of the airplane not only by his air maneuvers as a barnstormer but as a pilot in one of the early airlines and also as a movie actor in the role of a British squadron leader in "Hell's Angels," with Jean Harlow; and

WHEREAS, It was on July 14, 1927, when "Ernie" Smith and his navigator took off from Oakland in a single engine monoplane called "The City of Oakland" that "Ernie" was to make his imprint upon the pages of aviation history for when they landed in Molokai, Hawaii, 25 hours, 36 minutes later it was to mark the first civilian flight to Hawaii, and it resulted in "Ernie" Smith being declared the winner of the Dole Air Race; and

WHEREAS, "Ernie" came to San Francisco in 1939 to make his permanent home and was a successful executive with a worldwide airline and was active in such organizations as the American Legion, Quiet Birdmen, Silver Wings, Sons in Retirement, and Press and Union League Club; and

WHEREAS, Ernest L. Smith leaves to mourn his untimely passing to the greater reward, his loving wife, Isabella Smith, and a son, Ernest Bronte Smith; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature express their grief at the death of this outstanding citizen, and extend to his family their profound sympathy; and be it further

Resolved, That the Secretary of the Senate is directed to transmit suitably prepared copies of this resolution to Mrs. Isabella Smith, widow of Ernest L. Smith, and to his son, Ernest Bronte Smith.

CHAPTER 78

Senate Concurrent Resolution No. 53—Approving amendments to the Charter of the City of Santa Ana, a municipal corporation in the County of Orange, State of California, voted for and ratified by the qualified electors of the city at a general municipal election held therein on the second day of April, 1963.

[Filed with Secretary of State April 29, 1963.]

WHEREAS, Proceedings have been had for the proposal, adoption, and ratification of certain amendments, hereinafter set forth, to the Charter of the City of Santa Ana, a municipal corporation in the County of Orange, State of California, as set out in the certificate of the mayor and clerk of the city council of the City of Santa Ana as follows:

CERTIFICATE OF PROCEEDINGS HAD AND TAKEN IN ADOPTION OF CHARTER AMENDMENTS BY ELECTORS OF THE CITY OF SANTA ANA AT THE GENERAL MUNICIPAL ELECTION HELD APRIL 2ND, 1963

State of California }
County of Orange } ss.
City of Santa Ana }

We the undersigned, A. Allen Hall, Mayor of the City of Santa Ana, and Doris M. Brown, Clerk of the Council of said City, do hereby certify and declare as follows:

That the City of Santa Ana, in the County of Orange, State of California, is now and at all times herein mentioned was a municipal corporation, duly organized and existing under and pursuant to the provisions of a Charter adopted in accordance with the provisions of Article XI, Section 8, of the Constitution of the State of California, by the electors of said City on the 4th day of November, 1952, and thereafter duly

approved by Assembly Concurrent Resolution No. 10 adopted by both the Assembly and the Senate of the State of California on January 8th, 1953.

That on November 19th, 1962, the City Council of said City adopted Resolution No. 62-209, declaring intention to change the boundary lines of wards of said City, giving notice of time and place of hearing thereon; that on December 17th, 1962, said City Council adopted Ordinance No. NS-626 changing the boundary lines of wards of the City; that on the 12th day of December, 1962, notice of new boundary lines and a map diagram showing the same were regularly published;

That on February 2nd, 1963, notice of election was published as required by law; and that on March 9, 1963, notice of election officers and polling places was duly published as required by law;

That on February 4th, 1963, said City Council adopted Resolution No. 63-27, ordering that various propositions be submitted to the electors of said City at said General Municipal Election to be held April 2, 1963, to amend various sections of the Charter of the City of Santa Ana, setting forth the propositions to appear upon the ballot and containing the exact language of the proposed sections as they would read if amended;

That on February 20th, 1963, Notice of proposed amendments to the Charter of the City of Santa Ana was regularly published as required by law; that on March 9th, 1963, notice of nominees for public office and notice of measures to be voted on were regularly published as required by law; and notice that copies of the sections of said Charter proposed to be amended could be had by application therefor in Room 303, Third Floor, City Hall, Third and Main Streets, Santa Ana, California, was published upon every day beginning February 20th, 1963, and ending April 1st, 1963; that Ordinance No. NS-638, providing for the holding of said Election was regularly adopted March 4th, 1963, and published March 9th, 1963; that said propositions were regularly proposed and presented to the electors by the Council of the City of Santa Ana; that all notices required to be published were regularly published in the official newspaper of the City in the time provided therefor by the laws of the State, the Charter of the City of Santa Ana, and the Constitution of the State of California; and that sample ballots and copies of said proposed amendments and propositions and the arguments submitted thereon were duly mailed to all electors in the manner and form required by law.

That the propositions as they appeared upon the ballot at said Election held on April 2nd, 1963, and as they were voted upon by the electors of the City of Santa Ana, read as follows:

1. Shall Section 101.1 of the Charter of the City of Santa Ana be amended to provide that the Council shall divide the City into five Wards, seven Wards or nine Wards as may be required by the population of the City and Charter Section 101.3?	YES	
	NO	

2. Shall Sections 101.2, 409, 410, 413, 415, 421, 500, 606, 609, 701, 900 and 901 of the Charter of the City of Santa Ana be amended to express the required number of votes or Councilmen to take an action in language that will be consistent and workable for five, seven or nine Councilmen by changing "a four-fifths vote", "at least four affirmative votes" and "at least four members" to "the affirmative votes of at least two-thirds of the members"; and by changing "three members of the City Council" to "a majority of the members of the City Council"; and by changing "at least three affirmative votes", "vote of three of its members" and "at least three of its members" to "at least a majority of the members of the council" and "the affirmative vote of a majority of its members"?	YES	
	NO	

3. Shall Section 101.3 of the Charter of the City of Santa Ana be amended to add a population estimate made by an agency of the State of California authorized by State law to make such estimate to the provision that a Federal census showing a population of 120,000 requires 7 Wards and showing that a population of 240,000 requires 9 Wards?	YES	
	NO	

4. Shall Sections 400 and 400.1 of the Charter of the City of Santa Ana be amended to provide for the terms of office and years of election for councilmen from Wards 6, 7, 8, and 9?	YES	
	NO	

5. Shall Section 402 of the Charter of the City of Santa Ana be amended to provide that the Mayor of the City shall receive an amount of Seventy-Five Dollars ($75.00) each month as an addition to his salary as a Councilman?	YES	
	NO	

6. Shall Section 411 of the Charter of the City of Santa Ana be amended to substitute the word "may" for "shall" and "special" for "standing" to allow the City Council to organize special committees of its members instead of the mandatory language requiring standing committees?	YES	
	NO	

7. Shall Sections 605 and 607 of the Charter of the City of Santa Ana be amended to provide for the submission of the proposed budget on or before June fifteenth and the adoption of a budget by the Council on or before July thirty-first of each year and to provide for the continuation of City function between July first and the date the budget is adopted?	YES	
	NO	

8. Shall Section 615 of the Charter of the City of Santa Ana be amended to change the mandatory word "shall" to the permissive word "may" to allow the Council, at its option, to adopt by ordinance an allotment system to regulate the portion of budget appropriations that may be spent during fixed periods of the year?	YES	
	NO	

9. Shall Section 800 of the Charter of the City of Santa Ana be amended to correctly name the Santa Ana School District?	YES	
	NO	

10. Shall Section 907 of the Charter of the City of Santa Ana be amended to provide for the appointment of not more than four members of the Board of Recreation and Parks by school districts operating schools in the City?	YES	
	NO	

11. Shall Section 1002 of the Charter of the City of Santa Ana be amended to provide that administrative assistants to the City Manager shall be in the Excepted Service?	YES	
	NO	

12. Shall Section 1007 of the Charter of the City of Santa Ana be amended to provide that no temporary appointment shall continue for more than 180 calendar days in place of 120 working days?	YES	
	NO	

13. Shall Section 1400 of the Charter of the City of Santa Ana be amended to provide that the Council shall not terminate the City contract with the State Employees' Retirement System or so amend said contract as to decrease or eliminate any benefit unless such termination, decrease or elimination shall first be approved by a two-thirds vote of the electors of the City and to eliminate the second paragraph of said Section which provides that the Council is directed to comply with all provisions of the State Employees' Retirement Law as it may hereafter be amended?	YES	
	NO	

That said Election was regularly held on April 2, 1963; that the returns of said Election were regularly canvassed by said City Council on April 9, 1963; that the propositions to amend the various sections of the Charter of the City of Santa Ana were regularly passed and adopted by the electors of said City; that there were 11,856 votes cast in said Election, including votes regularly cast at said General Municipal Election and the absentee votes cast under the special provisions applying to absentee ballots; that as a result of said canvass it was determined that the number of electors voting "YES"

and the number of electors voting "NO" on each of said propositions were as follows:

Proposition No.	Votes cast "YES"	Votes cast "NO"	Proposition No.	Votes cast "YES"	Votes cast "NO"
1	8159	2257	8	6940	2937
2	7664	2373	9	8231	1610
3	7771	2340	10	7221	2447
4	7561	2276	11	5361	4380
5	6015	4297	12	7272	2541
6	7287	2654	13	6946	3024
7	7262	2706			

That a majority of all votes cast on each of said propositions was in favor of the amendments to said Charter, as proposed by said propositions, being adopted; that each of said propositions carried, and that said results were regularly stated and declared by Resolution No. 63-56.

That said amendments to the Charter of the City of Santa Ana so proposed and presented to the electors of the City by said City Council and adopted by said electors, as hereinabove set out, were in words and figures as follows:

Section 101.1. WARDS OF THE CITY. The City Council shall divide the City into five Wards, seven Wards or nine Wards, as required by the provisions of Section 101.3 herein, by ordinance according to the following formula:

Each of the Wards is to be as nearly equal in number of registered voters as possible. The Wards shall be composed of contiguous and compact territory and bounded by natural boundaries or street lines wherever possible; provided however, that in laying out such Wards no precinct at the time fixed by the Board of Supervisors of Orange County shall be divided, and further provided that in event said Board of Supervisors shall, at least sixty days before a General Municipal Election, re-precinct the City with the result that any precinct is divided by a Ward line, the City Council shall, not less than thirty days prior to said General Municipal Election, modify said Ward lines to an extent sufficient to prevent the division of any precinct by a Ward line. Any territory hereafter annexed to or consolidated with the City shall become a part of the Ward to which it is contiguous, provided however, that if any territory annexed at one time shall contain registered electors in excess of twenty-five hundred as determined by the registration books of the County of Orange at the time of such annexation, the City Council shall, within ninety days after said annexation, redistrict the City in the manner prescribed in this Section and pursuant to notice and hearing as required by Section 101.4.

Section 101.2. WARDS, BOUNDARY CHANGES. The boundary lines of Wards shall be changed every two years by ordi-

nance enacted by the affirmative votes of at least two-thirds of the members of the City Council, not less than ninety days prior to the General Municipal Election to be held the first Tuesday of April in each odd numbered year. The boundary lines shall be adjusted so that at each adjustment no Ward shall vary from any other Ward by more than ten percent of the registered electors of any of said Wards. If during the preceding two years there shall not have been a change of registered elector population in any Ward to cause it to vary by ten percent or more from any other Ward, then no change of Ward lines shall be made. Notice and public hearing shall be provided as required by Section 101.4.

Section 101.3. WARDS, INCREASE IN NUMBER OF. Whenever a decennial Federal census, special Federal census or population estimate made by an agency of the State of California authorized by State law to make such estimate shall be certified by the Clerk of the Council as showing the following population totals for the City of Santa Ana, then not less than ninety (90) days prior to the succeeding General Municipal Election the City Council shall re-draw the Ward boundaries and cause notice to be published in the official newspaper that the Ward lines will be re-drawn to increase the number of Wards as follows:

Population of 120,000 ..... to 7 Wards
Population of 240,000 ..... to 9 Wards

Notice and public hearing shall be provided as required by Section 101.4.

Section 400. CITY COUNCIL: NUMBER, SELECTION AND TERMS OF MEMBERS. The City Council shall, until the provisions of Section 101.3 become operative, consist of five (5) members elected at the times and in the manner provided in this Charter, each of whom shall serve a term of four (4) years, except the terms of office of the first Councilmen elected from Ward Six and Ward Eight shall be for two (2) years. Thereafter, the terms of office of all Councilmen shall be for four (4) years. The term of each member shall begin the first Tuesday following such election and each shall serve, except as otherwise provided for in this Charter, until his successor is elected and qualified. Each office of Councilman shall be a separate office and one of such offices shall be assigned to each of the Wards of the City. Candidates for each office of Councilman shall be nominated from such Ward by the electors of such Ward and shall be residents of such Ward, but all Councilmen shall be elected by the vote of the electors of the City at large. (The five (5) Councilmen in office at the time this Charter Amendment takes effect shall continue in office until the expiration of the respective terms for which they were elected and until their respective successors are elected and qualified as provided in this Charter.)

Section 401.1. ORDER OF FILLING OFFICES The office for Councilmen from Ward One, Ward Three, and Ward Five shall be filled at the General Municipal Election held on the first Tuesday of April, 1957, and the office for Councilmen from Ward Two and Ward Four shall be filled at the General Municipal Election held on the first Tuesday of April, 1959 Thereafter, the office of Councilmen from Wards One, Three and Five and from Wards Two and Four shall be filled at the alternate General Municipal Elections. The offices of Councilmen from Wards Six and Eight shall be filled at the same Election as the offices for Wards Two and Four, and the offices for Wards Seven and Nine shall be filled at the same election as for Wards One, Three and Five; except that the first elections for the offices of Councilmen from Wards Six, Seven, Eight and Nine shall be in each instance at the next General Municipal Election subsequent to the formation of the Ward.

The candidate elected from each Ward shall be the candidate receiving the highest number of votes cast for any candidate from said Ward.

Section 402 CITY COUNCIL: COMPENSATION OF MEMBERS. Each member of the City Council shall receive as compensation for his services as such a monthly salary in the sum of One Hundred and Twenty-Five Dollars ($125 00). The member elected by the City Council to fill the office of Mayor shall receive the additional amount of Seventy-Five Dollars ($75.00) for each month said member shall fill the office of Mayor. Further, each member of the City Council shall receive reimbursement for required travel and other expenses while on official business of the City as authorized and approved by the City Council.

Absence of a member of the City Council from all regular and special meetings of the City Council during any calendar month shall render him ineligible to receive the monthly salary for such a calendar month unless by permission of the City Council expressed in its official minutes.

Section 409 CITY COUNCIL: MEETINGS. The City Council shall meet regularly and in special session at such times and in the manner as shall be prescribed by ordinance and subject to the provisions of this Charter. The City Council shall hold regular meetings at least two times each month and may adjourn or re-adjourn any regular meeting to a certain date which shall be specified in the order of adjournment and, when so adjourned, each adjourned meeting shall be a regular meeting for all purposes. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day.

Special meetings may be called at any time by the Mayor, or by a majority of the members of the City Council, by written notice delivered personally to each member of the City Council at least six hours before the time specified for the proposed meeting If all members of the City Council shall

give their consent, in writing, to the holding of a special meeting and such consent is on file with the Clerk of the Council at the time of the holding of such a special meeting, a special meeting shall also be validly called. A telegraphic communication from a member consenting to the holding of such a meeting shall be considered a consent in writing Only such matters may be acted upon at any special meeting as are referred to in such written notice or consent.

All regular and special meetings of the City Council shall be held in the Council Chambers of the City Hall and shall be open to the public. The City Council may adjourn to another location within the City Hall as publicly announced. If, by reason of fire, flood, or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place designated by the Mayor or, if he should fail to act, by a majority of the members of the City Council.

Section 410 CITY COUNCIL: QUORUM. A majority of the members of the City Council shall constitute a quorum to do business but a less number may adjourn from time to time. In the absence of all of the members of the City Council from any regular meeting, the Clerk of the Council may declare the same adjourned to a stated day and hour. Notice of such adjourned meeting shall be given or may be waived in the same manner as specified in this Charter for giving or waiving of notice of special meetings of the City Council

Section 411 CITY COUNCIL: RULES AND PROCEDURES. The City Council shall establish rules for the conduct of its proceedings and to preserve order at its meetings. It shall, through the Clerk of the Council, maintain a record of its proceedings which shall be open to public inspection

The City Council may organize special committees of its members for the principal functions of the government of the City. It shall be the duty of each such committee to be informed of the business of the City government included within the assigned functions of the committee, and, as ordered by the City Council, to report to the City Council information or recommendations which shall enable the City Council properly to legislate.

Each member of the City Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the City Council. The City Council shall have the power and the authority on any investigation or proceeding pending before it to impel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it. Subpoenas may be issued in the name of the City and be attested by the Clerk of the Council Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds) shall constitute a misdemeanor, and shall be punishable in the same manner as violations of this Charter are punishable.

Section 413. ORDINANCES AND RESOLUTIONS: ADOPTION. Every ordinance shall be introduced in writing in the form in which it is to be finally passed. The correction of typographical or clerical errors after introduction shall not be included in the meaning of the foregoing sentence. No ordinance shall be passed finally on the day it is introduced, except for emergency ordinances as hereinafter defined, nor within six days thereafter, nor at any time other than at a regular or adjourned meetings. In the event that any ordinance is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting, held not less than six days after the date upon which such ordinance was so altered. At the time of adoption of an ordinance or resolution, it shall be read in full, unless, after the reading of the title thereof, the further reading thereof is waived by unanimous consent of the members of the City Council present. The rights and powers conferred on the City Council shall be exercised by ordinance when so provided by this Charter or by law. Each act of the City council establishing a fine or other penalty or granting a franchise shall be by ordinance.

Adoption of any ordinance or resolution shall require the affirmative votes of at least a majority of the members of the Council unless a higher vote is required by other provisions of this Charter. No order for the payment of money shall be adopted or made at any other than a regular or adjourned regular meeting.

All ordinances and resolutions shall be signed by the Mayor and attested by the Clerk of the Council.

Section 415. ORDINANCES: EMERGENCY. Any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, health, or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by the affirmative votes of at least two-thirds of the members of the Council.

Section 421. CONTRACTS. The City shall not be bound by any contract, except as hereinafter provided, unless the same shall be made in writing by order of the City Council and signed by some officer in behalf of the City who has been authorized to do so by the City Council. The approval of the form of all contracts shall be endorsed thereon by the City Attorney.

The City Council may authorize, by the affirmative votes of a majority of its members, any officer of the City to bind the City on contracts in writing without advertising and without previous approval by the City Council of each specific item for the payment of charges for supplies, labor, or other valuable consideration furnished the City, in amounts not exceeding Two Hundred Dollars ($200.00) in any one contract. Further, the City Council may authorize, by the affirmative votes of a majority of its members, the City Manager to bind the City on

contracts in writing without advertising and without previous approval by the City Council of each specific item for the payment of charges for supplies, labor, or other valuable consideration to be furnished the City, in amounts not exceeding Two Thousand Dollars ($2,000.00) in any one contract.

Every contract involving an expenditure of more than Two Thousand Dollars ($2,000.00) for materials, supplies, or equipment, or for public works construction (as hereinafter defined) shall be made by the City Council with the lowest and best bidder after the publication for at least two days in the official newspaper of a notice calling for bids and fixing a period during which such bids will be received, which shall be for not less than ten days after the first publication of said notice. The City Council may reject any and all such bids presented and may readvertise in its discretion. After rejecting such bids, or if no bids are received, the City Council may determine and declare that, in its opinion, based on estimates submitted by the City Manager, the work may be performed better or more economically by the City with its own employees, and, after the adoption of a resolution to this effect by the affirmative votes of at least two-thirds of the members of the Council, may proceed to have said work done in the manner stated, without further observance of the provisions of this Section. Such contracts likewise may be let without advertising for bids if such work shall be deemed by the City Council to be of urgent necessity for the preservation of life, health, or property, and shall be authorized by motion passed by the affirmative votes of at least two-thirds of the members of the City Council and containing a declaration of the facts constituting such urgency.

For the purpose of this Section, public works construction shall be defined as a project for the erection or improvement of public buildings, streets, drains, sewers, parks, or playgrounds. Maintenance and repair of public buildings, streets, drains, sewers, parks, or playgrounds shall not be considered as public works construction.

The City Manager shall recommend and the City Council shall consider and adopt by ordinance rules and regulations governing the contracting and purchasing of all services, supplies, material, and equipment required by any office, department, agency, officer, or employee of the City government.

Section 500. CITY MANAGER: APPOINTMENT, REMOVAL, AND QUALIFICATIONS. The City Council shall appoint a City Manager who, by virtue of his position as City Manager, shall be an officer of the City and who shall have the powers and shall perform the duties in this Charter provided. No member of the City Council shall receive such appointment during the term for which he shall have been elected, nor within one year after the expiration of his term.

The City Council shall appoint the City Manager for an indefinite term and may remove him by motion adopted by the affirmative votes of at least two-thirds of the members of the

Council. At least thirty days before such removal shall become effective, the City Council shall by resolution adopted by the affirmative votes of at least two-thirds of the members of the Council state the reasons for the removal of the City Manager. The City Manager may reply in writing and any member of the City Council may request a public hearing, which, if requested, shall be held not earlier than twenty days nor later than thirty days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the City Council may remove the City Manager by motion adopted by the affirmative votes of at least two-thirds of the members of the Council The resolution stating the reasons for the removal of the City Manager may provide for the suspension of the City Manager from duty, but shall in any case cause to be paid him forthwith any unpaid balance of his salary and his salary for the next calendar month following the date of adoption of the resolution.

The City Manager shall be chosen on the basis of his executive and administrative qualifications. He shall be paid a salary commensurate with his responsibilities as chief administrative officer of the City.

Section 605. BUDGET: SUBMISSION TO THE CITY COUNCIL. On or before the fifteenth day of June of each year the City Manager shall recommend and submit to the City Council a proposed budget for the next ensuing fiscal year and a proposed appropriation ordinance as prepared by him.

Section 606. BUDGET: PUBLIC HEARING. Upon receipt of the proposed budget from the City Manager, the City Council shall proceed to the consideration of the proposed budget and, by the affirmative vote of at least a majority of its members, may increase, decrease, or omit any item or insert new items therein Before adopting the budget the City Council shall fix the time and place for holding a public hearing upon the proposed budget and shall cause to be published a notice thereof not less than ten days prior to said hearing, by at least one insertion in the official newspaper. Copies of the proposed budget shall be available for inspection by the public in the office of the Clerk of the Council at least ten days prior to said hearing. At the time and place so advertised, or at any time and place to which such public hearing shall from time to time be adjourned, the City Council shall hold a public hearing on the proposed budget, at which interested persons desiring to be heard shall be given such opportunity.

Section 607 BUDGET: FURTHER CONSIDERATION AND ADOPTION. After the conclusion of the public hearing, the City Council may further consider the proposed budget and make any revisions thereof that it may deem advisable. On or before the thirty-first day of July the City Council shall adopt the budget with revisions, if any, by the affirmative votes of at least a majority of its members. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. Between

the first day of July and any subsequent date on which the Budget is adopted the several offices, departments and divisions shall be authorized to expend, each calendar month subject to the controls established in other Sections of this Charter, amounts of money equal to the expenditures of each such office, department or division during the preceeding June.

The budget adopted by the City Council shall provide for the support of public recreation programs at least the equivalent of Six Cents (6¢) on each One Hundred Dollars ($100.00) of the assessed value of taxable property in the City on the legal assessment date for the previous fiscal year.

A copy of the adopted budget, certified to by the Clerk of the Council, shall be filed with the Director of Finance and a further copy shall be placed, and shall remain on file in the office of the Clerk of the Council where it shall be available for inspection. The budget so certified shall be reproduced and copies made available for the use of all officers, offices, departments, and other agencies of the City and for the use of civic organizations.

Section 609. BUDGET APPROPRIATIONS. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several offices, agencies, and departments for the respective objects and purposes therein specified as stated in an appropriation ordinance. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least two-thirds of the members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget; except that the City Council shall not reduce that portion of the budget providing for the support of public recreation programs below the amount specified in Section 607 of this Article.

Section 615. ALLOTMENTS. For the purpose of exercising continuous budgeting and for exercising budgetary control the City Council may establish by ordinance an allotment system which shall entail the designation of how much of the budget appropriations may be spent during fixed periods of the year by the various offices, agencies, and departments of the City.

Section 701. OFFICERS APPOINTED BY THE CITY COUNCIL In addition to the City Manager, the City Council shall appoint the City Attorney who shall serve at the pleasure of the City Council and may be removed by motion of the City Council adopted by the affirmative votes of at least two-thirds of the members of the Council. Subject to the Civil Service provisions of this Charter, the City Council shall appoint the Clerk of the Council who shall serve at its pleasure.

Section 800. BOARD OF EDUCATION: NUMBER, SELECTION, AND TERM OF MEMBERS. The Board of Education serving as the governing boards of the Santa Ana Unified and Junior College District shall consist of five members elected at large by electors qualified to vote in such District's elections, as provided by law, at the times and in the manner provided in this Charter for a term of four years. The term of each member shall begin the first Tuesday following such election and each shall serve, except as otherwise provided for in this Charter, until his successor is elected and qualified.

Section 900. APPOINTIVE BOARDS AND COMMISSIONS: IN GENERAL. The following enumerated appointive boards and commissions are here established and shall have the powers and duties contained in this Article:

(a) Board of Recreation and Parks
(b) Planning Commission
(c) Personnel Board

The City Council may create by ordinance such other appointive boards or commissions as in its judgment are required and may grant to them powers and duties as are consistent with the provisions of this Charter. The City Council, by motion adopted by the affirmative votes of at least a majority of its members, or the City Manager, may appoint from time to time temporary committees as deemed advisable to render counsel and advice to the appointing authorities on any designated matters or subjects within the jurisdiction of such authorities.

Section 901. APPOINTIVE BOARDS AND COMMISSIONS: APPOINTMENTS, REMOVALS, VACANCIES, TERMS. Except as otherwise specified in this Charter, the member of each of the appointive boards and commissions shall be appointed, and may be removed, by the City Council, subject in both appointment and removal by the affirmative votes of at least two-thirds of the members. Vacancies from whatever cause arising shall be filled in the same manner. Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. If a member of a board or commission absents himself from three regular meetings of such board or commission, consecutively, unless by permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, his office shall become vacant and shall be so declared by the City Council.

The members of such boards and commissions shall serve for a term of four years and until their respective successors are appointed and qualified. The members first appointed to such boards and commissions shall so classify themselves by lot that the term of one of each of their number shall expire each succeeding July 1. Where the total number of the members of a board or commission to be appointed exceeds four, the classifi-

cation by lot shall provide for the pairing of terms to such an extent as is necessary in order that the terms of at least one and not more than two shall expire in each succeeding year. Thereafter, any appointment to fill an unexpired term shall be for such an unexpired period.

Section 907. BOARD OF RECREATION AND PARKS. The members of the Board of Recreation and Parks shall be appointed from the qualified electors of the City. Seven members shall be appointed by the City Council; not more than five of these seven members shall be of the same sex. One additional member shall be appointed by the governing board of each school district operating one or more elementary schools located within the City of Santa Ana, except that there shall not be more than four such additional members. If more than four school districts operate elementary schools within the City, appointment of the additional members shall be made by the governing boards of those districts having the largest assessed value of property lying within the City of Santa Ana. No member of the Board of Recreation and Parks shall hold any paid office or employment in the City government.

Section 1002. COMPETITIVE AND EXCEPTED SERVICE. The Civil Service of the City shall be divided into the Competitive Service and the Excepted Service.

(a) The Excepted Service shall comprise the following offices and positions:

1. The individual offices held by all elective officers;
2. The City Manager and administrative assistants, if any;
3. The City Attorney and his legal assistants, if any;
4. The Director of Finance;
5. The Director of Personnel, if any;
6. One private secretary to the City Manager;
7. All posts as members of boards and commissions;
8. Positions occupied by persons employed to render professional, scientific, technical, or expert service of an occasional and exceptional nature;
9. Positions in any class or grade created for a special or temporary purpose, and which are to exist for a period of not longer than ninety days;
10. Positions of any class or grade exempted from the Competitive Service for a maximum period of six months in any calendar year provided that the Personnel Board, upon application of the City Manager and after public notice and hearings, recommends to the City Council such exemption and the City Council grants such exemption by motion adopted by four of its members. Any such exemption shall not affect the tenure of any person whose appointment has become final under Civil Service;
11. Part-time positions or employments requiring less than twenty regular hours of employment per week;
12. School crossing guards.

(b) The Competitive Service shall comprise all positions not specifically included by this Section in the Excepted Service.

(c) Any person who, on the effective date of this Charter, holds a position or employment included in the Competitive Service as defined in this Section, or who is on an eligible or re-employment list for a position or class of position in such Competitive Service, shall retain all status previously held prior to the effective date of this Charter in such position, employment, eligible list, or re-employment list.

(d) The person holding the position of City Clerk, City Treasurer, or City Marshal, each formerly an elective officer, if he shall have served continuously in such position for the period of six months immediately prior to such effective date, shall assume regular status in the Competitive Service under this Charter—as to the person formerly holding the position of City Clerk, in the position of Clerk of the Council; as to the person formerly holding the position of City Treasurer, in a position having similar duties in the department headed by the Director of Finance; and as to the person formerly holding the position of City Marshal, in a position of Chief of Police, the duties of which position shall be prescribed by the City Council by ordinance.

Section 1007. ELIGIBLE LISTS, CERTIFICATION, AND APPOINTMENT. Upon completion of any examination, the City Manager shall cause to be prepared and shall approve an eligible list with the persons who passed such examination being listed in relative order of the points they received, from highest to lowest. Such eligible list shall remain in effect for two calendar years unless within such period the City Manager, or such person under the City Manager having charge of personnel administration, shall not be able to certify for appointment the number of persons required under the provisions of this Section.

Upon receipt of notice of a vacancy in the Competitive Service, the City Manager, or such person under the City Manager having charge of personnel administration, shall certify to the appointing power the names of the three highest candidates on the eligible list for such position. The appointing power may appoint, of the three thus certified, whichever one in his opinion is best qualified for such position. No candidate may be certified more than three times for any one class or classified position from an eligible list resulting from any one examination.

If no eligible list for the classification exists, or an existing list for the classification contains less than the required three persons who are eligible and available for appointment, the City Manager, or such person under the City Manager having charge of personnel administration, shall so notify the appointing officer who may appoint one of the lesser number of persons or may make a temporary appointment to the vacancy at his discretion. Such temporary appointment may not be for a longer period than one hundred and eighty calendar days

after the first day of such temporary appointment, nor may temporary appointments be made to any positions for a cumulative total of more than one hundred and eighty calendar days in one calendar year following the first day on which the position is filled by a temporary appointment.

Upon appointment to a position in the Competitive Service, other than a temporary appointment, the person so appointed or promoted shall hold probationary status in such position and in the class to which it has been allocated. The duration of the period of probationary status shall be determined by the Civil Service rules and regulations provided for in this Article, but in no instance shall extend over a period of more than one year. During such probationary period the employee may be rejected at any time without right of a hearing before the Personnel Board. When an employee has been retained continuously in probationary status for the required period, he shall achieve permanent status.

An employee rejected during the probationary period from a position to which he has been promoted shall be reinstated to the position from which he was promoted, unless he is dismissed from the service of the City in addition to the rejection, in which event he shall have the right of a hearing before the Personnel Board as to such order of dismissal in the manner prescribed in Section 1008 of this Article.

Section 1400. EMPLOYEES' RETIREMENT SYSTEM. Plenary authority and power are hereby vested in the City, its City Council, and its several officers, agents, and employees to do and perform any act, or exercise any authority granted, permitted, or required under the provisions of the State Employees' Retirement Law, as it now exists or may hereafter be amended, to enable said City to continue as a contracting City participating in the State Retirement System. The City Council is directed to levy all necessary taxes to ensure the continuance of the City as a contracting member of the State Employees' Retirement System in accordance with the provisions of Section 601 of this Charter.

The City Council may not terminate any such contract with the Board of Administration of the State Employees' Retirement System and may not amend any such contract in a manner which would decrease or eliminate any benefit accruing to personnel employed by the City at the time of such contract termination or amendment, unless such amendment shall substitute an equal or greater benefit for said employees, unless the proposition for such contract termination or amendment shall be approved by ordinance adopted by a two-thirds vote of the electors of the City voting on such proposition at a general or special municipal election.

* * * * *

We further declare that the foregoing constitutes a true and correct statement of the proceedings had by the City of Santa Ana and the City Council of said City in the presenta-

tion of said amendments to the Charter of the City of Santa Ana and the election held thereon.

In witness whereof we have hereunto set our hands and affixed the official seal of the City of Santa Ana in Santa Ana, California, on this 11th day of April, 1963.

(SEAL)

A. ALLEN HALL,
Mayor
DORIS M. BROWN,
Clerk of the Council

WHEREAS, The proposed amendments so ratified as hereinabove set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the the Senate of the State of California, the Assembly thereof concurring, a majority of all members elected to each house voting thereon and concurring therein, That the amendments to the Charter of the City of Santa Ana, as proposed to and adopted and ratified by the qualified electors of the City of Santa Ana, are hereby approved as a whole without amendment or alteration for and as amendments to and as a part of the Charter of the City of Santa Ana.

CHAPTER 79

Assembly Concurrent Resolution No. 62—Relative to the golden anniversary of Humboldt State College.

[Filed with Secretary of State April 30, 1963.]

WHEREAS, The California education system has successfully educated and trained the youth of California to cope with the complexities of modern society and to aid their State in its role as number one in the nation; and

WHEREAS, Humboldt State College which is located in Arcata, Humboldt County, is an integral part of the California system and is now enjoying its golden anniversary of 50 years of education; and

WHEREAS, Humboldt State College was established by an act of the State Legislature in 1913 in which it was designated as "Humboldt State Normal School" and opened its doors for instruction in an old grammar school with a staff of six teachers with Mr. Nelson B. VanMatre as the first president of the school; and

WHEREAS, From a modest enrollment of 35 regular students in an old grammar school building the college has grown to a present enrollment of over 2,400 students receiving instruction

from a professional staff of approximately 175 instructors many of whom are nationally prominent in their respective fields, and the campus keeping pace with the increase in enrollment now consists of 26 major buildings plus outdoor facilities for special curriculums; and

WHEREAS, While the original act establishing Humboldt State College restricted the curriculum to agricultural and manual training, the training and education of teachers and others in the art of instructing and governing the public schools, the exigencies of education in California have resulted in an expanded curriculum fully accredited by the Western College Association and the State Board of Education, consisting of 86 courses of study, including 24 leading to a master's degree, and the passage of the years has seen the college proceed through a metamorphosis from a two-year state normal school, to a three-year state normal school, to a four-year state teachers college, and to the present four-year liberal arts college; and

WHEREAS, Humboldt State College as it enters its golden anniversary year under the guidance of President Cornelius H. Siemens and its excellent teaching staff presents an enviable record of superior accomplishments which is a harbinger of even greater excellence; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of this Legislature proudly extend their warmest congratulations to Humboldt State College, its president and its faculty, on their golden anniversary which marks 50 years of education and service to the people of the State of California; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to the president of Humboldt State College.

CHAPTER 80

Assembly Concurrent Resolution No. 58—Relative to United Nations' return to its birthplace.

[Filed with Secretary of State May 1, 1963.]

WHEREAS, The year 1965 will mark the 20th anniversary of the founding of the United Nations in San Francisco; and

WHEREAS, A return to San Francisco by the United Nations would be not only fitting, but would serve as the touchstone to renew that familiarity with the founding principles that is sometimes lost in their day-to-day application; and

WHEREAS, San Francisco's climate, scenic splendor and varied entertainments would provide a welcome respite for those who observed the anniversary; and

WHEREAS, The observance of the 10th anniversary of the founding of the United Nations, celebrated in San Francisco in 1955 was so successful as to assure a similar satisfaction from the second observance; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring. That the Legislature hereby extends to the United Nations an invitation to return, on the 20th anniversary of its founding, to this State and the city of its birth, that it may thereby reaffirm its dedication to the high purposes for which it was established; and be it further

Resolved. That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to Secretary General U Thant of the United Nations and to Ambassador Adlai E. Stevenson, Representative of the United States to the United Nations.

CHAPTER 81

Assembly Concurrent Resolution No. 69—Approving nine certain amendments to the Charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city at a general municipal election held therein on the second day of April, 1963.

[Filed with Secretary of State May 1, 1963.]

WHEREAS, Proceedings have been taken and had for the adoption and ratification of nine amendments, hereinafter set forth, to the Charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, as set out in the certificate of the President of the Council of the City of Los Angeles and the city clerk of said city, as follows:

CERTIFICATE OF AMENDMENTS TO THE CHARTER OF THE CITY OF LOS ANGELES, CALIFORNIA

State of California }
County of Los Angeles } ss.

We, Harold A. Henry, President of the Council of The City of Los Angeles, and Walter C. Peterson, City Clerk of The City of Los Angeles, do hereby certify and declare as follows:

That said, The City of Los Angeles, in the County of Los Angeles, in the State of California, is now, and was at all times herein mentioned: (a) a city containing a population of more than two million one hundred thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; (b) a city

organized and existing under a freeholders' charter, adopted under the provisions of Section 8, Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the electors of said City at a special election held for that purpose on the 6th day of May, 1924, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 26th day of January, 1925 (Senate Concurrent Resolution No. 2, Chapter No. 5, Statutes 1925, p. 1024).

That in accordance with the provisions of Article XI, Section 8, of the Constitution of the State of California, the Council of The City of Los Angeles, being the legislative body of said City, on its own motion, duly and regularly submitted to the qualified electors of The City of Los Angeles certain proposals for the amendment of the Charter of said City to be voted upon by said qualified electors at a certain general municipal election held on the 2nd day of April, 1963, all as required by law, which said proposals were designated as proposed Charter Amendments 1, 2, 3, 4, 5, 6, 7, 8, and 9, respectively.

That on the 15th day of February, 1963, the said proposed amendments were published and advertised in accordance with Section 8 of Article XI of the Constitution, in each and every edition of said day of February 15, 1963, in "The Los Angeles Daily Journal", a daily newspaper of general circulation printed and circulated in said City, and being the official newspaper for said purpose; all as shown by the affidavit of publication on file in the office of the City Clerk of said City.

That copies of said proposed charter amendments were printed in convenient pamphlet form in type of ten-point, and were mailed to each of the qualified electors of said City; and copies thereof could be had upon application therefor at the office of the City Clerk on and from February 15, 1963, to and including April 2, 1963; and a notice was advertised and published on and from February 15, 1963, to and including April 2, 1963, in "The Los Angeles Daily Journal", a newspaper of general circulation in said City, that copies thereof might be had at the office of the City Clerk of said City upon application therefor.

Such proposed charter amendments were submitted to the electors of said City for adoption and ratification at a general municipal election held on April 2, 1963, which was not less than forty, nor more than sixty, days after completion of the advertising in the official paper of the proposed charter amendments aforesaid.

At said election a majority of the qualified electors voting upon each of the proposed charter amendments voted in favor thereof and adopted and ratified the same, as appears by the official canvass of the returns thereof by the City Clerk of The City of Los Angeles, heretofore certified by him to the Council of said City, and the declaration of the Council of

the said The City of Los Angeles, which pursuant to law met on April 15, 1963, at its usual time and place of meeting, and duly declared the result of said canvass of the returns of said election as certified by the said City Clerk.

That the said amendments to the Charter of The City of Los Angeles so adopted and ratified by the qualified electors of said City, and which shall be submitted to the Legislature for approval or rejection, are in words and figures as follows:

PROPOSED CHARTER AMENDMENT NO. 1

Section 6 of the Charter of the City of Los Angeles is hereby amended to read as follows:

Sec. 6. (1) The following officers of the City shall be elected by the electors of the City of Los Angeles, at large:

Mayor,

City Attorney,

Controller,

The Members of the Board of Education.

(2) The members of the Council shall be elected by districts, as follows:

(a) Between the dates of July 1 and September 15 of each fourth year, commencing with the year 1964, the Council shall, by ordinance, which shall be effective upon publication notwithstanding any other provision of the Charter to the contrary, redistrict the City into fifteen (15) districts and such districts shall be used for all elections of councilmen, including their recall, and for filling any vacancy in the office of member of the Council by appointment, subsequent to the effective date of such ordinance and until new districts are established. Districts so formed shall not deviate in the number of voters by more than ten percent above or below one-fifteenth of the total number of registered voters in the City of Los Angeles at the close of registration for the direct primary state election held during the year in which such districts are to be established, and as nearly as practicable such districts shall be bounded by natural boundaries or street lines. No change in the boundary or location of any district by redistricting as herein provided shall operate to abolish or terminate the term of office of any member of the Council prior to the expiration of the term of office for which such member was elected or appointed. Any territory hereafter annexed to or consolidated with the City of Los Angeles shall, prior to completion of the proceedings therefor, be added to an adjacent district or districts by the Council by ordinance, which addition shall be effective upon completion of the annexation or consolidation proceedings notwithstanding any other provision of the Charter to the contrary.

(b) The electors signing any petition for the nomination of any person to the office of member of the Council, or for the recall of any member of the Council, shall be qualified, regis-

tered voters and residents of the district from which such person seeks to be elected, or in the case of a recall petition of the district from which such member was elected or the district as it exists by reason of redistricting as provided in paragraph (a) of subsection (2) hereof; and in the case of a member of the Board of Education, electors signing any petition for the nomination of any person to the office of member of the Board of Education, or for the recall of any member of the Board of Education, shall be qualified, registered voters and residents of one or more of the Los Angeles city school districts governed by said board. The names of no electors not qualified, registered voters and residents of the respective district involved shall be counted in determining the sufficiency of any such petition.

PROPOSED CHARTER AMENDMENT NO. 2

Section 91 of the Charter of the City of Los Angeles is hereby repealed.

PROPOSED CHARTER AMENDMENT NO. 3

Sections 97, 98½, 99 and 99¼ of the Charter of the City of Los Angeles are hereby amended to read as follows:

Sec. 97. (1) No ordinance, order or resolution shall be adopted by the Council authorizing, ordering or involving any of the following enumerated matters, unless and until such ordinance, order or resolution shall have first been submitted to the City Planning Commission for report and recommendation concerning the relation of the matter involved to and its effect upon any portion of the master plan of the City or any plans being prepared by said department:

(a) The acquisition, establishing, opening, widening, narrowing, straightening, abandoning or vacating of any public street, road, highway, alley, square, park, playground, airport, public building site, or other public way, ground or open space, but not including easements for local sanitary sewers.

(b) The location, appearance, and width of any bridge, viaduct, subway, tunnel or elevated roadway for the use of pedestrian or vehicular traffic, or the location and appearance of any public building.

It shall be the duty of the City Planning Commission within fifty (50) days from the receipt of any such proposed ordinance, order or resolution, to make and file its report and recommendation thereon with the Council, and should said Commission recommend against the approval thereof, the Council may adopt same only upon a two-thirds vote of the whole of said Council. Should the City Planning Commission recommend approval or fail to make any recommendation within the time mentioned herein, said Council may adopt such ordinance, order or resolution by a majority vote of the whole Council.

(2) No ordinance, order or resolution shall be adopted by the Council involving (i) the creation or change of any zones or districts for the purpose of regulating the use of land, density of population, the height, bulk, location or use of buildings or structures therein, or the size of yards, open spaces or setbacks adjacent to buildings or structures, or (ii) the establishment, change or repeal of regulations applying within any of said zones, districts, yards, open spaces or setbacks, unless and until it shall have first been submitted to the City Planning Commission for report and recommendation concerning the following:

(a) Its relation to and effect upon any portion of the master plan of the City or any plans being prepared by the Department of City Planning, and

(b) Whether its adoption will be in conformity with public necessity, convenience, general welfare and good zoning practice.

Proceedings for the creation or change of any of said zones or districts or the establishment, change or repeal of any regulations applying therein, may be initiated by the filing of an application with the City Planning Commission as provided for by ordinance, or by the Council or the City Planning Commission.

When a proceeding involving any of the matters mentioned in subsection (2) hereof is initiated by the Council, it shall be the duty of the City Planning Commission to make and file its report and recommendations thereon with the Council within fifty (50) days of receiving same or within such additional time as the Council may specify. Should the Commission recommend approval of the matter involved, in whole or in part, or fail to make any recommendations within the time limit specified herein, an ordinance, order or resolution in conformity therewith shall be prepared and presented to the Council, which may adopt same by majority vote of the whole Council. Should the Commission recommend against the approval thereof, the Council may adopt an ordinance, order or resolution effectuating same only upon a two-thirds vote of the whole of the Council.

When an application involving any of the proceedings mentioned in subsection (2) hereof is filed with the City Planning Commission, it shall be the duty of the Commission to act thereon within fifty (50) days of the date of such filing. This period may be extended for an additional period of not to exceed twenty-one (21) days by mutual consent of the applicant and the Commission. The Council may, by ordinance, prescribe time limits, conditions and procedures under which the Commission may withhold action on any application for change of zone beyond the periods hereinabove specified when the application pertains to land located within an area in which the Commission is conducting a general survey or study. Should the Commission recommend approval of the matter

involved, in whole or in part, or fail to make any recommendations within the above specified period, an ordinance, order or resolution in conformity therewith shall be prepared and presented to the Council which may adopt same by majority vote of the whole Council. Should the Commission recommend against the approval thereof, in whole or in part, its action thereon shall be final except that an appeal may be taken to the Council within the time and in the manner prescribed by ordinance. The Council shall review the action of the Commission and may adopt an ordinance, order or resolution effectuating same only upon a two-thirds vote of the whole of the Council.

(3) In complying with the provisions of this section, the City Planning Commission shall hold such hearing or hearings as it may determine, or as may be required by ordinance, or may direct an examiner to conduct such hearings for it. The Director of Planning shall make such investigations relative to all matters mentioned in this section as the City Planning Commission may direct and shall file his reports thereon with the Commission.

(4) Notwithstanding any of the provisions of this Charter to the contrary, any of the powers or duties conferred upon the City Planning Commission by subsections (1), (2) and (3) hereof, except those of reporting and recommending on the creation or change of zones or districts, or the regulations applying within said zones or districts, may be delegated to the Board of Zoning Adjustment by ordinance adopted by two-thirds vote of the whole of the Council, after report thereon by the City Planning Commission and the Board of Zoning Adjustment. All of the limitations and requirements hereinabove set forth in these subsections shall apply whether a matter is acted upon by the City Planning Commission or by the Board of Zoning Adjustment. In the performance of any of the duties so assigned to it, the Board of Zoning Adjustment shall hold such hearings as may be required by ordinance, and may conduct additional hearings, or may direct an examiner to conduct such hearings for it as prescribed by ordinance, and exercise such powers as prescribed in subsections (d), (e) and (f) of Section 89 of this Charter.

(5) The City Planning Commission may authorize the Director of Planning to approve for the City Planning Commission or the Board of Zoning Adjustment, any ordinance, order or resolution which he finds conforms with the latest approved applicable portion of the master plan, or which conforms to the last action of said Commission or Board, within the time limit and with the same effect as if they had acted directly thereon.

Sec. 98½. There is hereby created a Board of Zoning Adjustment consisting of five (5) members, who shall be appointed by the Mayor subject to confirmation of the Council, one of whom may be a member of the City Planning Commis-

sion. The terms of the members of said board shall be for five (5) years, except that the terms of the present members of the Board of Zoning Appeals on the effective date of this section shall continue for the balance of the respective terms for which they were appointed. One such term shall expire on June 30 of each year, except that the initial terms shall be of the following duration: one shall expire on June 30, 1963, one shall expire on June 30, 1964, one shall expire on June 30, 1965, one shall expire on June 30, 1966, and one shall expire on June 30, 1967. In case of any vacancy, a successor shall be appointed for the period of the unexpired term vacated. The members of the Board of Zoning Appeals in office on the effective date of this amendment shall continue in office as members of the Board of Zoning Adjustment for their then unexpired terms.

The members of said Board shall receive such compensation as the Council may from time to time fix and determine, by ordinance, and they shall be exempt from the civil service provisions of this Charter.

Sec. 99. The Board of Zoning Adjustment shall have and exercise the following powers:

(a) To hear and determine appeals where it is alleged there is error or abuse of discretion in any order, requirement, decision or determination by a Zoning Administrator, either initially or in the determination of any appeal from the Department of Building and Safety as provided for in Section 98 this Charter, in the enforcement of the provisions of any ordinance adopted by the Council creating zoning districts or regulating the use of property in the City.

(b) To hear and determine appeals from the rulings, decisions and determinations of a Zoning Administrator granting or denying applications for variances from any rule, regulations, restriction or requirement of the zoning ordinance, or any section thereof.

Upon the hearing of such appeals said Board may affirm, change or modify the ruling, decision or determination appealed from, or in lieu thereof, make such other or additional determination as it shall deem proper in the premises, subject to the same limitations as are placed upon the Zoning Administrators by this Charter.

(c) Such additional powers as may be delegated to it under authority of Section 97 of this Charter.

Sec. 99¼. The Council shall prescribe by ordinance rules and regulations providing for the time, manner, method and procedure for the hearing and determining of the matters under the jurisdiction of said board; provided, however, that the board may adopt such other and additional rules as it may deem necessary to carry out the rules and regulations prescribed by ordinance and which are not in conflict or inconsistent therewith. All said rules and regulations shall be kept posted in the office of the board and a copy thereof furnished

to any applicant. Three members shall constitute a quorum, and the concurring vote of at least three members shall be necessary in the determination of any matter.

Proposed Charter Amendment No. 4

Subsections (c) and (d) of Section 140 and Section 142 of the Charter of the City of Los Angeles are amended to read as follows:

(c) The Board of Harbor Commissioners, not withstanding the provisions of subsection (b) of this section, shall have power to grant franchises and permits, in the manner hereinafter provided, to any person, firm or corporation:

(1) To use the tidelands and submerged lands in the Harbor District, or any structure or appurtenance pertaining thereto, for purposes in connection with, or for the promotion and accommodation of commerce, navigation and fishery, for periods not exceeding those permitted by the grants, or any amendments thereof, of such tidelands and submerged lands by the State of California to the City of Los Angeles; and

(2) To use other lands and waters, or interests therein, in the Harbor District, or any structure or appurtenance pertaining thereto, for such purposes, for periods not exceeding sixty-six years.

(d) Whenever it shall be determined by the board by order that certain parts, therein described, of the lands and waters, or interests therein, or that certain structures or appurtenances pertaining thereto, in the Harbor District are not required at such time for use for purposes in connection with, or for the promotion and accommodation of commerce, navigation and fishery, the Board of Harbor Commissioners, subject to the provisions of subsection (b) of this section, shall have power to grant leases, in the manner hereinafter provided, to any person, firm or corporation:

(1) To use the tidelands and submerged lands, or any structure or appurtenance pertaining thereto, for any and all purposes which shall not interfere with commerce or navigation, and are not inconsistent with any of the trusts upon which such lands may be held by the City of Los Angeles, for periods not exceeding those permitted by the grants, or any amendments thereof, of such tidelands and submerged lands by the State of California to the City of Los Angeles; and

(2) To use the other lands and waters, or interests therein, in the Harbor District, or any structure or appurtenance pertaining thereto, for such purposes, for periods not exceeding sixty-six years

Sec. 142. Franchises, permits, leases, revocable permits and assignments provided for in this article shall be granted only upon written application therefor, which shall set forth such information as the board may require. In every case where an application is filed for a franchise, permit or lease

for a definite, fixed term, at least seven days must elapse after the date of filing such application before the board shall have power to grant such franchise, permit or lease.

Proposed Charter Amendment No. 5

The Charter of the City of Los Angeles is hereby amended by adding Section 220 4 thereto to read as follows:

Sec. 220 4. The Department of Water and Power may, in the discretion of the Board of Water and Power Commissioners, provide hospital, medical or surgical benefits, or any combination thereof, to its employees (as used in this Section, "employees" shall include employees in the active service of the Department and employees heretofore or hereafter retired pursuant to Sec. 220 1 of this Charter) and their dependents.

The Board may prescribe, by general rule, for eligibility to such benefits by all or a portion of such employees and dependents

The Board may require, as a condition to participation in benefits provided pursuant to this Section, that contributions toward the cost of such benefits be made by or on behalf of such beneficiaries.

The Board may require that every employee eligible to participate in benefits provided pursuant to this Section shall contribute, during the term of his employment in active service, toward the costs of the benefits to which he or his dependents are eligible. The benefits to be provided and the contributions, if any, to be required as a condition to participation in benefits need not be identical with respect to every employee and dependent.

The Board may contract with others (including insurance companies and entities authorized to contract for hospital or medical or surgical services) to furnish benefits provided pursuant to this Section.

Money in or belonging to the Water Revenue Fund and the Power Revenue Fund may be used to pay the cost of benefits provided pursuant to this Section, including insurance premiums and charges pursuant to contract.

The Board may, at any time, amend or terminate any provision for benefits or for contributions made pursuant to this Section.

Proposed Charter Amendment No. 6

That the Charter of the City of Los Angeles be amended by repealing Section 239.9 thereof, amending Section 239.8 thereof and adding Section 240 and Section 240.1 thereto, to read as follows:

Section 239.8 Airport Revenue Fund

There is hereby established the Airport Revenue Fund, the depository for which shall be the City Treasury. Said fund

shall be exempt from the provisions of Section 382 of this Charter and shall be maintained separate and apart from all other funds and accounts in the City Treasury. The Airport Revenue Fund shall consist of: (a) all funds, moneys, securities, credits and other evidences of indebtedness in the present Airport Revenue Fund and all funds or accounts derived therefrom, including, without limiting the generality thereof, the maintenance and operation reserve fund created under paragraph 1 of Section 239 9 of the Charter and the "airport improvement fund account" established pursuant to said paragraph, but not including any moneys or securities now in the Municipal Airport Bonds, Election 1956, Interest and Sinking Fund; and (b) all moneys received or collected for the use or operation of airports, heliports and related facilities or any portion thereof, owned, operated or controlled by the City of Los Angeles or otherwise arising therefrom, including, (subject to the provisions of subsection M of Section 240 hereof) all rates, charges, rentals, fees, and other compensation collected or received by the Department of Airports; and (c) all investments of the Airport Revenue Fund or of any fund or account derived therefrom (except said Interest and Sinking Fund) in securities and other evidences of indebtedness; and (d) all interest earned and collected after the effective date of this section on said Airport Revenue Fund or on any special fund or account derived therefrom, except as provided in subsection I of Section 240, and except that interest on said Interest and Sinking Fund shall be credited to and become a part of said fund.

The Board of Airport Commissioners shall have control over the Airport Revenue Fund and authority to make all appropriations from and to order all transfers or expenditures therefrom, and such transfers or expenditures shall be drawn from said fund only upon demands authenticated by the signature of the chief accounting employee of the Board except as otherwise authorized under Section 240 of this Charter

None of the money or funds in or belonging to the Airport Revenue Fund shall be appropriated, transferred, expended or used for any purpose except the following purposes pertaining to the financing and maintenance and operation of City owned, operated or controlled airports, heliports and related facilities and then only in accordance with the priorities and discretionary authority hereinafter stated, to wit:

Subsection A. The following enumerated appropriations, transfers and expenditures shall have priority in the order in which they are listed and until such time as all of them shall have been provided for before any expenditures are made for the discretionary expenditures permitted under subsection B below:

1. At the beginning of each fiscal year commencing July 1 next following the effective date of this section there shall be appropriated and transferred from the Airport Revenue Fund

to the Municipal Airport Bonds, Election 1956, Interest and Sinking Fund, a sum sufficient to pay all principal of and interest on the outstanding general obligation bonds designated "Municipal Airport Bonds, Election 1956", including all series thereof, which would otherwise have to be provided for in the tax levy to be made in that fiscal year. This appropriation shall be made annually until either (a) said general obligation bonds are paid in full and retired, or (b) a sum sufficient for the payment of all principal of and interest on all outstanding non-callable bonds of said issue and for the redemption, principal, interest and premiums, if any, of all outstanding callable bonds of said issue have been irrevocably set aside in a special fund or funds for said purpose; provided, however, (c) that whenever a sum sufficient for the payment of all principal of and interest on all outstanding non-callable bonds of a series and for the redemption, principal, interest and premiums, if any, of all outstanding callable bonds of the series have been irrevocably set aside in a special fund or funds for that purpose, the amount of the appropriation shall be only for the payment of principal of and interest on the outstanding bonds of the other series. Any appropriation pursuant to this paragraph 1 shall be used only for the purpose for which appropriated. After all bonds of said issue have been paid or redeemed or funds sufficient for the payment and redemption thereof, including principal, interest and premiums, if any, have been irrevocably set aside therefor, any surplus in said Sinking Fund shall be transferred and returned to the Airport Revenue Fund.

2. At the beginning of the fiscal year commencing July 1 next following the effective date of this Section, after the appropriation and transfer to said Interest and Sinking Fund made pursuant to paragraph 1 above, there shall, in addition, be appropriated and transferred from the Airport Revenue Fund to a special fund which is hereby established and designated "Municipal Airport Bonds, Election 1956, Reserve Fund" a sum which, when added to the amount appropriated and transferred under paragraph 1 above, equals the surplus money which, pursuant to the provisions of paragraph 2 of Section 239.9, would have been appropriated and set aside for the payment of principal and interest on or redemption of said Municipal Airport Bonds, Election 1956, including the repayment to the City of any sums advanced for said purpose, had said Section 239.9 remained in effect; and at the beginning of each succeeding fiscal year thereafter, there shall be appropriated and transferred from the Airport Revenue Fund to said Reserve Fund, after and in addition to the appropriation and transfer made pursuant to paragraph 1 above, a sum which, when added to the amount so appropriated and transferred, equals said surplus money, computed as above provided, until there shall be in said Reserve Fund a sum equal to the amount of all principal of and interest on said Municipal Airport

Bonds, Election 1956, which will come due in the fiscal year next following the fiscal year in which the appropriation and transfer is made Said Reserve Fund shall be used only for appropriations and transfers to the Municipal Airport Bonds, Election 1956, Interest and Sinking Fund, as required by paragraph 1 above, in the event that moneys in the Airport Revenue Fund are insufficient therefor and for said purpose shall be appropriated and transferred to said Interest and Sinking Fund. No appropriations and transfers need be made into said Reserve Fund so long as there shall be in said fund a sum at least equal to the amount of all principal of and interest on said Municipal Airport Bonds, Election 1956, which will become due in the fiscal year next thereafter. Whenever moneys are appropriated and transferred from said Reserve Fund to said Interest and Sinking Fund, as above provided, or whenever the amount in said Reserve Fund on July 1 in any fiscal year is not equal to the amount of principal of and interest on said bonds coming due in the fiscal year next thereafter, then there shall be appropriated and transferred from the Airport Revenue Fund, after and in addition to the appropriation and transfer made pursuant to paragraph 1 above, to said Interest and Sinking Fund, a sum sufficient to increase the amount of such Reserve Fund to said amount of principal and interest. If any amount in said Reserve Fund in any fiscal year exceeds the amount of principal and interest on said Municipal Airport Bonds, Election 1956, coming due in the fiscal year next thereafter, said excess shall be transferred and returned to the Airport Revenue Fund. Any moneys in said Reserve Fund may be used: (i) to make all or any part of the final payment which pays and discharges all remaining outstanding bonds of said Municipal Airport Bonds, Election 1956, including the unpaid principal, interest and premiums, if any, due upon the redemption of any thereof prior to maturity, or (ii) to constitute all or part of a sum which shall be irrevocably set aside in a special fund or funds for the purpose and shall be sufficient for the payment of all principal of and interest on all outstanding non-callable bonds of said Municipal Airport Bonds, Election 1956, and for the principal, interest and premiums, if any, on all outstanding callable bonds of said issue.

3. In any fiscal year after: (i) the appropriation and transfer to said Interest and Sinking Fund required to be made by paragraph 1 above, and (ii) any appropriation and transfer to said Reserve Fund required to be made by paragraph 2 above, have been made, there shall be appropriated and transferred from the Airport Revenue Fund, monthly or otherwise as provided in any proceedings for the incurring of any indebtedness authorized by Section 240 of this Charter, the sum or sums required to be placed in any bond service funds, sinking funds, reserve funds or other funds or accounts or special trust accounts established to insure the payment of principal of, interest on, or redemption of or for the security of such bonds, notes, certificates or other evidences of indebtedness

payable solely from revenues as provided in Section 240 of this Charter.

4. Moneys in the present maintenance and operation reserve fund created under paragraph 1 of Section 239 9 of the Charter shall be transferred to a fund for maintenance and operation which is hereby established and designated "Maintenance and Operation Reserve Fund". At the beginning of each fiscal year, commencing July 1 next following the effective date of this Section, there shall be appropriated to said Maintenance and Operation Reserve Fund out of any surplus remaining in the Airport Revenue Fund at the end of the preceding fiscal year a sum which, when added to any moneys in said Maintenance and Operation Reserve Fund, shall equal not less than 25% nor more than 50% of the budgeted maintenance and operation expenses for the current fiscal year. Moneys in said Maintenance and Operation Reserve Fund may be appropriated by the Board and transferred to the Airport Revenue Fund as provided in paragraph 5 of this subsection A and the amounts withdrawn shall be returned to said Maintenance and Operation Reserve Fund as provided in said paragraph 5

5. In any fiscal year after: (i) the appropriation and transfer to said Interest and Sinking Fund required to be made by paragraph 1 above, and (ii) any appropriation and transfer to said Reserve Fund required to be made by paragraph 2 above, and (iii) the appropriations and transfers required to be made on or before the date by any proceedings for the incurring of any indebtedness authorized by Section 240 of this Charter, and (iv) after any appropriation to said Maintenance and Operation Reserve Fund required to be made by paragraph 4 above, have been made, the maintenance and operation expenses of the Department, including, without limitation, maintenance and operation of airports, heliports and related facilities, or any portion thereof, owned, operated or controlled by the City but operated or controlled by the Department, and any liabilities incurred therefor may be paid monthly. If no moneys remain in said Airport Revenue Fund for the purposes authorized in this paragraph 5 or if the moneys therein are insufficient, then the sum or sums necessary for the payment of said monthly expenses and liabilities shall be transferred to the Airport Revenue Fund from the Maintenance and Operation Reserve Fund; provided, however, that the sum or sums so transferred shall be returned to and placed in said Maintenance and Operation Reserve Fund from the first moneys in the Airport Revenue Fund which, subject to the priorities set forth in paragraphs 1, 2 and 3 above, will be available therefor to the extent necessary to re-establish said Maintenance and Operation Reserve Fund in an amount equal to not less than 25% of the budgeted maintenance and operation expenses for the current fiscal year in which said Maintenance and Operation Reserve Fund is re-established. At the end of each fiscal year any sum remaining in the Airport Revenue Fund in excess of any amount required to be trans-

ferred at the beginning of the next fiscal year by paragraphs 1 and 2 above and by the proceedings for the incurring of any indebtedness authorized by Section 240 of this Charter and in excess of any unpaid expenses or liabilities shall be deemed to be surplus. Out of such surplus any appropriation to the Maintenance and Operation Reserve Fund shall be made as provided in paragraph 4 above.

6 Beginning in the fiscal year commencing July 1 next following the effective date of this section, and continuing annually until all interest on and principal of the issued and outstanding general obligation bonds designated "Municipal Airport Bonds, Election 1945", including all series thereof, are paid or a sum sufficient therefor is set aside in the Municipal Airport Bond, Election 1945, Interest and Sinking Fund maintained for that purpose, if: (i) all appropriations and transfers required to be made by paragraphs 1 and 2 above have been made, and (ii) all appropriations and transfers required to be made on or before said date by any proceedings for the incurring of any indebtedness authorized by Section 240 of this Charter have been made, and (iii) the appropriation required to be made by paragraph 4 above has been made, and (iv) after payment or provision of funds for the payment of the maintenance and operation expenses for the current month has been made, there are funds in the Airport Revenue Fund available therefor, there shall be appropriated and transferred from the Airport Revenue Fund to the Municipal Airport Bond, Election 1945, Interest and Sinking Fund for that purpose, a sum sufficient to pay all principal of and interest on said bonds, that would otherwise have to be provided for in the tax levy to be made in that fiscal year.

Subsection B. In any fiscal year after: (i) all appropriations and transfers required to be made by paragraphs 1 and 2 of subsection A have been made, and (ii) all appropriations and transfers required to be made on or before said date by any proceedings for the incurring of any indebtedness authorized by Section 240 of this Charter have been made, and (iii) the appropriation required to be made by paragraph 4 of subsection A has been made and there is in said Maintenance and Operation Reserve Fund an amount equal to not less than 25% of the budgeted maintenance and operation expenses for the fiscal year, and (iv) after payment or provision of funds for the payment of maintenance and operation expenses for the current month has been made, and (v) the appropriation in that fiscal year provided for in paragraph 6 of subsection A has been made, the Board, in its discretion, may appropriate, pay or expend moneys remaining in said fund in any month for any of the following purposes, to wit:

(1) The acquisition of land, real property or interests in real property for, and the acquisition, construction, enlargement and improvement of new and existing buildings, struc-

tures, facilities, utilities, equipment, appliances and other property necessary or convenient for the development or improvement of any airports and heliports owned, controlled or operated by the City in the promotion and accommodation of air commerce or navigation and matters incidental thereto.

(2) To pay into the City Employee's Retirement System the expenses applicable to the employees of the Department of Airports.

(3) In the event that after the effective date of this section general obligation bonds of the City are issued and sold and such bonds are not required to be serviced out of the Airport Revenue Fund under proceedings taken pursuant to subsection K of Section 240 of this Charter, the Board, in any year, may appropriate such sum or sums as it may determine for the payment of principal of and interest on such bonds.

(4) For any other lawful purpose of the Department, including without limitation, to pay the costs of performing additional duties imposed upon the Department by ordinance.

(5) The return and payment into the general fund of the City of any sums paid by the City from funds raised by taxation for the payment of the interest on and principal of any general obligation bonds issued by the City for the acquisition, construction and improvement of any airport owned or operated by the City.

Subsection C. No appropriations, payments or expenditures authorized by Subsection B hereof or contracts therefor shall be made in any fiscal year in such amounts as to prevent the accumulation of the sums required by subsection A hereof.

Subsection D The "airport improvement fund account" established by paragraph 1 of Section 239.9 shall be continued under this section and the funds therein expended for the purposes for which the account was established and none of the moneys or funds therein shall be subject to appropriation under any of the provisions of subsections A and B hereof.

Subsection E. Any moneys in the Airport Revenue Fund or in the funds created by or pursuant to paragraphs 2 and 4 of subsection A may, in the discretion of the Board, be invested in direct obligations of the United States or obligations for which the full faith and credit of the United States are pledged for the payment of principal and interest, but any such investment shall be payable in such time or sold in such time that the full amount of moneys required for any payment shall be available in the proper fund at the time such payment is due Moneys in any of the funds or accounts created pursuant to Section 240 of this Charter may be invested as provided in said section Any moneys in the Municipal Airport Bond Interest and Sinking Fund or the special fund mentioned in paragraph 6 of subsection A may, in the discretion of the Treasurer be invested in any securities which are legal investments for funds of the City of Los Angeles.

Subsection F. In the event that general obligation bonds of the City are authorized and issued after the effective date of this section, and such bonds are to be serviced out of the Airport Revenue Fund, as provided in subsection K of Section 240 of this Charter, then the priority of the payments and appropriations for the service of such bonds and the establishment and maintenance of such funds or accounts as are required therefor shall be as provided in the ordinance referred to in said subsection K and subject to the restrictions mentioned therein.

Subsection G. In the event of any appropriation for the use of the Department from the General Fund or any other fund or funds of the city such moneys shall be placed in any fund or funds designated by the Board and used only for the purpose or purposes for which appropriated.

Subsection H. Any moneys received by the City or by the Department from the United States of America or any department thereof or from the State of California, whether as grants-in-aid, shared taxes, or reimbursements for moneys expended by the Department, shall be placed in such fund or funds as may be directed by the Board and shall be used only for the purpose or purposes for which received and if no such purpose is specified by law or by said United States of America or the State, may be expended by the Board for the development or improvement of any airport or heliport owned by the City or of any facilities necessary for the efficient operation thereof.

Subsection I. Section 239.9 of the Charter is hereby repealed.

Subsection J. This section and every part thereof shall be liberally construed to promote the objects thereof and to carry out its intents and purposes. If any subsection, paragraph, sentence, clause or word of this section is held invalid the remainder of the section shall remain in full force and effect If the application of any subsection, paragraph, sentence, clause or word of this section to any person or circumstance is held invalid the application of such subsection, paragraph, sentence, clause or word to any other person or in any other circumstance shall not be affected thereby.

Section 240. Airport Revenue Bonds

Subsection A. Power to Borrow Money, Issue Revenue Bonds and Refund Indebtedness.

1. Bonds issued by the Department of Airports pursuant to the provisions of this Section 240 shall not constitute or evidence indebtedness of the City but shall constitute and evidence only indebtedness of said Department payable in the manner provided in this Section 240 and not otherwise.

2. The Department of Airports shall have the power to borrow money from time to time for the purpose of acquiring, constructing, reconstructing, replacing, extending, enlarging or improving airports, heliports, and the facilities thereof, in-

cluding, but not limited to the following, to wit: runways, taxiways, landing pads, navigational and landing aids, control towers, roadways, passenger and freight terminal complexes, passenger terminal buildings and related facilities, air freight terminal buildings and related facilities, apron and gate position pavement and related facilities, air carrier maintenance hangars and related facilities, and such other buildings, structures and improvements necessary or convenient to the development of airports and heliports owned, operated or controlled by the City and for the handling of air mail, air travel and air freight and such other matters as are required in the promotion and accommodation of air commerce, air navigation, air transportation and aviation, including the acquisition of land, easements, rights of way and other property and interests therein as are necessary and convenient for any of the foregoing; and said Department shall have the power to issue and sell bonds as hereinafter defined to evidence the indebtedness created by such borrowing.

3 The Department of Airports shall also have the power to refund from time to time, whether at or prior to maturity, any outstanding indebtedness evidenced by bonds of the Department payable out of the Airport Revenue Fund or evidenced by bonds of the City serviced out of the Airport Revenue Fund, and to issue, and to sell or exchange bonds so to refund such indebtedness. Refunding bonds may be issued in a principal amount sufficient to pay all or any part of the principal of such outstanding indebtedness, the interest thereon and the premiums, if any, due upon call and redemption thereof prior to maturity, and may be issued and sold at such time in advance of the time at which the bonds to be redeemed or paid out of the proceeds of such refunding bonds are to be so redeemed or paid as the Board of Airport Commissioners may determine.

4. Bonds issued under paragraphs 2 and 3, above, of this subsection A may be issued, sold or exchanged, as the case may be, in separate issues or may be combined into one issue of bonds.

Subsection B. Definitions.

The following terms, whenever used in this Section 240, shall have the following meanings respectively, unless otherwise clearly indicated by the context:

"Bonds" shall include "notes, certificates and other evidences of indebtedness";

"Refund" shall include "extend" and "renew";

"Bonds of the Department payable out of the Airport Revenue Fund", and terms of similar import, shall mean only bonds issued by the Department pursuant to the provisions of this Section 240 and by their terms payable solely out of the Airport Revenue Fund or such portion of said Fund as the Board may specify;

"Bonds of the City serviced out of the Airport Revenue Fund", and terms of similar import, shall mean only general

obligation bonds issued by the City, provision for the payment of which out of the Airport Revenue Fund had been made or is made pursuant to this Charter:

"Assented to by the voters" shall mean that the proposition indicated by the context shall have been submitted to the electors of the City, and shall have been assented to by a majority of those electors who shall have voted upon that proposition at the election.

Subsection C. Bonds to be Payable Solely from Airport Revenue Fund.

1. All bonds issued by the Department pursuant to this Section 240 shall be, and shall recite upon their face that they are, payable both as to principal and interest, and as to any premiums upon the redemption thereof prior to maturity, solely out of the Airport Revenue Fund, or such portion of said Fund as the Board may specify, and not out of any other fund or moneys of the Department or the City.

2 The payment of the principal of and interest on such bonds and any premiums upon the redemption of any thereof shall be secured by an exclusive pledge, charge and lien upon the Airport Revenue Fund in the priority of payment set forth in Section 239 8 of this Charter; or such portion of said Fund as the Board may specify, and said revenues so pledged shall constitute a trust fund for the payment of such principal, interest and premiums.

3. The provisions of the preceding paragraphs 1 and 2 shall not preclude:

(a) the payment of any such principal, interest or premiums through appropriate reserve funds or special trust accounts, established as hereinafter in this Section 240 provided;

(b) the payment of interest on or principal of bonds of any such issue out of sums received as premiums or accrued interest on the sale of that issue;

(c) the payment of any such interest, principal or premiums out of the proceeds of the sale of refunding bonds issued for that purpose;

(d) the payment out of the proceeds of any bonds of the whole or a part of the interest accruing on said bonds during the period of the performance of work to be paid for out of such proceeds, or

(e) the payment of any such principal, interest or premiums by the purchasers of any such bonds, or by any entity, public or private, other than the City, the Department or any other department of the City, in any case where any such purchaser or entity may have guaranteed such payment.

Subsection D. Proceedings for Authorizing Bonds.

1. Whenever the Department shall propose to exercise the power to borrow money or to refund indebtedness pursuant to this Section 240 the Board shall adopt a resolution authorizing the issuance of bonds for such purpose.

2. Certified copies of such resolution shall be transmitted to the offices of the Mayor and of the City Clerk, and the City Clerk shall forthwith present the said resolution to the Council. At any time within such period as may be specified in said resolution, which shall be not less than 30 days from and after the receipt of such certified copies at such offices, respectively, the Mayor, by writing, or the Council, by majority vote, may disapprove such resolution. If neither the Mayor nor the Council shall so disapprove said resolution within the period so specified, said resolution shall thereupon be published once in the same manner as ordinances of the City. If the Mayor shall disapprove said resolution within said period, he shall forthwith advise the Council and the Board, in writing, of such disapproval The Council shall thereupon consider such disapproval in the same manner as upon the reconsideration of an ordinance notwithstanding the veto of the Mayor and, if, upon such consideration, the Council shall by the votes, of two thirds of the whole Council, determine that the Mayor's disapproval should be overruled, such disapproval by the Mayor shall be of no effect, and the said resolution of the Board shall thereupon be published once in the same manner as ordinances of the City.

3. Anything in the preceding subparagraphs of this subsection notwithstanding, in the cases of (a) refunding bonds or (b) notes or other evidences of indebtedness, which are to be issued pursuant to subsection L of this Section 240, the resolution of the Board adopted pursuant to paragraph 1 of this subsection shall upon its adoption by the Board be forthwith published once in the same manner as ordinances of the City and the transmission of such resolution to the offices of the Mayor and City Clerk shall be for information only and it shall not be subject to the disapproval by the mayor or Council; provided, however, that any such resolution may, by its terms, be made subject to disapproval by the Mayor or Council with the effect provided in paragraph 2 of this subsection

4. Every such resolution, adopted by the Board pursuant to any of the preceding paragraphs of this subsection shall, when published, be subject to the right of referendum before the same shall become effective. At any time within 30 days after such publication a referendary petition, demanding the submission of such resolution to a vote of the qualified electors of the City for their assent to the issuance of the therein proposed bonds, may be filed with the City Clerk. Except as in this Section 240 otherwise expressly provided, all of the provisions of this Charter relating to referendum with respect to ordinances shall apply to any referendum under the provisions of this subsection. Upon presentation to the Council by the City Clerk of a referendary petition, the resolution which is the subject thereof shall be of no effect unless and until the same shall have been assented to by the voters.

5. If no such referendary petition is presented within the aforesaid period of 30 days, then upon the expiration of said period, or, if the resolution of the Board adopted pursuant to paragraph 1 of this subsection shall have been assented to by the voters upon referendum pursuant to this subsection, then upon such resolution having been so assented to, the said resolution shall take full and final effect and the Board may proceed in accord with the provisions of this Section 240 and issue bonds as provided for by said resolution; provided, however, that if the resolution shall have been assented to by the voters upon referendum pursuant to this subsection, the resolution may, in the discretion of the Board, be amended to change the date of the bonds and the date or dates of maturity of each issue or series of bonds and all other dates which depend upon the above dates, and when so amended the said resolution shall take full and final effect and the Board may proceed in accordance with the provisions of this Section 240 and issue bonds as provided by said amended resolution.

Subsection E. Resolution for the Issuance of Bonds.

1. The resolution authorizing the issuance of bonds adopted pursuant to paragraph 1 of subsection D of this Section 240 shall:

(a) recite the objects and purposes for which the bonds are to be issued;

(b) fix the principal amount of the bonds to be issued thereunder;

(c) fix the date of the bonds;

(d) fix the date or dates of maturity of each issue or series of bonds (which may be serial or term maturities or a combination thereof), provided, however, that no bond shall run more than forty (40) years from its date; and

(e) fix the maximum rate of interest to be payable thereon, not to exceed six per cent (6%) per annum, payable annually or semiannually, or in part annually or in part semiannually

2. In any such resolution providing for the issuance of bonds adopted pursuant to paragraph 1 of subsection D of this Section 240 the Board may fix the terms and conditions thereof (including covenants) and may in any article, section, sentence or clause thereof make such provision (including covenant) as it may deem necessary or desirable to facilitate the issuance and sale of the bonds, or for the protection or security of the holders thereof, including, without affecting the generality of the foregoing, any of the following:

(a) the denomination or denominations of the bonds, the medium of payment thereof, the form of said bonds (including recitals of regularity) and of interest coupons pertaining thereto, the form, denomination and conditions of any temporary bonds or interim certificates, if any, (which temporary bonds or interim certificates may be issued without interest coupons), the manual and facsimile signatures to be affixed to said bonds (definitive or temporary) or interim certificates,

and the facsimile signature to be affixed to interest coupons, and the registration, conversion and exchange privileges, if any, pertaining to said bonds;

(b) for said bonds to be negotiable or non-negotiable;

(c) for such bonds and the interest thereon, and premiums, if any, due upon the redemption of any thereof, being payable or collectible at any place or places, within or without the State of California, and without such presentation and approval of demands as is elsewhere in this Charter provided for with respect to other claims against the City, the Board, or the Department;

(d) for the appointment and payment of fiscal, paying, sinking fund or other agents, or of trustees or registrars;

(e) for the appointment of the Treasurer of the City to act as such fiscal, paying, sinking fund or other agent;

(f) for the custody by the Department of bonds and coupons whether pending delivery or after purchase or surrender;

(g) for the delivery by the Department of bonds and coupons to the purchaser thereof;

(h) for the receipt by the Department of the proceeds of the sale and for the depositing of such proceeds in the proper fund or funds;

(i) provisions for the call and redemption prior to maturity of any part or all of said bonds and the premiums to be paid upon such call and redemption;

(j) covenants relating to the establishment and maintenance of rates, fees, charges and rentals or other compensation for leases, franchises, permits and licenses and any other compensation collected or received by the Department;

(k) covenants limiting or prohibiting the Department from furnishing or rendering to the City or to any government, department of government, public corporation or body, or private corporation or persons, services, property or commodities free or at lower rates than otherwise charged;

(*l*) the accounts and records to be kept, audits thereof and examination of such audits by bondholders and others;

(m) carrying of insurance against any or all risks and in case of loss the application of the insurance proceeds;

(n) prohibitions against or limitations upon the sale, lease or other disposition or transfer of any or all of the works and properties owned, operated or controlled by the Department and the use of any funds derived from the sale, lease or other disposition or transfer permitted under the terms of such resolution;

(o) limitations upon the issuance of any additional bonds of the Department payable out of the Airport Revenue Fund or any bonds of the City serviced out of the Airport Revenue Fund; provided, however that no bonds shall be issued pursuant to this Section 240 or any other provision of the Charter or any other law having any priority in payment of principal or interest out of the Airport Revenue Fund over any bonds

of the Department payable out of the Airport Revenue Fund theretofore issued and payable out of such fund;

(p) for restrictions on future transfers out of the Airport Revenue Fund;

(q) provisions whereby the consent or agreement of a stated percentage or number of the holders of the bonds may bind all holders to the repeal, amendment, supplementation or other modification of any of the provisions of such resolution authorizing such bonds and the resolution providing for the sale thereof or to a refunding of said bonds and to calls and exchanges in connection with such refunding;

(r) for the issuance of a duplicate, in the manner and upon such terms and conditions as the Board may determine, in the event any bond, temporary bond, coupon or interim certificate of any such issue is lost, stolen, destroyed or mutilated;

(s) any other provision (including covenant) valid under the Constitution of the State of California and the United States of America.

3. Without limiting in any way the generality of the powers of the Board, it is expressly authorized in its discretion to provide in connection with any issue of bonds:

(a) for the issuance and distribution in such form as the Board may determine of official statements respecting proposed issues of bonds and the properties, operations and finances of the Department for the information of prospective purchasers of such bonds; and, in any case where any resolution is to be submitted to the voters for their assent by referendum, for the issuance, distribution, dissemination and publication of factual statements respecting such proposed issues of bonds, and such properties, operations and finances, for the information of such voters;

(b) for the making of contracts, or the placing of orders, for the engraving or printing of any bonds, whether definitive or temporary, or of interim certificates, authorized by this Section 240, or for any printing incident to the offering or issuance of any such bonds, without advertising for bids, in any case where, because of limitations of time, or requirements as to quality of work, or as to security in the control or custody of plates, or any similar cause, the Board may deem it to be in the public interest so to do, anything in this Charter to the contrary notwithstanding, but in so doing the Board shall, if practicable, obtain or cause to be obtained competitive bids, formal or informal, from bidders who can perform work of the required quality within the required time, and, in the case of engraving, who are of proper responsibility and who have adequate facilities for the control and safekeeping of the engraved plates;

Subsection F. Sale of Revenue Bonds.

Bonds issued under this Section 240 shall be sold by the Board upon such terms and provisions as it shall determine by resolution which shall not be subject to the disapproval of

the Mayor or Council and shall not be subject to referendum. Said bonds shall be offered for sale on competitive bidding pursuant to a notice providing proposals for the purchase of such bonds, published at least twice, the first publication to be at least five (5) days prior to the time fixed for the receipt of proposals in one newspaper published and of general circulation in the City of Los Angeles (and, if the Board, in its discretion, shall determine, said notice may be published elsewhere than in the City in such manner and to such extent as the Board may deem desirable). The Board shall reserve the right to reject any and all bids. If no bid or no satisfactory bid is received pursuant to such notice the Board may reject all bids received, if any, and may thereafter sell such bonds at public or private sale. In the case of refunding bonds the Board, in its discretion, need not offer all or any part of the bonds for sale on competitive bidding as above provided, but may provide for the refunding being made in whole or in part by the exchange of such refunding bonds for the bonds to be refunded. Bonds issued under this Section 240 may be sold at a fixed rate of interest or the bidders may be invited to state the rate or rates at which they will purchase said bonds but no rate for interest on any of the bonds shall exceed the maximum rate as stated in this Section 240 Upon the acceptance of a bid the Board shall by resolution, which shall not be subject to the disapproval of the Mayor or Council and shall not be subject to referendum, fix such interest rate or rates as have been bid by the successful bidder as the rate or rates of interest on bonds sold.

Subsection G. Disposition of Bond Proceeds.

1. All sums received as premiums or accrued interest on the sale of any bonds issued pursuant to this Section 240 shall be applied to the payment of interest on or principal of the bonds of that issue. All sums received as principal on the sale of any issue of the bonds shall be applied to the purposes for which the bonds were issued including, without limitation, fees, expenses and other costs of the authorization, issuance and sale of the bonds.

2 The board is empowered to and may from time to time establish and maintain a separate fund or funds in the City Treasury for the purpose of insuring the application of such proceeds received as principal on the sale of any issue of bonds to the purposes for which the same were issued Money set aside and placed in any such separate fund shall remain therein until from time to time expended for the purposes for which such bonds were issued, including the reimbursement of other funds of the Department for expenditures therefrom for purposes for which such bonds were issued, made after such issuance was authorized, and shall not be used for any other purpose whatsoever, except for temporary investment thereof as provided in subsection I of this Section 240; provided, however, that money may be paid or transferred from any such

separate fund, in furtherance of the purpose of its establishment, to any other such separate fund established for a like purpose in connection with the issuance of said bonds.

3. Money in any such separate fund shall be withdrawn therefrom only upon demands authenticated by the signature of the Chief Accounting Employee of the Department.

4. If the board shall determine by resolution that the expenditure of the whole or any portion of the said principal sum of any issue of bonds for the purpose for which such bonds were issued is impracticable or unwise, the Board may:

(a) apply such money or any part thereof to the purchase of bonds of that issue, or to the payment of any such bonds, at maturity or on redemption, or to the payment of interest thereon, or of premiums due on the redemption thereof; or

(b) apply such money or any part thereof to any new purpose which is within the purposes for which bonds might be issued under the terms of this Section 240; provided, however, that before applying any of such money to such new purpose the Board shall adopt a resolution specifying such new purpose, the amount of such money to be applied thereto, and authorizing the application, which resolution shall be subject to the same procedures, and take final effect only in the same manner, as if it were a resolution adopted pursuant to subsection D of this Section 240 authorizing the issuance of bonds for such new purpose, and such resolution authorizing such application to such new purpose, when it shall have taken final effect under such procedures, shall be sufficient authority for the application of such money to such new purpose.

5. If any excess of the principal sum of the proceeds of any issue of bonds shall remain unexpended after the full accomplishment of the purpose for which such bonds were issued, the Board, by resolution, may direct that the same shall be applied to the purchase of bonds of that issue, or to the payment of any such bonds, at maturity or on redemption, or to the payment of interest thereon or of premiums due on the redemption thereof, or, subject to the procedure set forth in the preceding subparagraph 4(b) of this subsection G, that it shall be transferred to the Airport Revenue Fund and may thereupon be appropriated and used for any of the purposes provided therefor.

Subsection H. Funds and Special Trust Accounts to Insure Payment of Bonds.

1. In connection with the exercise of the power to borrow money, to issue bonds, and to refund indebtedness, pursuant to this Section 240, the Board is empowered to and may, in the resolution authorizing the issuance of bonds adopted pursuant to paragraph 1 of subsection D of this Section 240, or in other resolutions, from time to time, establish and maintain bond service funds, sinking funds, reserve funds or other funds or accounts in the City Treasury, and special trust account or accounts with an agent or agents designated by said

Board pursuant to clause d of paragraph 2 of subsection E of this Section 240, to insure the payment, when due or payable, whether at maturity or upon redemption prior to maturity of the principal of, and interest on, bonds issued as aforesaid, including premiums, if any, due upon the redemption of any thereof prior to maturity, or for any of said purposes. As may be provided in such resolution or resolutions, money in any such funds or accounts may also be used for the purchase of bonds of the issue in connection with which it was established and for cancellation and retirement pursuant to any mandatory requirement for the redemption of sinking fund bonds. Each such fund or account shall be established and maintained out of the Airport Revenue Fund as provided in paragraph 3 of subsection A of Section 239.8 of this Charter or out of any moneys which under the terms of paragraph 3 of subsection C of this Section 240 are applicable to the purpose, through transfers or payments made at such times and in such amounts as the Board may direct.

2. Money set aside and placed in any such funds or accounts shall remain therein until from time to time expended for the purposes thereof, and shall not be used for any other purpose whatsoever, except for temporary investment thereof as provided in subsection I of this Section 240; provided, however:

(a) that money may be paid or transferred from any such fund or account in furtherance of the purpose of its establishment, to any other such fund or account established for a like purpose in connection with the same issue of bonds, to such extent as may be required or permitted under the terms of the resolution authorizing that issue; and

(b) that all money remaining in any such fund or account in excess of the amount required to make provision for the payment in full of the principal of, and interest on, the bonds with respect to which it was established, including premiums, if any, due upon the redemption of any thereof, may be returned and transferred to the Airport Revenue Fund or other fund out of which such fund or account was established.

(c) Money in any such fund or account shall be drawn therefrom only upon demands authenticated by the signature of the chief accounting employee of the Department; provided, however, that the Board may, in its discretion, direct and authorize the payment from such fund or account, by the Treasurer, without such authenticated demand, (i) of bonds of the issue in connection with which such fund or account is so established when due upon maturity or call, or of coupons pertaining to bonds of such issue when due, but only upon presentation and surrender of such bonds or coupons, (ii) of interest upon registered bonds of such issue when due, or (iii) of premiums, if any, due upon the redemption of any such bonds.

(d) Money in any special trust account established with an agent or agents shall be drawn therefrom only in accordance with directions given or authorized by the Board.

Subsection I. Investment of Funds.

1. Pending use for the purposes for which any separate fund established pursuant to subsection G or any fund or special trust account established pursuant to subsection H of this Section 240, money set aside and placed therein may, when and to such extent and in such manner as may be directed by the Board and as may be consistent with the provisions of any resolutions of said Board constituting a part of the proceedings for the issuance of the issue of bonds in connection with which such fund or account was created, be invested in bonds or other evidences of indebtedness of the United States, or obligations for which the full faith and credit of the United States are pledged for the payment of principal and interest or bonds or other evidences of indebtedness of the State of California or any political subdivision thereof, or of the City or any department thereof. Any such bonds or other evidences of indebtedness acquired through such investment may be resold at any time.

2. Any bonds or other securities so purchased shall constitute a part of such fund, special trust account or separate fund, and any interest or any increment received by reason of such investment and the proceeds of any such resale shall be placed in, and constitute a part of such fund or account

Subsection J. Resolutions Constitute Enforceable Contracts.

The provisions of any resolution of the Board constituting a part of the proceedings for the issuance of any bonds under this Section 240 shall constitute a contract between the Department and the holders of such bonds and the provisions thereof shall be enforceable against the City, the Department, or any officer thereof, by mandamus or any other appropriate suit, action or proceeding in law or equity in any court of competent jurisdiction.

Subsection K. Issuance of Additional General Obligation Bonds.

1. Nothing in this Section 240 shall prevent the City from issuing general obligation bonds for any airport purposes, including, without limitation, any purposes enumerated in paragraph 2 of subsection A of this Section. If such general obligation bonds are required to be authorized at an election, the ordinance calling the election shall state whether or not such bonds are to be serviced out of the Airport Revenue Fund, and, if so, said statement shall also provide for the establishment and maintenance of such funds or accounts in the City Treasury as are required therefor and the priority of the payments and appropriations for the service of such bonds; provided, however, that no such general obligation bonds may be serviced out of the Airport Revenue Fund prior to any bonds of the Department payable out of the Airport Revenue Fund theretofore issued; and if such general obligation bonds are not required to be authorized at an election, the ordinance providing

for the issuance of bonds shall contain such statement, and such ordinance shall be subject to referendum in the same manner as other ordinances of the City; provided, however, that such bonds may not be issued or serviced out of the Airport Revenue Fund in contravention of any restrictions duly imposed pursuant to subsection E of this Section 240. The statement above required in this paragraph shall be the exclusive manner of requiring the service of such general obligation bonds for airport purposes out of the Airport Revenue Fund. No such statement in any ordinance or ordinances adopted pursuant to this subsection K shall constitute a contract between the City and the holders of the bonds authorized by such ordinance or ordinances as to the use of the Airport Revenue Fund or any part thereof for the service of the bonds authorized and issued.

2. Bonds of the City serviced out of the Airport Revenue Fund shall not be included as City indebtedness for the purpose of computing the amount of general obligation bonded indebtedness which the City can incur.

Subsection L. Short Term Borrowing.

1. The Department shall also have the power to borrow money from time to time for any or all of the purposes specified in paragraph 2 of subsection A of this Section 240, and to issue and sell notes, or other evidences, to evidence the indebtedness created by such borrowing without the submission to the voters of the proposition of so doing, and without the approval by the Mayor or the Council of the resolution provided for in subsection D of this Section 240, whenever the Board shall find and determine that the public interest and necessity require the exercise of that power.

2. All notes or other evidences of indebtedness issued under the authority of this subsection L shall contain upon their face a recital that they are so issued and shall be payable in not to exceed five years from their date.

3. No amount shall be borrowed under the authority of this subsection L in contravention of any restrictions duly imposed pursuant to subsection E of this Section 240.

4. All of the provisions of this Section 240 not inconsistent with the terms of this subsection L, and not by their terms made inapplicable thereto, shall apply to all notes or other evidences, issued under the authority of this subsection L.

Subsection M. Special Purpose Revenue Bonds.

1. The Department shall also have the power to borrow money from time to time for the acquisition, construction and financing of any special purpose facility, including, without limitation, interest estimated to accrue during the construction period and for not to exceed six months thereafter, and to issue and sell special purpose revenue bonds to evidence the indebtedness created by such borrowing. The proceedings for the authorization of such special purpose revenue bonds shall be as set forth in subsection D of this Section 240. In addition to the

items set forth in paragraph 1 of subsection E of this Section 240, the resolution providing for the issuance of such special purpose revenue bonds shall:

(a) find and determine that the acquisition, construction, financing, maintenance and operation of the special purpose facility will benefit the airports and heliports, or any thereof, owned, operated or controlled by the City and will not adversely affect the Airport Revenue Fund;

(b) find and determine that so long as such special purpose revenue bonds are outstanding the pledged revenues of the special purpose facility will be at least sufficient: (i) to pay the principal of and interest on such special purpose revenue bonds as the same become due, (ii) to make all payments into any bond service funds, sinking funds, reserve funds or other funds or accounts established for or in connection with such special purpose revenue bonds pursuant to subsection H of this Section 240, and (iii) to pay any such portion of the maintenance and operation expenses of such special purpose facility that are not to be paid for by the lessee.

2. No amount shall be borrowed under the authority of this subsection M:

(a) in contravention of any restrictions duly imposed pursuant to subsection E of this Section 240;

(b) unless the Board shall have previously adopted a plan for the leasing of such special purpose facility to be acquired, constructed and financed with the proceeds of such special purpose revenue bonds pursuant to a lease (i) having a term at least equal to the last date of maturity of such special purpose revenue bonds, and (ii) providing for pledged revenues which will be at least sufficient so that the Board can make the finding required by subparagraph 1 (b) of this subsection M.

3. All of the provisions of this Section 240 not inconsistent with the terms of this subsection M, and not by their terms made inapplicable thereto, shall apply to all special purpose revenue bonds issued under the authority of this subsection M.

4. The following terms whenever used in this subsection M shall have the following meanings respectively, unless otherwise clearly indicated by the context:

"Special purpose facility" shall mean a facility included within any or all of the purposes specified in paragraph 2 of subsection A of this Section 240 for the acquisition, construction and financing of which special purpose revenue bonds are to be issued.

"Special purpose revenue bonds" shall mean bonds of the Department issued for the acquisition and construction of a special purpose facility and payable out of a portion of the Airport Revenue Fund, to wit: the "pledged revenues".

"Pledged revenues" shall mean such portion of the Airport Revenue Fund derived from such special purpose facility as the Board may specify (exclusive of ground rentals for the

land on which such facility is located) which secure the payment of such special purpose revenue bonds as provided by subsection C of this Section 240.

Subsection N. Miscellaneous Provisions.

1. Unless otherwise clearly indicated by the context, all of the provisions of this Section 240 shall be understood as relating only to bonds issued under this Section 240.

2. This Section 240 is complete authority for the issuance of bonds thereunder, and no action or proceeding not required by this section shall be necessary for the valid authorization and issuance of such bonds.

3. The validity of bonds reciting that they have been issued pursuant to this Section 240 shall not be affected by any provision or limitation contained in any other section or sections of this Charter.

4. Bonds shall be deemed to be issued, within the meaning of this Section 240 whenever the definitive bonds, or temporary bonds or interim certificates exchangeable therefor, have been delivered to the purchasers thereof and the purchase price thereof received, or in case of bonds to be refunded through exchange, whenever such exchange has been made.

Section 240.1. Economic Survey

The Board of Airport Commissioners, at least once in every five years, shall cause an industrial, economic and administrative survey to be made of the business and property of the Department by an independent qualified organization specializing in such surveys. Such survey shall be made to ascertain if the Department is operating in the most efficient and economical manner. If the Mayor and Council deem such a survey be advisable more often than every five years, they may order the Board to cause such a survey.

In all such surveys, the organization employed to make the survey shall be approved by the Mayor and Council, and the cost of the survey shall be paid for from Department funds.

Proposed Charter Amendment No. 7

The Charter of the City of Los Angeles is hereby amended by adding Section 268 thereto to read as follows:

Sec. 268. In lieu of filling a vacancy in the office of member of the Council as provided in Section 267 if such vacancy in office continues more than ninety (90) days, the Council may, if it so desires, call a special election by ordinance for the purpose of filling such vacancy and provide in such ordinance the time for holding such election and its consolidation with any other election and the procedure for nominating candidates, including the amount of the filing fee to be paid by candidates and other matters pertaining to such election. The candidate receiving the highest number of votes shall be declared elected to fill such vacancy in office upon the same terms and conditions as if appointment thereto had been made by

the Council pursuant to Section 267. In the case of a tie vote the Council shall decide which candidate receiving an equal number of votes is elected to so fill such vacancy in office. No person may be nominated as a candidate to be voted for at such special election who does not possess the necessary qualifications for the office of member of the Council as provided in Section 307.

PROPOSED CHARTER AMENDMENT NO. 8

Section 316.1 of the Charter of the City of Los Angeles is hereby amended to read as follows:

Sec. 316.1. A filing fee equal to two per cent of the first year's salary fixed for the elective office shall be paid by each candidate therefor to the City Clerk as provided in Sections 316.2 and 320, except that the filing fee shall be $120 00 for the office of a member of the Board of Education.

PROPOSED CHARTER AMENDMENT NO. 9

The Charter of the City of Los Angeles is hereby amended by adding Section 310 thereto to read as follows:

Sec. 310. Notwithstanding any provision of the Charter or the City Election Code to the contrary, in any election conducted by the City of Los Angeles the Council by ordinance or resolution may provide for the necessary type ballot and other supplies and adopt suitable procedures to effectuate the canvass of the election returns, in whole or in part, on electronic or electro-mechanical devices or other equipment available for such purpose and the City Clerk may then canvass or cause to be canvassed the returns thereof on such equipment.

We further certify that we have compared the text of the foregoing amendments with the original proposals submitting the same to the electors of said City and find that the foregoing are full, true, correct, complete and exact copies thereof, and of each of them. That as to all of said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and have caused the corporate seal of The City of Los Angeles to be affixed hereto this 15th day of April, 1963.

HAROLD A. HENRY
(SEAL) President of the Council of The City of Los Angeles
WALTER C. PETERSON
City Clerk of The City of Los Angeles

Approved as to Form and Legality April 15 1963
ROGER ARNEBERGH City Attorney
By BOURKE JONES Assistant

and

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without the power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all of the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of Los Angeles as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as a part of the Charter of the said the City of Los Angeles.

CHAPTER 82

Senate Joint Resolution No 12—Relative to Morro Bay Rock.

[Filed with Secretary of State May 1, 1963]

WHEREAS, While title to Morro Bay Rock has been conveyed to the State by the federal government, the grant deed reserved to the United States the right to resume ownership, possession, and control, for government purposes, of any of the property, at any time, without the consent of the State; and

WHEREAS, In view of this reservation of interest by the federal government, the State now has little control over Morro Bay Rock; and

WHEREAS, The United States Corps of Engineers is presently removing 80,000 tons of material from Morro Bay Rock for repair to a harbor jetty which is causing the disfiguration of its natural value; and

WHEREAS, In order that Morro Bay Rock can be preserved and protected as a point of scenic interest for all peoples it is imperative that the federal government convey its remaining interest to the State; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Congress of the United States is respectfully requested to enact such legislation as may be necessary to convey the remaining interest of the United States in Morro Bay Rock to the State of California; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 83

Assembly Joint Resolution No. 29—Relative to establishment of a federal water pollution control research facility in California.

[Filed with Secretary of State May 6, 1963.]

WHEREAS, Regional research facilities for the conduct of technical investigations, experiments, field studies and training relative to the prevention and control of water pollution are urgently needed to supplement the activities of the Robert A. Taft Sanitary Engineering Center, Cincinnati, Ohio, in providing technical assistance to the states and local agencies on the mounting problems of water pollution control and water resources management; and

WHEREAS, It is both logical and desirable that the Congress of the United States enact legislation for the establishment of several such regional laboratories and research facilities and that a regional research facility be established in California, not only because of the magnitude of water pollution and water quality problems in this State but also for the reason that California agencies have been conducting a substantial portion of water pollution control research at the state level; and

WHEREAS, California is one of the areas of the United States in which the problems of water quality management are both critical and of great magnitude as evidenced by the fact that the State's present population of over 17 million is expected to almost double in the next 20 years and, to make possible this growth, the people of the State recently voted a $1,750,000,000 water bond proposition initiating the greatest water development project ever conceived in any state of the union; and

WHEREAS, California is ideally located for studying the ground water quality problems that are unique to the southwest, since one-third of the nation's ground water supplies are developed here and since California has been the forerunner in conserving and augmenting water resources by recharging ground water basins; and

WHEREAS, Ground water problems associated with sea water intrusion also can be studied in California for the reason that 13 ground water basins along the State's coastline already have been damaged by the encroachment of saline waters and other basins are now being threatened; and

WHEREAS, California has the added geographical advantage of being situated where studies of marine waste disposal problems can be undertaken since two-thirds of the State's sewage and industrial wastes are discharged into ocean waters; and

WHEREAS, The State has, in its colleges and universities, institutions of higher learning that provide graduate education in the fields of research to be carried out in the proposed regional research facilities; and

WHEREAS, The colleges and universities of California are carrying on very extensive research activities in the field of

water pollution control which engage a large number of resident graduate students and sanitary engineers; and

WHEREAS, A research facility located in the State of California would be able not only to draw upon a large reservoir of academic personnel and graduate students but also benefit from the extensive research being conducted by California's institutions of higher learning in the fields of water pollution control and water resources management; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation establishing regional water pollution control research facilities and to locate one of these facilities in the State of California; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of Health, Education, and Welfare.

CHAPTER 84

Assembly Joint Resolution No. 31—Relative to equal rights for women.

[Filed with Secretary of State May 6, 1963]

WHEREAS, Since 1920, women of the United States have had only one right under the federal government: suffrage—the right to vote; and

WHEREAS, In all other civil and legal respects women live under state laws which contain more than one thousand legal discriminations including, but not limited to, property and inheritance rights, guardianship rights, and management of earnings; and

WHEREAS, These discriminations against women contrast surprisingly with the rights of men under federal and state laws; and

WHEREAS, In this nation "conceived in liberty and dedicated to the proposition that all men are created equal," legal discrimination on the basis of sex constitutes an intolerable burden upon women solely dependent upon their own efforts for a livelihood, and is a source of irritation to thousands of others who recognize in this discrimination a flat contradiction of the American principle of equality, wholly out of accord with the status of American women reached by achievement in various fields of human endeavor; and

WHEREAS, Before women may achieve full civil rights, an "equal rights" amendment to the Constitution is necessary,

such as that now pending before Congress reading "Equality of Rights Under The Law Shall Not be Denied or Abridged by The United States or by Any State on Account of Sex"; and

WHEREAS, Among the many women's organizations on record in support of this amendment are the National Association of Women Lawyers, National Association of Women Doctors, California Federation of Women's Clubs, Business and Professional Women's Clubs, American Federation of Soroptimists, and hundreds of local groups; and

WHEREAS, Nine states have memorialized Congress to pass the Equal Rights Amendment which was a plank in both political party platforms at the last national election; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the members now join with these legislators of sister states in respectfully urging Congress to pass the Equal Rights Amendment to the United States Constitution; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President of the United States, the Secretary of the United States Senate, the Clerk of the House of Representatives, and to each Member of Congress elected from the State of California.

CHAPTER 85

Assembly Concurrent Resolution No. 22—Relative to a study of a state park unit in the Clear Creek area in Lassen County.

[Filed with Secretary of State May 8, 1963.]

WHEREAS, The Division of Beaches and Parks of the Department of Parks and Recreation has been conducting a preliminary study of a proposed unit to the state park system on the south side of State Highway Route 29, alongside of Dry Creek and adjacent to Clear Creek, in Lassen County; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Division of Beaches and Parks of the Department of Parks and Recreation be requested to conduct a finalized study regarding the proposed unit of the state park system described in this resolution and to report thereon (including in such report the matters referred to in Section 5017 of the Public Resources Code) to the Legislature by not later than the fifth day of the 1964 Budget Session; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a copy of this resolution to the Chief of the Division of Beaches and Parks, Department of Parks and Recreation.

CHAPTER 86

Assembly Concurrent Resolution No. 72—Approving a Charter amendment to the Charter of the City of Glendale, a municipal corporation in the County of Los Angeles, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the ninth day of April, 1963.

[Filed with Secretary of State May 8, 1963]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of a certain amendment to the Charter of the City of Glendale, a municipal corporation in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city as follows:

CERTIFICATE OF RATIFICATION OF CHARTER AMENDMENT BY ELECTORS OF THE CITY OF GLENDALE

State of California
County of Los Angeles } ss.
City of Glendale

We, William Howard Peters, Mayor of the City of Glendale, and John H. Walters, City Clerk and ex-officio Clerk of The Council of the City of Glendale, do hereby certify and declare as follows:

That the City of Glendale, in the County of Los Angeles, State of California, is now, and was at all of the times mentioned herein, a city containing a population of more than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States;

That the City of Glendale is now, and was at all of the times herein mentioned, organized and existing under a freeholders' charter, adopted under the provisions of Section 8, Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the electors of the City at a special municipal election held for that purpose on the 29th day of March, 1921, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 11th day of May, 1921 (Assembly Concurrent Resolution No. 30, Chapter 71, Statutes 1921, p. 2205).

That in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, The Council of the City of Glendale, being the legislative body of the City, on its own motion, by Resolution No. 14,453 adopted on the 27th day of November, 1962, duly and regularly submitted to the qualified electors of the City one proposal for the amend-

ment of the Charter of the City of Glendale which was designated Charter Amendment No. 1, and The Council ordered that the proposed charter amendment be submitted to the qualified electors of the City at a special municipal election to be held in the City on the 9th day of April, 1963, which date was fixed in the resolution as the date for holding the special municipal election.

That on the 18th day of February, 1963, the proposed charter amendment was published and advertised in accordance with Section 8, Article XI of the Constitution, in the Glendale News-Press, the official newspaper of the City and a newspaper of general circulation therein, and in each edition thereof during the day of publication.

That copies of the proposed charter amendment were printed in convenient pamphlet form in type of not less than ten-point, and were mailed to each of the qualified electors of the City; and copies thereof could be had upon application therefor at the office of the City Clerk on and from February 18, 1963 to and including April 8, 1963; and a notice was advertised and published on and from February 18, 1963 until April 8, 1963, in the Glendale News-Press, a newspaper of general circulation in the City, that copies thereof might be had at the office of the City Clerk upon application therefor.

That The Council of the City did, by ordinance designated as Ordinance No. 3407, which was duly passed on the 26th day of February, 1963, order the holding of a general and special election in the City of Glendale on the 9th day of April, 1963, which date was not less than forty days, and not more than sixty days after the completion of the publication of the proposed charter amendment as aforesaid, which said ordinance was published once a week for two weeks prior to the time for the holding of said election, to wit: on March 20, 1963 and March 27, 1963, pursuant to the provisions of the Charter of the City of Glendale, in the Glendale News-Press; and The Council did by ordinance order the Special Municipal Election consolidated with the General Municipal Election to be held in the City on the 9th day of April, 1963.

That the Special Municipal Election was held in the City of Glendale on the 9th day of April, 1963, which day was not less than forty days, and not more than sixty days after the proposed amendment to said Charter had been published in the Glendale News-Press.

That thereafter The Council of the City of Glendale did in the manner provided by law duly and regularly canvass the returns of the Special Municipal Election and did, by resolution adopted April 15, 1963, duly declare the results of the Special Municipal Election as determined from the canvass of the returns thereof.

That at the Special Municipal Election, Charter Amendment No. 1 was ratified by a majority of the electors of the City voting thereon.

That the Charter Amendment so ratified by the electors of the City of Glendale is in words and figures as follows:

Charter Amendment No. 1

Sections 1 and 6 of Article V of the Charter of the City of Glendale are amended to read:

Section 1. When general municipal elections held; special municipal elections.

A municipal election shall be held in the City of Glendale on the first Tuesday in April of the year 1965, and on the first Tuesday in April of every second year thereafter, and the same shall be known as the general municipal election. All other municipal elections that may be held by authority of this Charter, or of the general law, shall be known as special municipal elections.

Section 6. Terms of elective officers.

From and after the general municipal election to be held on the first Tuesday in April of 1965, the clerk and the treasurer elected and the three members of the council and the three members of the board of education receiving the highest number of votes for said offices respectively shall hold office for terms of four years commencing at 8:00 P.M. of the second Monday of April following the day of election and until their successors are elected and qualified. From and after the general municipal election of 1967 the two members of the council and the two members of the board of education then elected shall hold office for terms of four years commencing at 8:00 P.M. of the second Monday of April following the day of said general municipal election of 1967 and until their successors are elected and qualified. Any person elected to fill a vacancy shall serve for the remainder of the unexpired term. In the election of councilmen and members of the board of education, where full terms and one or more unexpired terms are to be filled, no distinction shall be made in nominating or voting between the full terms and the unexpired terms but the person or persons elected by the highest number of votes shall be elected for the full term or terms and the person or persons receiving the next highest vote shall be elected for the unexpired term or terms, as the case may be.

We further certify that we have compared the text of the foregoing Charter Amendment with the original proposal submitting the same to the electors of the City and find that the foregoing is a full, true, correct and exact copy thereof. That as to said Charter Amendment, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and have caused the corporate seal of the City of Glendale to be affixed hereto, this 15th day of April, 1963.

WILLIAM HOWARD PETERS
(SEAL) Mayor of the City of Glendale
JOHN H. WALTERS
City Clerk of the City of Glendale

WHEREAS, The proposed charter amendment as ratified as hereinabove set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendment to the Charter of the City of Glendale, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without alteration or amendment, for and as an amendment to and as part of the Charter of the City of Glendale.

CHAPTER 87

Senate Concurrent Resolution No. 43—Relative to the preservation of ancient Indian burial grounds and artifacts and relics of Indian culture in California.

[Filed with Secretary of State May 8, 1963]

WHEREAS, Evidence has been accumulated that American Indians resided in California for many thousands of years prior to the immigration of the first Europeans to this area, and there are indications that California may have been one of the principal routes of migration for the population of the entire Western Hemisphere prior to the relatively recent European exploration; and

WHEREAS, The earliest European explorers of California found a flourishing culture which had existed here for millenia and that the region which now comprises this State was, as a whole, more densely populated than any other part of what is now the United States; and

WHEREAS, These proud California Indians had adapted their living to all of the varied topographic and climatic conditions—mountain, desert, valley and coastal regions—with marked stability of community and tribal organization grouped in at least 23 major tribes who shared the great resources of California in peace among themselves; and

WHEREAS, The principal tribal groups existing here at that time included the Klamath, the Modoc, the Karok, the Hupa, the Yurok, the Shasta, the Wintu, the Wintun, the Maidu, the Patwin, the Pomo, the Washo, the Miwok, the Costanoan, the Mono, the Yokut, the Panamint, the Salinan, the Chemehuevi, the Mohave, the Yuma and the Chumash; and

WHEREAS, The nature and importance of the culture of these stately original inhabitants of this State has not been sufficiently understood by present-day Californians and has not been adequately chronicled for present and future generations of Americans, although the citizens of this State who are of Indian origin have always themselves shown the highest respect and interest in the discovery and preservation of ancient Indian burial grounds and of artifacts, relics and other evidences of this early California culture (and are to be wholeheartedly commended for this interest and action); and

WHEREAS, Modern archaeological techniques can assist in developing a more adequate record of the Indian culture which flourished here in past centuries but this science is hampered materially by the fact that many archaeological sites are uncovered and destroyed without either record or preservation as a result of the activity connected with the current huge program of public and private construction in progress in this State; and

WHEREAS, It is recognized that these evidences of this important predecessor civilization in this area with their indications of the concepts, skills, arts, and institutions of the California Indian, can never be reproduced or replaced; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That all agencies of the State, with their present staff and facilities, and all individuals and organizations, are hereby requested to co-operate in current efforts by state and private agencies by reporting all archaeological discoveries of Indian culture in this State to the Division of Beaches and Parks of the Department of Parks and Recreation, and, when feasible and consistent with the reasonable exercise of powers of such state agencies, to preserve such findings.

CHAPTER 88

Senate Concurrent Resolution No. 26—Relative to requesting the Division of Highways in the Department of Public Works to study the needs and feasibility of adding certain routes to the state highway system in Merced County.

[Filed with Secretary of State May 8, 1963]

WHEREAS, Existing roads in Merced County are heavily used and overburdened, and it would be highly desirable to

establish a shorter route between the county seat of Merced County and the western boundary of the county, which would provide a faster route from the Yosemite area to the Monterey Peninsula than is presently available; and

WHEREAS, It is, therefore, advisable that the Division of Highways in the Department of Public Works, at this time, make a study as to the needs and feasibility of adding a route to the state highway system from Interstate Highway Route 5 near Mercy Springs Road to U.S Route 99 near Turlock via the vicinity of Los Banos and Hilmar; also from a point on said described route near Wolfsen Road northeasterly to a point on State Highway Route 122 west of Merced and Black Rascal Creek; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Division of Highways of the Department of Public Works is requested to make a study as to the needs and feasibility of adding a route to the state highway system from Interstate Highway Route 5 near Mercy Springs Road to U.S. Route 99 near Turlock via the vicinity of Los Banos and Hilmar; also from a point on said described route near Wolfsen Road northeasterly to a point on State Highway Route 122 west of Merced and Black Rascal Creek. The Division of Highways is further requested to report its findings thereon to the Legislature not later than the fifth calendar day of the 1964 Regular Session; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to the Department of Public Works.

CHAPTER 89

Senate Concurrent Resolution No. 41—Relative to the State Board of Equalization.

[Filed with Secretary of State May 9, 1963]

WHEREAS, The State Board of Equalization is directed and authorized by Section 251 of the Revenue and Taxation Code to prescribe all forms required to effect the veterans' exemption; and

WHEREAS, It is the understanding of the Legislature that the board has not interpreted this section to require the use of identical forms in the several counties; and

WHEREAS, The Legislature further understands that, as a result, the various county assessors have each adopted their own forms for establishing a veteran's right to an exemption, subject to review and approval by the board; and

WHEREAS, The forms should be uniform throughout the State, and it was for this reason that Section 251 of the Revenue and Taxation Code was enacted; and

WHEREAS, The Legislature is aware that various county grand juries have concluded that the veterans' exemption is being abused by a small minority of claimants who may not be entitled to such exemption; and

WHEREAS, The Legislature believes that the establishment of a standard form by the State Board of Equalization would lessen the extent of such alleged abuses; and

WHEREAS, The board, in establishing such form, should give due consideration to the suggestions of county grand juries and assessors and other interested persons and groups; and

WHEREAS, The information to be required for tax exemption purposes and the form adopted to elicit such information should be fair and reasonable to the veteran applying for the exemption; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Board of Equalization is hereby respectfully requested and directed to prescribe a standard form for the veterans' exemption under the authority of Section 251 of the Revenue and Taxation Code; to report to the Legislature on or before the 30th calendar day of the 1965 Regular Session on the form it has prescribed under that section; and, in case any county assessor refuses or fails to use such form, to report that fact to the Legislature; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a suitably prepared copy of this resolution to the chairman of the State Board of Equalization.

CHAPTER 90

Assembly Concurrent Resolution No. 63—Relative to making additional funds available to the Legislative Audit Committee

[Filed with Secretary of State May 10, 1963.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That in addition to any money heretofore made available to it, the sum of three hundred forty thousand dollars ($340,000) or so much thereof as may be necessary, is hereby appropriated from the Contingent Funds of the Senate and Assembly for the payment of any and all expenses of the Joint Legislative Audit Committee (created by Section 10501 of the Government Code) and its members and for any charges, expenses, or claims it may incur, to be paid equally from the said contingent funds and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 91

Assembly Joint Resolution No 26—Relative to the necessity of federal aid in eliminating water pollution caused by the sewage disposal practice of Tijuana, Mexico.

[Filed with Secretary of State May 10, 1963]

WHEREAS, There has been a longstanding problem of water pollution in the United States-Mexico border area due to the sewage disposal practices of Tijuana, Mexico, and

WHEREAS, The Mexican government has only partially eliminated the pollution caused by the disposal of untreated sewage by Tijuana, Mexico; and

WHEREAS, There is a continual threat of recurrence of pollution due to the lack of standby emergency facilities in the disposal system of Tijuana, Mexico; and

WHEREAS, The present facilities use a disposal point within five miles of the international boundary which threatens to bring about a recurrence of the pollution; and

WHEREAS, A permanent solution of these problems requires the close co-operation of the governments of the United States and Mexico; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully urges the Secretary of State of the United States, the Secretary of Health, Education, and Welfare of the United States, and the representatives of the United States on the International Boundary and Water Commission to urge the government of Mexico to expedite its program of improving the sewage disposal facilities of Tijuana, Mexico, and to urge the government of Mexico to establish standby facilities for emergency needs; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the Secretary of State of the United States, the Secretary of Health, Education, and Welfare of the United States, each representative of the United States on the International Boundary and Water Commission, and to each Senator and Representative from California in the Congress of the United States

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CHAPTER 92

Assembly Concurrent Resolution No. 83—Relative to commemorating the 70th anniversary of the incorporation of Riverside County.

[Filed with Secretary of State May 13, 1963]

WHEREAS, It has come to the attention of the Members of the Legislature that Riverside County, incorporated on May 9, 1893, will be celebrating its 70th anniversary; and

WHEREAS, The County of Riverside, since its inception as a Spanish community in 1818, has played an important part in the history and growth of agriculture and industry in this State with the development of the navel orange industry in 1871, which gave the county its worldwide reputation as the Orange Capital of the World; and

WHEREAS, Riverside County has been one of the finest agricultural, retirement, and recreational areas in the State with its life centering on the historic role of the citrus industry, but with a rapidly expanding industrial complex; and

WHEREAS, The spirit of the early pioneers, Judge John W. North, Louis Rubidoux, and Frank A. Miller, has been carried on by the fine work and devotion to the balanced growth of the county by the present officers: Supervisors William E Jones, Paul J. Anderson, Norman J. Davis, William W. Cook, and Fred McCall, Assessor Eric L. Waite, Auditor-controller W. Allen Ladd, County Clerk Don Sullivan, District Attorney William Mackey, Recorder Bill Balough, Surveyor A. C. Keith, Tax Collector Donna M. Bouer, Treasurer E. O. Peterson, Coroner and Public Administrator James S. Bird, Jr. and Sheriff Bernard J. Clark, whose devotion to duty and service to the county has been a matter of great pride and admiration to all who have seen their work, and by the Riverside County Board of Trade under the expert and able management of a long line of able and outstanding directors; and

WHEREAS, The county board of supervisors, with the strong support of the active and farsighted board of trade, have developed programs to preserve the balance among industry, agriculture and recreation so as to provide a better and more prosperous county for Riverside's ever-expanding population; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members congratulate Riverside County on its 70th anniversary and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit suitably prepared copies of this resolution to the county board of supervisors and to the Riverside County Board of Trade

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CHAPTER 93

Senate Concurrent Resolution No 38—Relative to Senior Citizens' Month.

[Filed with Secretary of State May 13, 1963.]

WHEREAS, The well-demonstrated greatness of the State of California is due in large measure to the efforts of those people who are now the senior citizens of California; and

WHEREAS, The senior citizens of California have richly contributed to the economic prosperity and social and cultural development of the State of California; and

WHEREAS, The blessings of longer life and better health are being made available to all our citizens at the same time that technological progress is making the task of employment less toilsome physically and bringing arbitrary retirement at an age when most people can and want to continue as productive members of society; and

WHEREAS, There are now over one million and a half Californians age 65 and over and their number will increase in our population as efforts of science continue to increase the human lifespan; and

WHEREAS, The practice of arbitrary retirement tends to minimize the usefulness of older people to their communities and makes it difficult for them to obtain decent housing, adequate medical care, and necessary recreational and educational opportunities because of sharply reduced retirement income; and

WHEREAS, The senior citizens of California have demonstrated their interest and ability to continue to make constructive and creative contributions to the well-being of the economy through either employment or voluntary service efforts; and

WHEREAS, The foregoing factors make it necessary that proper planning be done to meet the needs of California's senior citizens; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the month of May, 1963, be designated as Senior Citizens' Month; and be it further

Resolved, That the efforts of the Governor of the State of California to establish May, 1963, as a fittingly observed Senior Citizens' Month be commended; and be it further

Resolved, That the communities of the State of California are urged to stress the contributions being made by senior citizens to community life and to encourage additional opportunities that will make effective use of the experiences, skills, and talents of senior citizens; and be it further

Resolved, That the people of California are urged to continue in their worldwide recognized leadership in meeting the needs and problems of senior citizens so that the senior citizen can enjoy dignity, self-respect, usefulness, and good citizenship throughout his lifetime as a member of his community; and be it further

Resolved, That every state department and agency is urged to give all the necessary encouragement and assistance to the communities of the State in marking Senior Citizens' Month with fitting observances; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the Honorable Edmund G. Brown, Governor of the State of California, the Citizens' Advisory Committee on Aging, and to the directors of all state agencies.

CHAPTER 94

Assembly Concurrent Resolution No. 81—Relative to declaring the 24th day of November, A.D. 1963, a public holiday, as a mark of respect to the memory of Junípero Serra.

[Filed with Secretary of State May 15, 1963.]

WHEREAS, The year 1963 marks the 250th anniversary of the birth of Father Junípero Serra; and

WHEREAS, Father Junípero Serra, in the year 1769, founded the first mission and settlement in California at San Diego and finally founded 9 of the State's 21 missions; and

WHEREAS, Father Serra first brought Western civilization to a wilderness and is universally acclaimed as California's first citizen and great pioneer, and

WHEREAS, From this humble beginning, Father Serra, with the aid of 16 other men in the Franciscan Order, spread the spark of civilization by blazing the historic and romantic El Camino Real from San Diego to San Francisco; and

WHEREAS, Father Serra labored tirelessly and selflessly in his work in the final 15 years of his life, when waning years, weakening health, and vicissitudes of the outpost of an empire would have led a lesser man to abandon the project; and

WHEREAS, The citizens of California, irrespective of differences in religious faith, have always entertained, and often in public assemblage have expressed, their appreciation of the high person and character of the founder of the missions; and

WHEREAS, As a tribute of respect to the memory of Father Junípero Serra; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That his excellency the Governor be and he is hereby respectfully requested to issue his proclamation appointing and declaring the 24th day of November, 1963, to be observed as a public holiday to be known as "Father Junípero Serra Day"; and be it further

Resolved, That the Governor is also respectfully requested to each year proclaim the Sunday or, if the date is not a Sunday, the Sunday immediately preceding the birth date, a public holiday; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to Governor Edmund G. Brown.

CHAPTER 95

Assembly Joint Resolution No. 39—Relative to the Food for Peace Program.

[Filed with Secretary of State May 16, 1963.]

WHEREAS, Fishery products are one of the finest sources of healthful nutritious protein so essential to the growth and well-being of all people; and

WHEREAS, The United States has, through the Food for Peace Program, undertaken to aid in the obtaining of an adequate supply of food for the hundreds of thousands of people throughout the world so vitally in need of such food; and

WHEREAS, The use of domestically produced fishery products for this program would, in addition to making this essential food available to these people, materially aid the United States fishery industry in its program of expanding its markets, which is necessary if the industry is to progress in its battle for survival against foreign competition; and

WHEREAS, The development and progress of our domestic fishing industry is important not only because of its beneficial effect on the economic well-being of a large number of our citizens who are connected with the industry but also because it can substantially aid in the proper conservation and utilization of the fishery resource, for although many foreign fishermen ignore sound conservation practices and are subject to no conservation laws this is not true of our fishermen, who are subject to many restrictive laws enacted to preserve and protect the fisheries involved; and

WHEREAS, There are presently two bills before Congress, S. 702 and H R. 3965, which would authorize the procurement and distribution of domestically produced fishery products under the Food for Peace Program; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States is requested to enact legislation, such as S. 702 or H.R. 3965, to authorize the use of domestically produced fishery products under the Food for Peace Program; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States

CHAPTER 96

Senate Constitutional Amendment No. 9—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by repealing Section 4 of Article IX thereof, relating to funds for the support of the public schools.

[Filed with Secretary of State May 16, 1963.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1963 Regular Session commencing on the seventh day of January, 1963, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by repealing Section 4 of Article IX thereof.

CHAPTER 97

Assembly Concurrent Resolution No. 79—Approving charter amendments to the Charter of the City of Inglewood, a municipal corporation in the County of Los Angeles, State of California, ratified by the qualified electors of the city at a municipal election held therein on the ninth day of April, 1963.

[Filed with Secretary of State May 21, 1963.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of amendments to the Charter of the City of Inglewood, a municipal corporation in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF INGLEWOOD OF CERTAIN CHARTER AMENDMENTS

State of California
County of Los Angeles } ss
City of Inglewood

We, the undersigned, George C. England, Mayor of the City of Inglewood, County of Los Angeles, State of California, and Helen Rieck, City Clerk of said City, do hereby declare and certify as follows:

That the City of Inglewood, a municipal corporation of the County of Los Angeles, State of California, now is and was at all times herein mentioned, a city having a population of more than 3500 inhabitants and has been ever since the year 1927,

and now is organized, existing and acting under a Freeholders' Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said City at a special municipal election held for that purpose on the 14th day of December, 1926, and approved by the Legislature of the State of California on the 27th day of January, 1927, (Statutes and Amendments of 1927, p. 2205).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the City Council of the City of Inglewood, being the legislative body thereof, duly and regularly submitted to the qualified electors of the City of Inglewood certain propositions for certain amendments to the Charter of the City of Inglewood at a general municipal election called and held for that purpose in said city on the 9th day of April, 1963.

That such proposed amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California and in accordance with the provisions of the Charter of the City of Inglewood on the 18th day of February, 1963, in the Inglewood Daily News, a daily newspaper of general circulation, printed and published in the City of Inglewood, and the official newspaper of said City of Inglewood and in each edition thereof during the day of publication.

That copies of said proposed amendments were printed in convenient pamphlet form and in type not less than 10-point as required by law and copies thereof were mailed to each of the qualified electors of said City of Inglewood within the time and manner required by law.

And until the date fixed for the election, April 9, 1963, as hereinafter set forth, there was published in said Inglewood Daily News an advertisement stating that copies of said proposed charter amendments could be had upon application therefor at the office of the City Clerk of said City of Inglewood.

That copies of said pamphlet containing said proposed amendments could be had upon application therefor at the office of the City Clerk of said City at all times to and including the 9th day of April, 1963, the date fixed for said election, all as required by Section 8 of Article XI of the Constitution of the State of California.

That in accordance with the provisions of the Charter of the City of Inglewood and in the manner provided by law, the said general municipal election was duly and regularly held in said City, after due notice given and published, on the 9th day of April, 1963, which day was not less than forty (40) days and not more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed amendments in the Inglewood Daily News, the official newspaper of said City of Inglewood.

That thereafter the Council of the City of Inglewood did, in the manner provided by law, duly and regularly canvass the returns of said general municipal election and did adopt its resolution declaring the results of the canvass and declaring the results of the returns of said election.

That said Council of said City did, by said resolution, find, determine and declare that certain proposed amendments to the Charter of the City of Inglewood and hereinafter set forth were ratified by a majority vote of the electors of said City voting thereon

That as to said amendments to the Charter of the City of Inglewood, this certification shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection with said amendments

That said amendments to the Charter of the City of Inglewood, so ratified by the electors of said City, are as follows:

Charter Amendment No. 1:

The Charter of the City of Inglewood hereby is amended by adding Article XIII which said Article shall read as follows:

"Article XIII
Administrative Officer

Section 1 There is hereby created in the service of the City the position of Administrative Officer, who shall be appointed by the City Council and serve directly under the supervision and control of the City Council in an administrative capacity.

Section 2 The powers and duties of the Administrative Officer shall be as follows:

(a) He shall supervise the Personnel System of the City.

(b) He shall prepare the budget annually and submit it to the Council and be responsible for its administration after adoption.

(c) He shall prepare and submit to the Council as of the end of each fiscal year a complete report on the finances and administrative activities of the City for the preceding year and shall keep the Council advised of the financial condition and future needs of the City and make such recommendations as may seem to him desirable.

(d) He shall supervise the purchase of all supplies, goods, wares, merchandise, equipment and material which may be required for any of the departments of the City.

(e) He shall perform such other duties as may be prescribed by this Charter or required of him by the Council, not inconsistent with this Charter.

Section 3 The Administrative Officer shall be chosen solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as herein set forth. The Administrative Officer shall

not be in the classified service of the City but may be removed by the City Council by a four-fifths vote at any time

Section 4 No person shall be eligible to receive appointment as Administrative Officer while serving as a member of the City Council nor within one year after he has ceased to be a City Councilman."

Charter Amendment No. 2:

Section 10 of Article XXXVI of the Charter of the City of Inglewood hereby is amended so that the same shall be and read as follows:

"Section 10: No member of the City Council shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party. No officer or employee of the City shall be financially interested, directly or indirectly in any contract, sale or transaction to which the City is a party and which comes before said officer or employee, or the department of the government with which he is connected, for official action. No member of any board or commission shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party and which comes before the board or commission of which he is a member, for official action.

Any contract or transaction in which any officer of the City shall be or become financially interested shall become void at the election of the City.

No member of the City Council, city official or officer, or employee of the city, or any member of any board or commission shall be deemed to be financially interested, within the meaning of the foregoing provisions, in any contract in which his interest is only a remote interest as hereinafter defined.

No Councilman or member of any board or commission shall vote on or participate in any contract or transaction in which he is directly or indirectly financially interested when such direct or indirect financial interest is a remote interest. A remote interest as used in this section means:

(1) That of a nonsalaried officer of a nonprofit corporation;

(2) That of an employee of the contracting party, if such contracting party has 10 or more other employees, and if the officer was an employee of said contracting party for at least three years prior to his initially accepting his office;

(3) That of a parent in the earnings of his minor child for personal services;

(4) That of landlord or tenant of the contracting party;

(5) That of an attorney of the contracting party;

(6) That of a member of a nonprofit corporation formed under the Agricultural Code or a nonprofit corporation formed under the Corporations Code for the sole purpose of engaging in the merchandising of agricultural products.

(7) The ownership of less than 3 per cent of the shares of a corporation for profit;

(8) That of an officer in being reimbursed for his actual and necessary expenses incurred in the performance of official duty,

(9) That of a recipient of public services generally provided by the public body or board of which he is a member, on the same terms and conditions as if he were not a member of the board."

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Inglewood with the original proposals submitting the same to the electors of said City and find that the foregoing is a full true and correct and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the said City of Inglewood to be affixed this 17th day of April, 1963

(SEAL)

GEORGE C. ENGLAND
Mayor of the City of Inglewood, California
HELEN RIECK
City Clerk of the City of Inglewood, California

WHEREAS, The proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the Charter of the City of Inglewood, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the Charter of the City of Inglewood.

CHAPTER 98

Assembly Joint Resolution No. 32—Relative to establishment of a federal veterans hospital in the San Diego area.

[Filed with Secretary of State May 21, 1963.]

WHEREAS, It has come to the attention of the Members of the Legislature of the State of California that the federal government is considering the establishment of a 500-bed veterans hospital in Southern California; and

WHEREAS, San Diego County has a climate suitable to the well-being of convalescent patients, as they are able to be out of doors in healthful sunshine throughout the year to enjoy whatever outdoor activities their health permits; and

WHEREAS, The desirability of San Diego County's climate and the wealth of its available spectator and participating recreational activities are attested to by the high percentage of retired military personnel who have chosen to make their homes in the area; and

WHEREAS, The San Diego area is one of the more progressive communities in the State, is kept at a stable and temperate climate by the bay on its west boundary; and

WHEREAS, San Diegans have lived amicably with the large number of military personnel stationed in the area for many years and would welcome patients and staff from a veterans hospital to the community; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to provide for establishing a veterans hospital in the San Diego area; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Administrator of Veterans' Affairs

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CHAPTER 99

Assembly Concurrent Resolution No. 49—Relative to water quality of the Salton Sea.

[Filed with Secretary of State May 21, 1963]

WHEREAS, It has come to the attention of the members of the Assembly that the Salton Sea State Park and the surrounding region are of significant value to the Southern California counties as a recreational area; and

WHEREAS, The available land for residential use in Southern California is ever-decreasing and the Salton Sea area is an attractive residential region with an ever-increasing number of new homes under construction and a rapidly expanding population; and

WHEREAS, In the past there has been contamination of the waters tributary to the sea by some communities and commercial operations; and

WHEREAS, Many individual communities and commercial operations have co-operated constructively in efforts to minimize the increase of impurities in the water; and

WHEREAS, It appears there will in the future be additional increase of mineral concentration of the Salton Sea in small but potentially increasing quantities, and all of this has caused concern and heightened the worry of residents; and

WHEREAS, The California Legislature recognizes that the State Water Pollution Control Board and the Colorado River Basin Regional Water Pollution Control Board have kept a watchful eye on the problems, and the discharges by communities and the many commercial operations, to control the situation; and

WHEREAS, There exists a feeling among the people owning property around the sea and those enjoying its benefits that even more careful attention should be given to this problem; and

WHEREAS, The California Legislature recognizes that the federal government reserved specific parcels of land for the purpose of creating a reservoir in Salton Sea for storage of waste and seepage water from irrigated lands, that the economic life of the adjacent valleys depends primarily upon agriculture, that the Salton Sea also receives natural drainage waters from its watershed, and that these are the primary beneficial uses of the Salton Sea, and that corollary to such primary beneficial uses, and for the purpose of allowing residential, commercial, and industrial growth of the valley communities, there is the necessity of providing for regulated disposal of treated domestic and commercial wastes from watershed communities: now, therefore, be it

Resolved by the Assembly of California, the Senate thereof concurring, That the Legislature reaffirm public policy against encroaching practices resulting in the contamination of the Salton Sea and its tributaries and urge the State Water Pollution Control Board and the Colorado River Basin Regional Water Pollution Control Board to take extraordinary precautions to prevent all such pollution in order to retain this vital area as an attractive recreational and residential community, giving due regard, however, to the above-listed primary and corollary beneficial uses; and be it further

Resolved, That, since water pollution in these areas can and will have serious international implications, it is the intent of the California Legislature to bring about the necessary international co-operation to correct this situation; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to the Governor of the State of California, Edmund G. Brown, and Lieutenant Governor Glenn M. Anderson, the State Water Pollution Control Board, the Colorado River Basin Regional Water Pollution Control Board, the Department of Parks and Recreation, and the Resources Agency.

CHAPTER 100

Senate Concurrent Resolution No. 59—Approving amendments to the Charter of the City of Chico, County of Butte, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the second day of April, 1963.

[Filed with Secretary of State May 21, 1963.]

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of certain amendments hereinafter set forth to the Charter of the City of Chico, a municipal corporation of the County of Butte, State of California, as set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

State of California, }
County of Butte, } ss.
City of Chico. }

We, the undersigned, Ross Lawler, Mayor of the City of Chico, and Margery L. Ames, Clerk of the City of Chico, do hereby certify and declare as follows:

That the City of Chico in the County of Butte, State of California, has at all times mentioned herein been, and now is, a City of the State of California, containing a population of more than thirty-five hundred (3500) inhabitants, and less than fifty thousand (50,000) inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States of America, and ever since the 2nd day of May, 1961, has been existing and acting under a freeholders charter adopted under and by virtue of the provisions of Section 8, Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City at an election held for that purpose on the 7th day of June, 1960, and approved by the Legislature of the State of California on the 16th day of January, 1961.

That the legislative body of said city, namely, the Council of said city of its own motion did, pursuant to the provisions of Section 8, Article XI of the Constitution of the State of California, by resolution adopted the 18th day of December, 1962, and duly published in the manner and form required by law, duly proposed to the qualified electors of the City of Chico, certain amendments to the Charter of said City and ordered that said amendments be submitted to the qualified electors of said City on the 2nd day of April, 1963, at the General Municipal Election to be held in said City, the date of which election is fixed by said Charter of the City of Chico hereinbefore referred to, and which said date was fixed in said

resolution as the date for voting upon said amendments proposed.

That on March 12, 1963, the Council of the City of Chico passed and adopted Ordinance No. 739 entitled "AN ORDINANCE CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION ON TUESDAY, APRIL 2, 1963, FIXING THE TIME, STATING THE OBJECTS OF SUCH ELECTION, DESIGNATING THE OFFICERS OF THE ELECTION PRECINCTS, CONSOLIDATING REGULAR ELECTION PRECINCTS, AND DESIGNATING THE POLLING PLACES OF EACH CONSOLIDATED PRECINCT", which, among other things, provided for the electors of the City of Chico to vote upon a proposition as follows:

> "Shall the Charter of the City of Chico be amended to provide authority enabling the City, at the discretion of the City Council, to contract with the County of Butte for said County to perform the services of assessing, levying and collecting city taxes and to conduct tax sales; and in such event, to suspend or abolish any city office relating thereto?"

That both the resolution of the City Council adopted on the 18th day of December, 1962, as aforesaid, and said Ordinance No. 739 aforesaid, were published and advertised in the form and manner and for the lengths of time as provided by law and in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, in the "Chico Enterprise-Record", a daily newspaper of general circulation printed and published in the City of Chico and having a general circulation therein, the said newspaper being the official newspaper of the City of Chico.

That copies of said proposed amendments to said Charter were printed in convenient pamphlet form, and from the date of the first publication of said proposed amendments until the date fixed for the election on said Charter amendments, the legislative body of the City of Chico, to wit: the Council of the City of Chico, caused to be published in the "Chico Enterprise-Record", said official newspaper of the City of Chico, a notice that such copies could be had upon application therefor in the office of the City Clerk of the City of Chico, and in all respects thereto the requirements of Section 8, Article XI of the Constitution of the State of California, the Charter of the City of Chico and the Elections Code, were complied with.

That said election was duly held, pursuant to said call, on April 2, 1963, and a majority of the qualified electors voting thereon voted in favor of said proposed amendments as determined by a canvass of the returns of said election duly and regularly made by the Council of the City of Chico and said Council did, by resolution duly and regularly adopted, declare the results of said election insofar as it concerned the proposed

Charter amendments, as determined from a canvass of the returns thereof, which result was as follows:

ON PROPOSITION ONE

Total ballots cast	1,936
Total number of votes cast upon ratification of said proposed Charter Amendment	1,843
In favor of the ratification of said proposed Charter Amendments	1,523
Against the ratification of said proposed Charter Amendments	320

That the Charter amendments so ratified by the qualified electors of the City of Chico are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with Section 8, Article XI of the Constitution of the State of California, and which is in words and figures as follows:

PROPOSITION No. 1

Section 1. That Section 907 entitled "City Assessor" of Article IX of the Charter of the City of Chico be amended by adding thereto the following language:

"Unless and provided that the city has, pursuant to general law of the State, contracted with the County of Butte to assess all real and personal property within the city for the purpose of taxation by and through the county officer or officers whose duties are of the same character as that of the city assessor,"

said section, as amended, to read as follows:

Section 907. City assessor—Transfer.

The city assessor shall assess the real and personal property within the city for the purpose of taxation, unless and provided that the city has, pursuant to general law of the State, contracted with the County of Butte to assess all real and personal property within the city for the purpose of taxation by and through the county officer or officers whose duties are of the same character as that of the city assessor.

Section 2. That Section 904, entitled "Duties to be established by ordinance; combining departments or offices" of Article IX of the Charter of the City of Chico be amended by adding thereto the following language:

"When the city has contracted with the County of Butte for the assessment and collection of taxes, the council may

suspend or abolish any office relating to the assessment or collection of taxes,''

said section, as amended, to read as follows:

Section 904. Duties to be established by ordinance; combining departments or offices; suspending or abolishing offices.

The council shall provide by ordinance or resolution, not inconsistent with this Charter, for the powers and duties of all officers and department heads of the city. Where the positions are not incompatible, the council may combine in one person the powers and duties of two or more offices created or provided for in the Charter. When the city has contracted with the County of Butte for the assessment and collection of taxes, the council may suspend or abolish any office relating to the assessment or collection of taxes. No office provided herein to be filled by appointment by the city manager may be combined with an office provided herein to be filled by appointment of the council.

Section 3. That Section 1101, entitled ''Tax system'' of Article XI of the Charter of the City of Chico be amended by adding thereto the following language:

''The city may contract with the County of Butte under the provisions of any general law of the State of California to transfer to said county those municipal functions which relate to the assessment of property for taxation, the equalization and collection of taxes levied for municipal purposes, collections of assessments and the sale of property for non-payment of taxes or assessments,''

said section, as amended, to read as follows:

Section 1101. Tax system

The council shall, by ordinance, provide a system for assessment and for the levy and collection of city taxes upon real and personal property. The city may contract with the County of Butte under the provisions of any general law of the State of California to transfer to said county those municipal functions which relate to the assessment of property for taxation, the equalization and collection of taxes levied for municipal purposes, collections of assessments and the sale of property for non-payment of taxes or assessments.

We further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of Chico with the original proposal submitting the same to the

electors of said City, and find that the foregoing is a full, true and exact and correct copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Chico to be affixed hereto this 24th day of April, 1963.

(SEAL)

ROSS LAWLER
Mayor of the City of Chico
MARGERY L. AMES
Clerk of the City of Chico

WHEREAS, The said proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California; the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the Charter of the City of Chico, as presented to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as a part of, the Charter of the City of Chico.

CHAPTER 101

Senate Concurrent Resolution No. 60—Approving amendments to the Charter of the City of Riverside, a municipal corporation in the County of Riverside, State of California, voted for and ratified by the qualified electors of the city at a special municipal election held therein on the ninth day of April, 1963.

[Filed with Secretary of State May 21, 1963]

WHEREAS, Proceedings have been had for the proposal, adoption, and ratification of certain amendments, hereinafter set forth, to the Charter of the City of Riverside, a municipal corporation in the County of Riverside, State of California, as set out in the Certificate of the Mayor and City Clerk of the City of Riverside as follows:

CERTIFICATE OF ADOPTION OF AMENDMENTS TO
THE CHARTER OF THE CITY OF RIVERSIDE
(Sections 401 and 1603)

State of California }
County of Riverside } ss
City of Riverside }

We, the undersigned Edward V. Dales, Mayor of the City of Riverside, State of California, and Virginia J. Strohecker,

City Clerk of said City and ex officio Clerk of the City Council of said City, do hereby certify and declare as follows:

That at all times since the 21st day of April, 1953, the City of Riverside has been and now is a municipal corporation and City in the County of Riverside, State of California, containing a population of more than 3,500 inhabitants and organized and existing under a charter adopted pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California and approved by the Legislature by Assembly Concurrent Resolution No. 8, adopted in Assembly January 12, 1953, and in Senate January 15, 1953, and filed with the Secretary of State February 4, 1953.

That the legislative power of said City is vested in a City Council consisting of seven (7) members; and that the City Clerk of said City is ex-officio Clerk of the legislative body of said City.

There is no official newspaper of said City. The Press hereinafter mentioned is a daily newspaper of general circulation within said City and printed and published therein.

That at all times herein mentioned Edward V. Dales has been and now is the duly elected, qualified and acting Mayor of said City of Riverside; and Virginia J. Strohecker has been and now is the duly appointed, qualified and acting City Clerk of said City.

That the City Council of said City on its own motion by Resolution No. 9619 adopted February 5, 1963, submitted to the electors of said City proposals to amend its Charter as hereinafter mentioned, to be voted on as measures at a Special Municipal Election to be held in said City on April 9, 1963. Said proposals are in words and figures as follows:

CITY OF RIVERSIDE — CHARTER AMENDMENT
PROPOSITION NO. 1

Shall the Charter of the City of Riverside be amended by amending Section 401 to permit time of residence as a qualified elector in areas annexed to the City of Riverside to be counted in determining eligibility to hold elective office?

CITY OF RIVERSIDE—CHARTER AMENDMENT
PROPOSITION NO. 2

Shall the Charter of the City of Riverside be amended by amending Section 1603 to provide that candidates for the City Council shall be qualified electors and omitting voting or registration to vote as a requirement for eligibility?

That the City Council caused said proposed charter amendments to be published in The Press on February 12, 1963, and in each edition thereof during said day; and also caused copies of such proposed charter amendments to be printed in convenient pamphlet form in type of not less than 10-point

and mailed to each of the qualified electors of said City on March 25, 1963; and also caused a notice that copies of said proposed charter amendments could be had upon application at the office of the City Clerk of said City to be published in every edition of The Press during the period of time beginning February 28, 1963, to and including April 9, 1963.

That Sections 1000, 1001 and 1002 of the Charter of the City of Riverside provide as follows:

Section 1000. GENERAL MUNICIPAL ELECTIONS. General municipal elections for the election of officers and for such other purposes as the City Council may prescribe shall be held in the City on the second Tuesday in April in each odd numbered year commencing with the year 1955.

Section 1001. SPECIAL MUNICIPAL ELECTIONS. All other municipal elections that may be held by authority of this Charter, or of any law, shall be known as special municipal elections.

A special municipal election shall be held for the election of the first Mayor and the first members of the City Council under this Charter on the tenth Tuesday following the approval of this Charter by the Legislature.

Section 1002. PROCEDURE FOR HOLDING ELECTIONS. Unless otherwise provided by ordinance hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or hereafter may be amended, for the holding of elections in cities of the sixth class so far as the same are not in conflict with this Charter.

No other procedure has been provided.

That the City Council adopted Resolution No 9619 on February 5, 1963, ordering, providing for and giving notice of the Special Municipal Election to be held in said City on April 9, 1963; and the City Clerk duly published Notice of Election, which included said proposed charter amendments as measures, in The Press on the 14th and 21st days of March, 1963.

That the Special Municipal Election was duly held in said City on Tuesday, April 9, 1963, and the voters voted upon said measures to amend the Charter. On Tuesday, April 16, 1963, the City Council of said City met in a duly adjourned regular meeting at its regular place of meeting and canvassed the returns of said election and canvassed the absent voters ballots. It was found and determined that the voters voting on said measures at said election cast 15,939 votes in favor of Charter Amendment Proposition No. 1 and 3,006 votes against said amendment; and that the voters voting on said measures at said election cast 13.234 votes in favor of Charter Amendment Proposition No. 2 and 5,335 votes against said amendment, and that said amendments were ratified by the votes of a majority of the electors who voted on each of said measures.

That the City Council thereupon and on April 16, 1963, adopted Resolution No. 9672 reciting the fact of said election

and the matters enumerated in Section 22933 of the Elections Code, and the City Clerk thereupon entered upon the records of the City Council a statement of the result of such election.

That the amendments to the Charter as so proposed and ratified are in words and figures as follows:

Section 401. ELIGIBILITY. No person shall be eligible to hold an elective office unless he is, and shall have been for at least three years immediately preceding his election or appointment a qualified elector of the City, or of territory annexed to the City.

Section 1603. ELIGIBILITY TO HOLD THE OFFICE OF MEMBER OF THE CITY COUNCIL.

A person is not eligible to hold the office of a member of the City Council of the City of Riverside unless he has been a resident and qualified elector within the territory comprising the ward by which he is elected or for which he is appointed for at least one year immediately preceding his election or appointment, and is and continues to be a resident and qualified elector of said ward.

For the purpose of determining eligibility to hold the office of a member of the City Council, it is expressly provided that the time immediately preceding his election or appointment during which a qualified elector has been a resident of any territory which is included within the boundaries of any ward, as first established or as changed hereafter, shall be considered as and deemed to be time of residence within such ward.

If any member of the City Council changes his place of residence to a place outside of the boundaries of the ward by which he was elected or for which he was appointed, his office shall become vacant. The existence of the vacancy shall be declared and filled as provided by Section 403 of this Charter.

We do further certify that the foregoing constitutes a full, true and correct statement of the actions and proceedings had by the City of Riverside and its City Council and City Clerk in the matter of submitting the proposal to amend the City Charter and in calling, noticing and conducting the election and canvassing the returns and declaring the results thereof.

In witness whereof we have hereunto set our hands and affixed the seal of the City of Riverside this 26th day of April, 1963.

E. V. DALES
(SEAL) Mayor of the City of Riverside

Attest
VIRGINIA J. STROHECKER
City Clerk of the City of Riverside

WHEREAS, The proposed amendments so ratified as hereinabove set forth have been and are now duly presented and

submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all members elected to each house voting thereon and concurring therein, That the amendments to the Charter of the City of Riverside, as proposed to and adopted and ratified by the qualified electors of the city, are hereby approved as a whole without amendment or alteration for and as amendments to and as a part of the Charter of the City of Riverside.

CHAPTER 102

Senate Concurrent Resolution No 62—Approving an amendment to the Charter of the City of Santa Clara, County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at an election held therein on the second day of April, 1963.

[Filed with Secretary of State May 21, 1963.]

WHEREAS, Proceedings have been duly and regularly taken and had for the adoption and ratification of a certain amendment, hereinafter set forth, to the Charter of the City of Santa Clara, a municipal corporation, in the County of Santa Clara, State of California, and set out in the certificate of the mayor and city clerk of said city, as follows:

State of California
County of Santa Clara } ss
City of Santa Clara

CERTIFICATE OF RATIFICATION OF CHARTER AMENDMENT BY ELECTORS OF THE CITY OF SANTA CLARA

We, the undersigned, Maurice E. Dullea, Mayor of the City of Santa Clara, and A. S. Belick, City Clerk of said City, do hereby certify and declare as follows:

That the City of Santa Clara, a municipal corporation, in the County of Santa Clara, State of California, is now and at all times herein mentioned was a City duly organized, existing and acting under a freeholders charter adopted under and pursuant to Section 8 of Article XI of the Constitution of the State of California, with a population of more than 50,000 inhabitants;

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California the City Council of said City, being the legislative body thereof,

on its own motion, submitted to the qualified electors of said City a certain proposal for the amendment of the Charter of said City at a special election duly and regularly called and held for that purpose in said City on the second day of April, 1963, said Charter Amendment being herein designated as Santa Clara Charter Amendment;

That said Santa Clara Charter Amendment was published in the Santa Clara Journal, a newspaper of general circulation printed and published in said City and having a general circulation therein; said newspaper being the official newspaper of said City, on the fifteenth day of February, 1963, in each edition thereof on said day, and said publication was made at the time and in the manner prescribed in Section 8, Article XI of the Constitution of the State of California;

That said City Council caused copies of said Santa Clara Charter Amendment to be printed in convenient pamphlet form and in type of not less than ten-point, and caused copies thereof to be mailed to each of the qualified electors of said City, and, until the day fixed for said election, advertised in said Santa Clara Journal, a newspaper having a general circulation in said City, a notice that copies thereof could be had upon application therefor, and in accordance with said notice copies thereof could be had upon application therefor;

That said election was duly and regularly held on the second day of April, 1963 which said date of the said election was not less than forty nor more than sixty days after the completion of the advertising in said newspaper of said proposed Charter Amendment, and the returns of said election were duly and regularly canvassed and the results declared and entered, namely, that at said election a majority of the qualified voters voting thereon voted in favor of and did ratify said Santa Clara Charter Amendment, hereinafter specifically set forth;

That said Amendment to the Charter of said City so ratified by the voters of said City is as follows, to wit:

Santa Clara Charter Amendment

A proposition on motion of the City Council to amend the Charter of the City of Santa Clara by amending Sections 1700, 1701, and 1702 therein to read as follows:

"Section 1700. Reserved Powers. There are hereby reserved to the electors of the City the powers of the initiative and referendum and of the recall of municipal elective officers.

"Section 1701. State Elections Code. The provisions of the Elections Code of the State of California, as the same exist on January 1, 1963, governing the initiative and referendum and the recall of municipal officers, shall apply to the use thereof in the City so far as such provisions of the Elections Code are not in conflict with the provisions of this Charter.

"Section 1702. Amendments to State Elections Code. The City Council, by ordinance, may adopt any future amendments to the provisions of the Elections Code of the State as adopted by Section 1701 of this Charter so far as such future amendments are not in conflict with any other sections of this Charter."

That we have compared the amendment as stated herein with the original proposal submitted to the electors of said City, and find and certify that it is a full, true and correct copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Santa Clara to be affixed hereto this 30th day of April, 1963;

MAURICE E. DULLEA, Mayor
(SEAL) City of Santa Clara, California
A. S. BELICK, City Clerk
City of Santa Clara, California

and

WHEREAS, Said proposed charter amendment as ratified (being hereinabove set forth) has been and is now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration and in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefore and concurring therein, That the aforementioned amendment to the Charter of the City of Santa Clara as proposed to, and adopted and ratified by, the qualified electors of said City of Santa Clara be and the same hereby is approved as a whole, without amendment or alteration, for and as an amendment to and as part of the Charter of the City of Santa Clara.

CHAPTER 103

Assembly Concurrent Resolution No. 82—Approving a charter amendment to the Charter of the City of Modesto, a municipal corporation in the County of Stanislaus, State of California, ratified by the qualified electors of the city at an election held therein, on the 16th day of April, 1963.

[Filed with Secretary of State May 22, 1963]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the Charter of the City of Modesto, a municipal corporation of the County of Stanislaus, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF MODESTO AT A MUNICIPAL ELECTION HELD ON THE 16TH DAY OF APRIL, ONE THOUSAND NINE HUNDRED AND SIXTY-THREE, OF AN AMENDMENT TO THE CHARTER OF THE CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA.

State of California
County of Stanislaus } ss.
City of Modesto

We, Don D. Hammond, Mayor of the City of Modesto, and Rex E. Gailfus, City Clerk of the City of Modesto, do hereby certify as follows:

That said City of Modesto, in the County of Stanislaus, State of California, is now and was at all times herein mentioned, a city containing more than three thousand, five hundred (3,500) inhabitants and less than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City is now, and was at all the times herein mentioned, organized and existing under a Freeholders Charter adopted under the provisions of Section 8, Article XI, of the Constitution of the State of California, which Charter was duly ratified by a majority of the electors of said City at a Special Municipal Election held therein on the 6th day of November, 1962, and approved by the Legislature of the State of California, and filed with the Secretary of State of the State of California, on the 14th day of January, 1963; and

That the legislative body of said City, namely, the City Council thereof, did by its own motion duly adopt and did, pursuant to the provisions of Section 8, Article XI, of the Constitution of the State of California, duly vote to submit to the qualified electors of said City of Modesto three (3) amendments to the Charter of said City and ordered that said proposed amendments be submitted to said qualified electors of said City at a General Municipal Election to be held in said City on the 16th day of April, 1963; and

That said three (3) proposed amendments to be so submitted on April 16, 1963, were designated as Propositions 1, 2 and 3 and said propositions were duly published the 28th day of February, 1963, in the Modesto Tribune, and in each edition thereof during said date of publication; and

That said Modesto Tribune was, on the date of publication and at all times hence has been, and now is, a weekly newspaper of general circulation within said City of Modesto, and was, upon the date of the publication of said proposed amendments, and at all times hence has been, and now is, published in said City and said newspaper was, upon the date of the publication of said proposed amendments, and at all times hence has been and now is, the official newspaper of said City,

and was the newspaper designated by said City Council for the publication of said proposed amendments; and

That said proposed Charter amendments were submitted to the electors of said City for adoption and ratification at a General Municipal Election duly and regularly held in said City of Modesto on the 16th day of April, 1963, which said day was not less than forty (40) nor more than sixty (60) days after the completion of the advertising in the above-mentioned official paper of the proposed Charter amendments aforesaid; and

That in accordance with the provisions of the Election Code of the State of California, the Council of the City of Modesto had adopted, on the 4th day of February, 1963, by Resolution No. 63-64, wherein said Council duly ordered consolidated with said General Municipal Election a Special Municipal Charter Amendment Election; and

That said Municipal Election was held in said City of Modesto on April 16, 1963, which date was not less than forty (40) nor more than sixty (60) days after the completion of the publication of said proposed amendments in the Modesto Tribune as aforesaid; and

That the City Council did, by Resolution No. 63-212 adopted on the 23rd day of April, 1963, duly declare the results of said Municipal Election and did duly find, determine and declare that a majority of the qualified voters of said City of Modesto voting thereon voted in favor of only one of said proposed amendments; and

That said proposed amendment to the Charter of the City of Modesto, so ratified by the voters of said City, as aforesaid, is in words and figures as follows, to wit:

Proposition No. 1

To amend the Charter of the City of Modesto by amending Section 601 of Article VI to read as follows:

Article VI. The Mayor

Section 601. Powers and Duties. The Mayor shall be recognized as the official head of the City for all political, representative and ceremonial purposes, and by the Governor for military purposes. In time of public danger or emergency, he may, with the consent of the Council, or pending a meeting of the Council, direct the administration of the City Government through the City Manager.

The Mayor shall be charged with the duty of making recommendations to the Council on all major matters of policy and program which require Council decision. The Mayor shall have the primary, but not exclusive, responsibility for interpreting the policies, programs and needs of the City government to the community.

He may also, on his own account, as may each individual Councilman, inform the community on any matters of policy or program which he believes the welfare of the community makes necessary.

It shall be the duty of the Mayor to represent the Council in its relationships with civic groups within the City, and by direction of the Council, he shall represent the City in its relationships with other governmental agencies on matters of policy and program.

The Mayor shall preside at meetings of the Council and shall have a vote as a member of the Council. He shall have no power to veto any ordinance or resolution adopted by the Council.

The Mayor shall have authority to preserve order at all Council meetings and to remove or cause the removal of any person from any meeting of the Council for disorderly conduct, to enforce the rules of the Council, and to determine the order of business under the rules of the Council.

The Mayor shall exercise such other powers and perform such other duties as may be consistent with his office or as may be granted to him by the Council not inconsistent with this Charter.

Nothing in this Section shall be construed in any way as an infringement or limitation on the powers and duties of the City Manager as chief administrative officer and head of the administrative branch of the City government as prescribed in other sections of this Charter.

The foregoing is a full, true and correct copy of said proposed amendment to the Charter of the City of Modesto, ratified by the electors of said City, as aforesaid, on file in the office of the City Clerk of said City of Modesto.

In witness whereof, Don D. Hammond, Mayor, as aforesaid, and Rex E. Gailfus, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Modesto to be thereunto duly affixed on this 26th day of April, 1963.

(SEAL)

DON D. HAMMOND
Mayor of the City
of Modesto
REX E. GAILFUS
City Clerk of the
City of Modesto

Approved as to form:
ALLEN GRIMES, City Attorney

WHEREAS, The proposed charter amendment as ratified as hereinabove set forth has been and now is duly presented and

submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendment to the Charter of the City of Modesto, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without alteration or amendment, for and as an amendment to and as part of the Charter of the City of Modesto.

CHAPTER 104

Senate Concurrent Resolution No. 23—Relative to a controlled access highway in San Luis Obispo County.

[Filed with Secretary of State May 23, 1963.]

WHEREAS, Traffic along State Sign Route 1 from Monterey to San Luis Obispo has been increasing steadily; and

WHEREAS, The natural beauty of the coastline in this area should be preserved if it is at all practical so to do; and

WHEREAS, It may be feasible to construct a highway inland between these two points and somewhat parallel to State Sign Route 1; and

WHEREAS, Such a highway, if constructed, would divert traffic from State Sign Route 1 and might well eliminate the need for major improvement of the latter highway; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Public Works is requested to make a study as to the necessity and feasibility of constructing a controlled access highway lying east of State Sign Route 1 between State Sign Route 1 at some point in San Luis Obispo County north of San Simeon and State Sign Route 1 near where it crosses the city limits between Monterey and Seaside as an additional route in the state highway system. The Department of Public Works is further requested to report its findings thereon to the Legislature not later than the fifth calendar day of the 1964 Regular Session; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to the Department of Public Works.

CHAPTER 105

Senate Joint Resolution No. 21—Relative to flood control.

[Filed with Secretary of State May 23, 1963.]

WHEREAS, Serious floods occurred in the vicinity of Chester, Plumas County, and elsewhere in California during October 1962 and January 1963 and at previous times; and

WHEREAS, These floods produced a great damage to public and private property, including roads, bridges, buildings, commercial establishments, and farms; and

WHEREAS, This Legislature, pursuant to the recommendation of the Governor, enacted Chapter 81 of the Statutes of 1963 to reappropriate funds, as an emergency measure, to be used by local public agencies in the repair and rehabilitation of damage caused by said floods; and

WHEREAS, The Corps of Engineers, United States Army, has been authorized to undertake a survey of flood conditions in the vicinity of Chester, Plumas County, and the California Water Commission has recommended that an appropriation of fifteen thousand dollars ($15,000) be sought in the current session of Congress to initiate said survey; and

WHEREAS, Article 3 of Chapter 1 of Part 6, Division 6, of the California Water Code declares it to be the policy of the State to participate jointly with the federal government in levee and channel improvement projects authorized by the Congress and the Legislature to the extent of the costs of lands, easements, rights-of-way needed for such projects; and

WHEREAS, Section 12585 of the Water Code, being a part of said Article 3, Chapter 1, Part 6 of Division 6, specifically provides:

> "In the event that the Congress after September 22, 1951, authorizes and approves projects, wherein financial assistance is required of local agencies of this State by the Federal Government, similar to provisions of Public Law, Numbered 534, Seventy-eighth Congress, Second Session, and such projects are recommended for state assistance by the department and approved by the Legislature, including all projects adopted and authorized by the State for which no appropriations or allocations have been made, it is the intention of the Legislature that it will be the policy of the State to pay the costs of local cooperation required by the acts of Congress, except that such costs shall be limited to the costs of all lands, easements and rights of way necessary for the construction of such projects;"

and

WHEREAS, The aforesaid policy has been implemented repeatedly by prior sessions of the Legislature and will be implemented during the current session of the Legislature with respect to levee and channel projects heretofore authorized by the Congress and the Legislature; and

WHEREAS, There is no present reason to believe that the well established policy heretofore carried out by the State of California in regard to such projects will not continue to be followed; and

WHEREAS, There is an urgent need to initiate and complete at the earliest possible date a flood control survey of streams in the vicinity of Chester, Plumas County; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That this Legislature urges the Congress to appropriate fifteen thousand dollars ($15,000) for use during fiscal year 1963-64 in the initiation of the authorized survey in the vicinity of Chester, Plumas County, so that a feasible flood control plan can be developed at the earliest possible date by the United States Army Corps of Engineers aimed at eliminating the flood problem in the vicinity of Chester, Plumas County; and be it further

Resolved, That this Legislature anticipates that in the event the Corps of Engineers recommends to the Congress the construction of economically justified levee and channel improvements in the vicinity of Chester, Plumas County, as a result of its authorized survey, such a project will be authorized for State participation under the general policies set forth in Article 3, Chapter 1, Part 6 of Division 6 of the Water Code and the Legislature will thereafter make appropriations for the acquisition by the State of lands, easements, rights-of-way and utility relocations as in the case of similar projects in the past, provided, that in no event shall such lands, easements and rights-of-way be acquired and utilities be relocated until a local agency of government agrees to operate and maintain the project works when completed and hold and save the United States and the State of California free and harmless from any claims for damages due to the operation of the works; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in Congress, and to the Secretary of the Army.

CHAPTER 106

Senate Joint Resolution No. 24—Relative to memorializing Congress to approve the coinage of a 50-cent piece commemorative of the Gettysburg Address.

[Filed with Secretary of State May 23, 1963.]

WHEREAS, H.R. 1611 introduced January 10, 1963, in Congress by Representative George Goodling of Pennsylvania, is drafted to authorize the coinage of 50-cent pieces in commemo-

ration of the 100th anniversary of the delivery of Lincoln's immortal address at Gettysburg and is now pending before the House of Representatives; and

WHEREAS, One hundred years ago on November 19, 1863, thousands of Americans gathered at Gettysburg to witness appropriate ceremonies in connection with the dedication of a portion of a great battlefield of the American Civil War, 1861-1865, as a national cemetery to receive the remains of the gallant men who fell in battle in defense of their country and homeland; and

WHEREAS, President Abraham Lincoln on that date delivered "a few appropriate remarks" which have come down to us as a noble address revered throughout the world as one of mankind's great utterances stressing that freedom and sacrifice are eternally inseparable; and

WHEREAS, During the present centennial of the great American Civil War, it is entirely fitting that a coin should be minted by the United States of America to commemorate the centenary of the Gettysburg Address; and

WHEREAS, The California Civil War Centennial Commission is dedicated to the observance of the centennial in California of the great War Between the States and events related thereto and the commission has endorsed the subject matter of H.R. 1611, and likewise the Sacramento Civil War Round Table, a study and discussion group devoted to the history and background of the Civil War, has also endorsed the coinage of the commemorative coin above mentioned; and

WHEREAS, The attainment of the coinage of a 50-cent piece linked to the Gettysburg Address will further the observance in California in 1963 of the great historic significance of Gettysburg; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California hereby memorializes the Congress of the United States to enact appropriate legislation approving the subject matter and contents of H.R. 1611 at the earliest possible opportunity and designed to approve the coinage of a 50-cent or other piece commemorative of the 100th anniversary of the delivery of the address at Gettysburg and the dedication of the national cemetery in that locality; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and the Vice President of the United States respectively, the Speaker of the House of Representatives, each Senator and Representative from California in the Congress of the United States, the Honorable Edmund G. Brown, Governor of the State of California, the Governor of the State of Pennsylvania, the Chairman of the California Civil War Centennial Commission, the Sacramento Civil War Round Table, and the Executive Director of the United States Civil War Centennial Commission.

CHAPTER 107

Assembly Concurrent Resolution No. 36—Relative to increased state support for public junior colleges.

[Filed with Secretary of State May 24, 1963.]

WHEREAS, Higher education in the future will be increasingly essential for the well-being of nation, community and citizen; and

WHEREAS, The California public junior colleges have the majority of students at the freshman and sophomore level including both those planning to transfer to four-year colleges and universities and those taking courses leading directly to work; and

WHEREAS, Although the Master Plan for Higher Education as implemented by the Donahoe Higher Education Act places the state responsibility at the 45-percent level for operational support, actual state support has fallen to about 25 percent of operational costs; and

WHEREAS, Junior college enrollments will more than double during the 1960's and the local property taxes alone cannot assume the added burdens; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the appropriate *interim* committees of the Senate and Assembly in considering proposals for the state support of public junior colleges during the interim following the 1963 General Session give thorough study and consideration to the principle of state support for junior colleges at the rate of 45 percent of the operational costs and the need for increasing the rate above the present 25-percent level.

CHAPTER 108

Assembly Concurrent Resolution No. 48—Relative to participation by junior college classroom teachers in the formulation of education policy.

[Filed with Secretary of State May 27, 1963.]

WHEREAS, It is traditional that faculty members in institutions of higher learning participate in policy formation on academic and professional matters at such institutions through academic senates and councils; and

WHEREAS, The master plan recognizes the junior colleges as an integral part of the system of higher education in California; and

WHEREAS, The trustees of the state colleges have established a statewide faculty senate thereby leaving the junior college system the only remaining member of the tripartite master

plan for higher education in California without such a faculty organization; and

WHEREAS, Junior colleges are to be organized and administered as a separate and independent system of higher education under the State Board of Education; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Board of Education is hereby requested to provide for the establishment at each junior college of an academic senate or council wherein the faculty members shall be freely selected by their colleagues for the purpose of representing them in the formation of policy on academic and professional matters at such junior colleges; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the State Board of Education and to the governing boards of each junior college district in California.

CHAPTER 109

Senate Joint Resolution No. 2—Relative to excluding California state employees from the Hatch Act (Hatch Political Activities Act of August 2, 1939, as amended).

[Filed with Secretary of State May 28, 1963.]

WHEREAS, While the Legislature of the State of California is in hearty agreement with the well-established principle that public employees should not engage in activities which are inconsistent, incompatible, or in conflict with their official duties and functions as representatives of their public agency, it is also the belief of this body that it is necessary that we be vigilant that in the guise of controlling such activities we do not infringe upon the rights of individuals or unduly impede their participation in citizenship activities; and

WHEREAS, The federal Hatch Act (Hatch Political Activities Act of August 2, 1939, as amended), among other things, prohibits all California state employees whose positions are financed in whole or in part by funds from federal sources from participating in political activities; and

WHEREAS, This act is designed primarily to prevent persons in political positions from applying undue pressure on public employees to be politically active on a partisan basis; and

WHEREAS, The provisions of Article XXIV of the California Constitution and the various restrictions upon the activities of public employees contained in the California statutes effectively meet the evil at which the Hatch Act is aimed insofar as employees of the State of California are concerned; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California

respectfully memorializes the President, the Congress and the Civil Service Commission of the United States to exclude the employees of the State of California from the operation of the federal Hatch Act; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States

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CHAPTER 110

Senate Joint Resolution No. 6—Relating to federal legislation for the control of barbiturates and amphetamines.

[Filed with Secretary of State May 28, 1963.]

WHEREAS, The interstate traffic in barbiturates and amphetamines is increasing and the form in which they are consumed renders the determination of their place of origin ordinarily impossible; and

WHEREAS, Investigation by the law enforcement agencies has revealed that heroin users cut off from their normal sources of illegal supply are turning with increasing frequency to the use of these drugs, and in particular methedrine which is known to produce violent and dangerous reaction, including delusions and hallucinations; and

WHEREAS, Under present systems of control it is both cheaper and easier to obtain these drugs to satisfy this morbid and depraved habit to the great injury of both the addicted user and society as a whole; and

WHEREAS, There is an ever increasing use of these preparations especially among the youths of the United States, and their use opens the door to the use of marijuana, heroin and other narcotics; and

WHEREAS, There is great and urgent need for federal legislation controlling the interstate traffic in these preparations; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States is respectfully requested to amend United States law to protect the health and public welfare of the United States by providing for legislation similar in form to that contained in Senate Bill 1939, 87th Congress, 1st Session, which controls the compounding, processing and distribution of barbiturates and amphetamines; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 111

Senate Joint Resolution No. 14—Relating to the growth of vegetation on levees.

[Filed with Secretary of State May 28, 1963.]

WHEREAS, Structures and facilities constructed by the United States for local flood protection are maintained under rules adopted by the Secretary of the Army (Part 208 of Title 33 of the Code of Federal Regulations); and

WHEREAS, These rules prescribe general standards which apply on a nationwide basis without regard to peculiar local problems; and

WHEREAS, These rules contain a general prohibition against brush, trees, and wild growth on project levees; and

WHEREAS, The network of waterways formed by the Sacramento and San Joaquin Rivers and Deltas has been made possible by a unique system of levees and presents special problems of maintenance peculiar to that system only and which constitutes an important recreation area, as well as flood protection facilities for the people of California; and

WHEREAS, Levees devoid of trees, brush and wild growth provide only minimum recreation values; and

WHEREAS, The State of California is endeavoring to develop a levee maintenance program that will effectively serve both flood control and recreation values; and

WHEREAS, The State of California and private interests are participating in levee construction and maintenance for flood control purposes; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States and the Secretary of the Army to authorize the United States Corps of Engineers to participate with the State in a series of experiments to determine whether present standards can be modified to permit controlled vegetation on levees to meet the multiple uses applicable to both flood prevention and recreation interests; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in Congress, and to the Secretary of the Army.

CHAPTER 112

Senate Joint Resolution No 23—Relative to federal aid to schools.

[Filed with Secretary of State May 28, 1963.]

WHEREAS, The 81st Congress in recognition of the responsibility of the United States for the impact which certain federal activities have on local educational agencies in the various states and areas in which such activities are carried on, declared it a policy of the United States to provide financial assistance in the form of construction aid and federal payments as payments in lieu of taxes, pursuant to the provisions of Public Laws 815 and 874; and

WHEREAS, Congress in recognition of this continuing burden of federal activities on local educational facilities and the resulting financial drain, has seen fit to continue this program of aid by amendments to Public Laws 815 and 874, and

WHEREAS, These programs assist districts in which local revenues for schools have been reduced due to the acquisition of real property by the United States, districts which provide education for children living on federal property or whose parents are employed on federal property, and districts experiencing a sudden and substantial increase in school attendance because of federal activities; and

WHEREAS, The conditions and problems created by federal activities which constrained Congress to originally grant federal aid to education, have been ameliorated in some degree but have not been eliminated; and

WHEREAS, Because of its strategic geographic location at the gateway to the Pacific Ocean and the Far East, and because of its diverse climate and topography which is desirable to the armed forces, and because of its large and progressive industrial facilities which are able to manufacture any item for national defense, California is particularly affected by federal activities and the resulting impact on educational facilities; and

WHEREAS, This program of aid which originated under Public Laws 874 and 815 of the 81st Congress and continued by subsequent amendments will expire on June 30, 1963, unless renewed by amendment and because this federal aid is imperative to maintenance of educational standards; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to continue the vitally needed programs of assistance to public education in Public Laws 815 and 874 by amending the pertinent provisions in the present law to extend it beyond the June 30, 1963, expiration date; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 113

Senate Concurrent Resolution No. 16—Relative to the establishment of a branch office by the Department of Water Resources.

[Filed with Secretary of State May 28, 1963.]

WHEREAS, Section 125 of the Water Code authorizes the Director of Water Resources with the approval of the Governor to establish branch offices in hydrographic or other regions of the State in order to assure the expeditious conduct of the work of the department in such regions and to assure free and rapid communication of local problems and recommendations to the department; and

WHEREAS, The expanded work of the department in the San Joaquin Valley region requires the establishment of a branch office in that region to fulfill the objectives expressed in Water Code Section 125; and

WHEREAS, The City of Fresno is centrally located within the region and offers adequate facilities for the establishment and maintenance of a branch office, including office space, housing, transportation, and communication facilities; and

WHEREAS, The work of the department in the San Joaquin Valley region will be expedited at a substantial savings to the State by the establishment of a branch office in the City of Fresno; and

WHEREAS, The Legislature is very concerned with the welfare of the state employees who will be affected by changes in the organization of the Department of Water Resources and wishes to assure that good personnel practices are followed in any action taken to supplement changes in organization; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Director of Water Resources with the approval of the Governor is requested to establish as quickly as is feasible a branch office of the Department of Water Resources in the City of Fresno; and be it further

Resolved, That the Director of Water Resources be requested to assure, in co-operation with the State Personnel Board, that proper personnel practices are followed in implementing this organizational change by taking at least the following actions: (a) informing all employees of any projected changes in organizational structure and specifically informing any em-

ployees who will be required to change their residence or headquarters at least 60 days in advance of date of such a change, (b) providing the opportunity to transfer to another activity of the Department of Water Resources or to another function of state government to any affected employee desiring such a transfer, and (c) providing to any employee required to change his residence sufficient time to sell his residence and make other necessary personal changes prior to transferring the employee; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor, the Director of Water Resources and the President of the State Personnel Board.

CHAPTER 114

Senate Concurrent Resolution No. 42—Relative to central filing under the Uniform Commercial Code.

[Filed with Secretary of State May 28, 1963]

WHEREAS, The Advisory Committee on the Uniform Commercial Code to the Senate Committee on Judiciary recommended that central filing under the Uniform Commercial Code be done at San Francisco; and

WHEREAS, This advisory committee does not consider that recommendation as its final expression on the matter, recognizing that Los Angeles or Sacramento might be equally or more appropriate; and

WHEREAS, The administration of the filing will be handled by the Secretary of State; and

WHEREAS, Considerable study and planning is necessary before an effective system of central filing can be established; and

WHEREAS, The Uniform Commercial Code, if enacted as introduced in Senate Bill No. 118 would become operative on January 1, 1965; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Secretary of State is directed to study the problems involved in effectuating the provisions of the Uniform Commercial Code which require the establishment of a speedy and efficient method of disseminating information to the major commercial centers, and to prepare recommendations for a plan with respect thereto, and shall, on February 15, 1964, submit a written report thereon to the Legislature; and be it further

Resolved, That the Secretary of State is requested to confer and co-operate with the advisory committee in such study and in the preparation of recommendations relating thereto.

CHAPTER 115

Senate Concurrent Resolution No. 61—Relative to the observance of the Centennial of Gettysburg.

[Filed with Secretary of State May 28, 1963.]

WHEREAS, November 19, 1963, will mark the 100th anniversary of the dedication at Gettysburg, Pennsylvania, of a national cemetery upon a portion of a great battlefield of the American Civil War, 1861-1865, and recalls the occasion of the delivery by President Abraham Lincoln of what has become known to posterity as the Gettysburg Address; and

WHEREAS, In a nation now happily reunited, the wounds and ravages of a Civil War have been overcome and today all sections of the United States of America comprise one united people and country; and

WHEREAS, The people of the United States, and particularly the younger generation of our citizens, should be reminded of the effect and importance of the great fundamental principles expressed in the Gettysburg Address; and

WHEREAS, The California Civil War Centennial Commission is dedicated to the commemoration of the centennial in California of the great war between the states and the commission has endorsed the observance of the centenary of the Gettysburg Address and events related thereto; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Governor of the State of California is respectfully urged to proclaim Tuesday, November 19, 1963, as Gettysburg Address Centennial Day; and be it further

Resolved, That the Governor of the State of California is respectfully requested to proclaim the week of November 17, 1963, as Gettysburg Centennial Week for attention in the schools, homes, churches, and public assemblages in California; and be it further

Resolved, That the California State Board of Education is urged to take appropriate recognition of November 19, 1963, sufficiently in advance of that date, to the end that all educational leaders, officials, teachers and pupils may become increasingly aware of the lasting significance of the great events at Gettysburg 100 years ago; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Honorable Edmund G. Brown, Governor of the State of California, the President and the Vice President, respectively, of the United States of America, each Senator and Representative from California in the Congress of the United States, the Chairman of the California Civil War Centennial Commission, the Executive Director of the United States Civil War Centennial Commission, the Chairman of the State Board of Education, and the chairman of each county board of supervisors within this State.

CHAPTER 116

Senate Concurrent Resolution No. 64—Approving charter amendments to the Charter of the City of Porterville, a municipal corporation in the County of Tulare, State of California, ratified by the qualified electors of the city at a municipal election held therein on the second day of April, 1963.

[Filed with Secretary of State May 28, 1963.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of amendments to the Charter of the City of Porterville, a municipal corporation in the County of Tulare, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city as follows:

CERTIFICATE OF AMENDMENT TO THE CHARTER OF THE CITY OF PORTERVILLE

State of California }
County of Tulare } ss

We, the undersigned, Jack E. Letsinger, President of the City Council and Mayor of the City of Porterville, and Jeannene Brewer, City Clerk of the City of Porterville, do hereby certify and declare as follows:

That the City of Porterville is a municipal corporation in the County of Tulare, State of California, and is now and at all times hereinafter referred to, was a City containing a population of more than thirty five hundred (3500) inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States;

That said City of Porterville is now organized, existing and acting under a freeholders charter adopted under and by virtue of Section 8, Article 11 of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of the City of Porterville at an election duly held for that purpose on October 5, 1926, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 27th day of January, 1927 (Statutes 1927, Chapter 27, Page 2172);

That in pursuance of Section 8 of Article XI of the Constitution of the State of California, and on its own motion, the Council of the City of Porterville, being the legislative body of said City, by and in pursuance of resolutions passed and adopted by the City Council on the 30th day of January, 1963, and by more than a two-thirds vote of said Council, duly submitted to the qualified electors of the City of Porterville, proposals for the amendment of Sections 9, 10, and 13 of the Charter of the City of Porterville; and in pursuance of resolutions passed and adopted by the City Council on the 1st day of February, 1963, and by more than a two-thirds vote of said

Council, duly submitted to the qualified electors of the City of Porterville, a proposal for the amendment of Sections 23 and 59 and the repeal of Sections 26, 53, and 55 of the Charter of the City of Porterville; and in pursuance of resolutions passed and adopted by the City Council on the 5th day of February, 1963, and by more than a two-thirds vote of said Council, duly submitted to the qualified electors of the City of Porterville, a proposal for the amendment of Section 68 and the addition of a new Section, Section 17-A, to the Charter of the City of Porterville to be voted on by said qualified electors, at a general municipal election, to be held in said City on the 2nd day of April, 1963, which said proposals are hereinafter set forth at length;

That said proposed amendments and repeals were published and advertised in the form and manner and for the length of time, and in accordance with the provisions of Section 8, Article XI, of the Constitution of the State of California, in the Porterville Evening Recorder, which was then and there a daily newspaper, printed, published and circulated at and within the City of Porterville, County of Tulare, State of California, and was and is the official newspaper for said City;

That said City Council caused copies of said proposed amendments to be printed in convenient pamphlet form and kept in the office of the City Clerk of said City, and did, until the date fixed for the election upon said amendments, advertise in the Porterville Evening Recorder, a notice that such copies might be had upon application therefor, all in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California;

That said proposed amendments were published and advertised within fifteen (15) days after they were filed with the City Clerk and that the election at which they were voted on was by resolution of the City Council passed and adopted on the 30th day of January, 1963, February 1 and 5, 1963, set for April 2, 1963, which was not less than forty (40) nor more than sixty (60) days after the completion of the advertising in the official newspaper as aforesaid;

That thereafter, the Council of the City of Porterville did, in the manner provided by law, duly and regularly canvass the returns of said election, and that said City Council by resolution adopted on the 8th day of April, 1963, declared the result of said municipal election as determined from the canvassing of the returns thereof;

That at said municipal election held on the 2nd day of April, 1963, said proposed amendments were ratified and adopted by more than a majority of the electors of said City voting thereon, with the exception of the amendment of Section 9, which failed to receive the necessary votes for passage; there being cast in favor of the amendment to Section 10 of the Charter of the City of Porterville nine hundred twenty-six

(926) votes and against said amendment five hundred thirty-nine (539) votes;

That said amendment so ratified by the electors of the City of Porterville is in words and figures as follows, to-wit:

"Meeting of the Council

Section 10. The Council shall provide by ordinance for the time and place of holding its meetings and the manner in which its special meetings may be called; provided, however, that there shall be at least one regular meeting in each month. Any regular meeting may be adjourned to a date and hour certain, and such adjournment meeting shall be a regular meeting for all purposes.

Except for special meetings with the legislative bodies of other political subdivisions, all meetings of the Council shall be held in the City Hall, unless by reason of fire, flood, or other disaster, the City Hall cannot be used for that purpose, and all meetings shall be open to the public. The Council shall adopt rules for conducting its proceedings and may punish its members or other persons present at any meeting for disorderly conduct."

That at said municipal election held on the 2nd day of April, 1963, said proposed amendment of Section 13 of the Charter of the City of Porterville was ratified and adopted by more than a majority of the electors of said City voting thereon, there being cast in favor of said amendment of Section 13 of the Charter of the City of Porterville one thousand fifty-one (1,051) votes and against said amendment three hundred eighty-four (384) votes;

That said amendment of said Section 13 of the Charter of the City of Porterville so ratified by the electors of the City of Porterville is in words and figures as follows, to-wit:

"Officers and Employees

Section 13. The officers of the City of Porterville shall consist of five members of the Council, one of whom shall act as Mayor and the following officers, boards and commissions, who shall be appointed by the Council: A board of three Park Commissioners, a board of five Library Trustees, a City Manager, a City Clerk and Assessor, a City Attorney and a City Treasurer."

That at said municipal election held on the 2nd day of April, 1963, said proposed addition of Section 17-A of the Charter of the City of Porterville was added and adopted by more than a majority of the electors of said City voting thereon, there being cast in favor of said addition of Section 17-A of the Charter of the City of Porterville nine hundred and four (904) and against said addition six hundred and thirteen (613) votes;

That said addition of said Section 17-A of the Charter of the City of Porterville so added by the electors of the City of Porterville is in words and figures as follows, to-wit:

"Retirement

Section 17-A. That the mandatory retirement age for the employees of the City of Porterville shall be as follows, to-wit:

Safety Employees—The mandatory retirement age for all safety employees as hereinafter described shall be age 65.

Miscellaneous Employees—The mandatory retirement age for all miscellaneous employees as hereinafter described shall be age 70.

For purposes of this section safety employees shall be defined as "all City employees who are assigned to permanent duty with the Police Department and all City employees who are assigned to permanent duty with the Fire Department." All other employees of the City of Porterville shall be defined as miscellaneous employees.

This section shall be in full force and effect April 2, 1968."

That at said municipal election held on the 2nd day of April, 1963, said proposed amendment of Section 23 of the Charter of the City of Porterville was ratified and adopted by more than a majority of the electors of said City voting thereon, there being cast in favor of said amendment one thousand one hundred and twenty (1,120) and against said amendment three hundred and eighteen (318) votes;

That said amendment of said Section 23 of the Charter of the City of Porterville so ratified by the electors of the City of Porterville is in words and figures as follows, to-wit:

"City Clerk and Assessor

Section 23. The City Clerk shall be Assessor of the City, and Clerk of the Council and of the Board of Equalization.

It shall be the duty of the City Clerk to attend all sessions of the Council and the Board of Equalization, and keep a full and correct record of the proceedings of each of said bodies. The proceedings of the Council shall be kept in a book marked "Minutes of the Council" and the proceedings of the Board of Equalization shall be kept in a separate book marked "Minutes of the Board of Equalization". He shall keep a book marked "Ordinances" into which he shall copy all City ordinances certifying that each such copy is a full and correct copy of the original ordinance, and stating that the same has been published as required by law Said record copy, so certified, shall be prima facie evidence of the contents of the ordinance, and of its passage and publication and shall be admissible as such evidence in any court or proceedings. Such record shall not be filed but shall be returned to the custody of the City Clerk. He shall also keep a book marked "Resolutions," into which he

shall copy all resolutions passed by the Council. Both the books containing ordinances and resolutions, shall be adequately and comprehensively indexed. He shall conduct promptly, and keep a systematic record of all correspondence between the Council and third parties relating to city business.

He shall be the keeper of the corporate seal of the City, and shall affix the same to instruments or writings requiring authentication. He shall safely keep all records, documents, ordinances, resolutions, books and such other papers and matters, as may be regularly delivered into his custody or required by law or ordinance to be filed with him.

It shall be the duty of the City Clerk, as Assessor, between the first Monday in March and the first Monday in August of each year, to assess all taxable property within the City of Porterville at the time and in the manner prescribed by the general laws of the State, except as may be otherwise provided by ordinance. Prior to the first Monday in August of each year he shall make out a list of all taxable property within the City, which list shall describe the property assessed and the value thereof, and shall contain all other matter required to be stated in such list by ordinance. The Assessor shall verify such list by his oath and deposit the same with the Council on or before the first Monday of August of each year. The Assessor shall possess such other powers and perform such additional duties, not inconsistent with this charter, as may be prescribed by ordinance."

That at said municipal election held on the 2nd day of April, 1963, said proposed repeal of Section 26 of the Charter of the City of Porterville was repealed by more than a majority of the electors of said City voting thereon, there being cast in favor of said repeal one thousand twenty-nine (1,029) votes and against said repeal three hundred eighty-two (382) votes;

That said repeal of said Section 26 of the Charter of the City of Porterville so repealed by the electors of the City of Porterville is in words and figures as follows, to-wit:

"Police Judge and Police Court

Section 26. There shall be a Police Judge appointed by the Council. He shall be the judge of the Police Court which is hereby established. The Police Court shall have jurisdiction, concurrently with the Justice's Courts of all actions and proceedings, civil and criminal, arising within the corporate limits of the City, and which might be tried in such Justice's Court; and said Police Court shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty, forfeiture prescribed for the breach of any ordinance of said City, of all actions founded upon any obligation created by any ordinance thereof, and of all prosecutions for the violation of any such ordinance. In all civil actions where the fine, penalty, or forfeiture prescribed for the breach of any ordinance of the City

is not more than one hundred dollars, the trial must be by the court. In civil actions where the fine, penalty, or forfeiture prescribed for the breach of any ordinance of the City is over one hundred dollars, the defendant is, upon his demand, entitled to a jury. Except in this section otherwise provided, the rules and practice and mode of proceeding in said Police Court shall be the same as are, or may be, prescribed by law for Justice's Courts in like cases; and appeals may be taken to the Superior Court from all judgments of said Police Court in like manner and with like effect as in cases of appeals from Justice's Courts.

The Police Judge shall have all powers and perform the duties of a magistrate and may administer and certify oaths and affirmations and take and certify acknowledgments. All fines, fees, and costs collected by him shall be paid into the city treasury within forty-eight hours from and after the receipt thereof. He shall make such periodical reports as the Council may require.

In cases in which the Police Judge is a party, or in which he is interested or when he is related to either party by consanguinity or affinity within the third degree, or is otherwise disqualified, or in cases of sickness or inability to act, he may call upon any Justice of the Peace, residing in the County of Tulare, to act in his stead.

The Council may appoint the Justice of the Peace of the township in which the City of Porterville is located, as Police Judge thereof.

The Police Judge shall keep a record of the proceedings of the Police Court in all matters and cases before said court. Separate dockets shall be kept for civil and criminal cases. All records, files, and other property of the Recorder's Court of the City of Porterville, shall be the records, files and property of the Police Court of said city created by this charter.

All actions and proceedings pending and undetermined in the said Recorder's Court shall be proceeded with, heard, tried, and determined in said Police Court herein established, before the Police Judge thereof, as if such action or proceeding had been originally recommended therein."

That at said municipal election held on the 2nd day of April, 1963, said proposed repeal of Section 53 of the Charter of the City of Porterville was repealed by more than a majority of the electors of said City voting thereon, there being cast in favor of said repeal one thousand twenty-seven (1,027) votes and against said repeal four hundred nineteen (419) votes;

That said repeal of said Section 53 of the Charter of the City of Porterville so repealed by the electors of the City of Porterville is in words and figures as follows, to-wit:

"Counting the City's Money

Section 53. The Mayor, City Clerk, and City Manager, shall together count the money and other securities, in the treasury

at least once every three months, and ascertain if the amounts on hand tally with the amounts that should be in the treasury according to the books of the City. They shall make a written report thereof to the Council at its first regular meeting thereafter."

That at said municipal election held on the 2nd day of April, 1963, said proposed repeal of Section 55 of the Charter of the City of Porterville was repealed by more than a majority of the electors of said City voting thereon, there being cast in favor of said repeal one thousand fifteen (1,015) and against said repeal four hundred six (406) votes;

That said repeal of said Section 55 of the Charter of the City of Porterville so repealed by the electors of the City of Porterville is in words and figures as follows, to-wit:

"Social Service

Section 55. There shall be a board of Social Service appointed by the City Manager, which shall have charge of all matters relating to the care and relief of the needy. Said board may establish and maintain an employment bureau, day nursery, free clinics and similar institutions. It shall consist of as many members as the manager may deem advisable. They shall serve without compensation."

That at said municipal election held on the 2nd day of April, 1963, said proposed amendment of Section 59 of the Charter of the City of Porterville was ratified and adopted by more than a majority of the electors of said City voting thereon, there being cast in favor of said amendment nine hundred five (905) votes and against said amendment five hundred forty-six (546) votes;

That said amendment of said Section 59 of the Charter of the City of Porterville so ratified by the electors of the City of Porterville is in words and figures as follows, to-wit:

"Expert Accountant

Section 59. The City shall employ a certified public accountant annually to investigate the accounts and transactions of all city officers and employees having the collection, custody or distribution of public money or property, or the power to approve, allow or audit demands on the City Treasury."

That at said municipal election held on the 2nd day of April, 1963, said proposed amendment of Section 68 of the Charter of the City of Porterville was ratified and adopted by more than a majority of the electors of said City voting thereon, there being cast in favor of said amendment one thousand sixty (1,060) votes and against said amendment three hundred fifty-nine (359) votes;

That said amendment of said Section 68 of the Charter of the City of Porterville so ratified by the electors of the City of Porterville is in words and figures as follows, to-wit:

"Leases of City Property

Section 68. In every lease of City property the basic amount of rental shall be fixed by the Council.

All indentures of lease shall provide that the Council may terminate the same at its pleasure and repossess the premises therein described upon three months notice thereof and upon paying to the lessee the market value of any improvements made or put upon said premises by the lessee. The market value of such improvements shall be determined by a board of appraisers consisting of one appraiser appointed by the Council, and a lessee appraiser appointed by the lessee. In the event of their failure to agree upon the market value of the improvements within thirty days from and after their appointment, said two appraisers may appoint a third appraiser as a member of said board, and the determination of the majority of said board of appraisers, as to the market value of the improvements, shall be final and conclusive and binding on all concerned. Should the two appraisers appointed by the Council and the lessee respectively, fail for forty days from and after their appointment to agree upon the market value of the improvements or to appoint a third appraiser, then upon the petition in writing of either party to any such lease, a Superior Judge of Tulare County is hereby empowered to appoint the third appraiser upon such board; provided, however, that the Council shall not terminate any such lease or repossess any such premises except for a public use and purpose; provided, further, that no lease of city property shall be made for a term of more than fifty years."

That the returns of said election were in accordance with law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers thereunder duly authorized, that a majority of the qualified electors voting thereon had voted for and in favor of said proposals for the amendments and repeal to Sections 10, 13, 17-A, 23, 26, 53, 55, 59, and 68 of said Charter, and

That we, and each of us, further certify, that we have compared the foregoing and enclosed ratified and repealed amendments to the Charter of the City of Porterville with the original resolution and proposal submitting the same to the qualified electors of the City at the general municipal election held on April 2, 1963, and that the foregoing is a full, true and correct copy thereof.

In witness whereof, we have hereunto set our hands and caused the Seal of the City of Porterville to be affixed, this 8th day of April, 1963.

(SEAL)

JACK E. LETSINGER,
President of the City Council
and Ex-Officio Mayor
JEANNENE BREWER,
City Clerk of the City of
Porterville

WHEREAS, The proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California, now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the Charter of the City of Porterville, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the Charter of the City of Porterville.

CHAPTER 117

Assembly Concurrent Resolution No. 53—Relative to the City of Sacramento.

[Filed with Secretary of State May 29, 1963.]

WHEREAS, The older and westerly portion of the City of Sacramento, commonly known as "Old Sacramento," is rich in past personalities, places and incidents vitally important in the development of this State and now of major historic interest and value to the people of this State and to the entire nation; and

WHEREAS, This area, within a short distance of the State Capitol, includes, among others, the western terminus of the Pony Express in Sacramento, the starting point of the great Central Pacific Railroad, the site of the Sutter Embarcadero, and the heart of the busy Sacramento River transportation system linking the gold country of Northern California to San Francisco and the outside world; and

WHEREAS, This area is also rich in architecturally significant or historically valuable buildings, such as the Big Four Building and the Hastings Building, both of which have been declared to be of national historic significance and eligible as national historic landmarks; and

WHEREAS, The Division of Beaches and Parks, as authorized by Chapter 2315 of the Statutes of 1957, has completed a preliminary survey of buildings and structures in a portion of "Old Sacramento," with preliminary findings, surveys and recommendations, on the restoration, reconstruction and preservation of certain of said buildings and structures; and

WHEREAS, The State of California has on numerous occasions gone on record as supporting state participation in the development and preservation of this historically valuable and significant area; and

WHEREAS, Substantial portions of "Old Sacramento" are now included within one or more project areas in which the Redevelopment Agency of the City of Sacramento is engaged in carrying out a program of slum clearance and redevelopment and within which it is undertaking comprehensive studies, surveys and plans, in co-operation with the State of California, the City of Sacramento and its Historic Landmarks Commission, for the formulation of a master plan for the preservation, development and administration of the historically significant aspects and features of "Old Sacramento," in a manner consistent with the rich heritage which they hold for the people of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That it is hereby declared to be the policy of the State of California to participate, to the extent that funds are or may hereafter be available for such purpose, in the planning, establishment, preservation and administration, as an historic area representative of the early days of this State and the early history of Sacramento, such portions of "Old Sacramento," exclusive of land required for State Highway Route 238, as are determined to have statewide historic or architectural-historic significance and value; and be it further

Resolved, That the Legislature commend the City of Sacramento and its Historic Landmarks Commission, and the Redevelopment Agency of the City of Sacramento, and the State Division of Beaches and Parks for their careful and well-considered preliminary planning in the "Old Sacramento" area thus far and encourage all agencies of government—federal, state and local, to join in a further co-operative effort, within their means and authority so to do, leading to the ultimate establishment of a zone of historic preservation, reconstruction, and restoration in the western portion of the City of Sacramento which will be a monument and significant reminder of the early and glorious history of this State, particularly the gold rush era; and be it further

Resolved, That the Department of Parks and Recreation is requested to supplement and bring up to date the preliminary survey of buildings and structures in "Old Sacramento" made by the Division of Beaches and Parks pursuant to Chapter 2315 of the Statutes of 1957, by submitting to the

Legislature a progress report and preliminary recommendations on the formulation of a master plan for the preservation, development and administration of the historically significant aspects and features of "Old Sacramento," and that such report be submitted to the Legislature no later than the fifth legislative day of the 1964 Regular (Budget) Session; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to the City of Sacramento, its Historic Landmarks Commission, the Redevelopment Agency of the City of Sacramento, the State Department of Parks and Recreation, the National Park Service and the Urban Renewal Administration of the Federal Housing and Home Finance Agency.

CHAPTER 118

Senate Concurrent Resolution No. 19—Relative to rates for nursing homes.

[Filed with Secretary of State May 30, 1963.]

WHEREAS, Regulations recently adopted by the State Social Welfare Board limit the use of supplemental wage and investment factor rates established by the State Department of Finance for aged persons in nursing homes under the medical assistance for the aged program and may prevent some aged people of the State of California from entering or remaining in the nursing home of their choice; and

WHEREAS, Operations under the new rate schedule applicable to recipients of medical aid to the aged in nursing homes were initiated on May 1, 1963, but may not prove entirely satisfactory in providing adequate nursing home standards; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Department of Finance, in conjunction with the State Departments of Social Welfare and Public Health, conduct a complete study of the effects on patient care and well being of the new schedule and the regulations under which it is administered so that a report to each Member of the Legislature and the Governor shall be made prior to October 1, 1963, and, in connection with such study and pending such study finding, the application of special wage and investment factors shall not be subject to a finding that there are no available beds in a county in homes that do not have such factors; and be it further

Resolved, That the regulations of the State Department of Social Welfare be amended to conform with the intent of this resolution and that the State Department of Social Welfare

is directed to amend their regulations which may be in conflict with this resolution; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Director of Finance and to the State Social Welfare Board.

CHAPTER 119

Senate Concurrent Resolution No. 27—Relative to a study of the facilities for removal of drainage water from the San Joaquin Valley.

[Filed with Secretary of State May 30, 1963.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Water Resources is urged to complete its San Joaquin Valley Drainage Investigation at the earliest possible time; and be it further

Resolved, That the Department of Water Resources is requested to prepare a comprehensive report on the facilities for the removal of drainage water from the San Joaquin Valley, which facilities comprise a part of the State Water Facilities, and to report thereon to the Legislature not later than the fifth legislative day of the 1965 Regular Session; and be it further

Resolved, That in preparing such report, the department shall thoroughly and exhaustively study the following matters:

(a) The purposes for which the drainage facilities, or alternatives thereto, should be built, including such purposes as the disposal of degraded irrigation water, oilfield wastes, and municipal and industrial wastes;

(b) Ways and means of effectively co-ordinating the responsibilities of the United States Secretary of Interior with respect to drainage facilities to be provided under Public Law 86-488 with the State's responsibility to provide facilities for removal of drainage water from the San Joaquin Valley as provided in the Burns-Porter Act; and ways and means of co-ordinating the responsibility of the State and federal agencies pursuant to the Federal Water Pollution Control Act as amended by Public Law 87-88;

(c) Alternative routing of drainage facilities and alternatives to the disposal of waste water other than through drainage facilities, such as reclamation, evaporation, or the removal of harmful constituents;

(d) The nature of the drainage facilities and alternatives proposed, if any, including preliminary design, staging of construction, recommended capacities, and alternate termini proposed, if any;

(e) The costs involved, including adequate allowances for escalation and all other contingencies, taking into account whatever staging or construction is proposed; and what portion of such costs should be nonreimbursable;

(f) The benefits to accrue from the project, both statewide and local;

(g) The engineering feasibility, the economic justification, and the financial feasibility of the project;

(h) Ways and means of fairly and equitably recovering the costs of the project, in whole or in part, from the direct and indirect statewide and local beneficiaries of the project and from those contributing to the conditions requiring the removal of waste water, including the creation of an overall drainage district for such purpose;

and be it further

Resolved, That the Department of Water Resources is further requested, in the course of the preparation of the comprehensive report called for herein, to carry out the directives contained in Assembly Concurrent Resolution 92, Resolution Chapter 214 of the 1961 session, and Sections 12230 to 12233 of the Water Code; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Director of the Department of Water Resources.

CHAPTER 120

Assembly Concurrent Resolution No. 64—Relative to the Long Beach tidelands.

[Filed with Secretary of State May 31, 1963.]

WHEREAS, The Long Beach Unit, Wilmington Oil Field, constitutes one of the largest known gas and oil reserves in the nation and State; and

WHEREAS, Development of this field, the major portion of which is held in trust by the City of Long Beach under grants of 1911, 1925 and 1935, is imminent; and

WHEREAS, The estimated recoverable oil, gas and hydrocarbons from the trust property could reach a magnitude of 1.257 billion barrels worth an estimated net profit of 1.894 billions of dollars; and

WHEREAS, The Long Beach Unit, Wilmington Oil Field, lies in a subsidence area as designated by the State Oil and Gas Supervisor; and

WHEREAS, The development of this vast natural resource should be to the benefit and protection of the people of California and the City of Long Beach; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

1. The Joint Committee on Tidelands is hereby created and authorized and directed to ascertain, study and analyze all facts relating to the best use of the profits which will accrue from the development of the Long Beach Unit, Wilmington Oil Field, to meet the financial needs of the State of California

and the trust provisions as outlined in the Long Beach grants of 1911, 1925, and 1935, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation

2. The committee's study shall take into account, among other things, the current and long-range protection of the tidelands and surrounding areas against the dangers of subsidence; the control of production so as to protect the natural beauty of the area and the public health and safety; the use of proceeds for the wise and adequate development, maintenance and operation of the trust lands, and the provision of adequate financial reserves and safeguards to cover any unforeseen problems that might arise in connection with the trust development in the future.

3. The committee shall consist of seven Members of the Senate appointed by Committee on Rules thereof, and seven Members of the Assembly, appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

4. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1965 Regular Session, with authority to file its final report not later than the fifth legislative day of that session.

5. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

6. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created

(c) To co-operate with and secure the co-operation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of fifty thousand dollars ($50,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer

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CHAPTER 121

Senate Concurrent Resolution No. 32—Relative to small craft harbors.

[Filed with Secretary of State June 3, 1963]

WHEREAS, The Small Craft Harbors Commission is authorized by Section 5821 of the Public Resources Code to establish general policies for the administration of Chapter 2 (commencing with Section 5821) of Division 5.7 of said code, relating to small craft harbors; and

WHEREAS, The Division of Small Craft Harbors is authorized by Sections 5827 and 5829.1 of said code to make loans to cities, counties, and districts for the planning, acquisition, construction, improvement, maintenance, or operation of small craft harbors; and

WHEREAS, It is essential that the State, before making such a loan, be assured that the applicant for the loan be able to complete the work on the project with the amount to be loaned by the State; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Small Craft Harbors Commission, in exercising its authority with respect to small craft harbor loans, is requested to establish policies under which commission approval of the award of construction contracts paid in full or in part from proceeds of a small craft harbor loan made by the Division of Small Craft Harbors under Sections 5827 and 5829.1 of the Public Resources Code; and be it further

Resolved, That the commission is further requested to establish policies which will require any city, county or district using state harbor loan moneys to construct a harbor under the provisions of Sections 5827 and 5829 1 of the Public Resources Code, to require a completion bond from the contractor who receives the final harbor construction bid approval.

CHAPTER 122

Senate Joint Resolution No. 16—Relative to federal in-lieu payments.

[Filed with Secretary of State June 4, 1963.]

WHEREAS, The Congress of the United States has recognized that it is the obligation of the government of the United States to make payments to counties in lieu of taxes for lands administered by the Forest Service and Bureau of Land Management; and

WHEREAS, The Forest Service Act of 1908 (16USC500) specified that 25 percent of all moneys received from each national forest during any fiscal year should be paid at the end of the year by the Secretary of the Treasury to the state in which the national forest is situated, to be expended as the state legislature may prescribe for the benefit of the public schools and the public roads of the county or counties in which the national forest is situated; and

WHEREAS, Several laws specify that a certain percentage of the money received from grazing fees on lands administered by the Bureau of Land Management shall be allocated to the counties in which the land is located; and

WHEREAS, Amendment to the laws have allowed the Forest Service and the Bureau of Land Management to deduct many items from the gross income of the land which they administer, and that particularly in the last 10 years the amount of the deductions has increased at an alarming rate; and

WHEREAS, The sale price of timber administered by the United States Forest Service does not include the cost of access road construction, slash disposal, or Knudsen-Vandenberg Act deposits, all of which are part of the actual gross value and income; and

WHEREAS, This has caused a reduction in the amounts paid in lieu of taxes to the point where now many counties with federal lands administered by the Forest Service and Bureau of Land Management are receiving less than one-quarter the amount in lieu of taxes that is received in taxes from private lands; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the President and the Congress of the United States are requested to amend the present laws so that counties will henceforth receive a statutory percentage of the actual gross rather than a statutory percentage of the net income of the moneys received from lands administered by the Forest Service and the Bureau of Land Management; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President and Vice

President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of Agriculture, and to the Secretary of Interior.

CHAPTER 123

Senate Joint Resolution No. 17—Relative to extension of the service area for the Sacramento Valley Canal.

[Filed with Secretary of State June 4, 1963.]

WHEREAS, The Congress of the United States in 1950 authorized the construction of the Tehama-Colusa Canal and the associated Red Bluff Diversion Dam by the United States Bureau of Reclamation; and

WHEREAS, Construction of the Red Bluff Diversion Dam is currently underway and preconstruction financing has been provided for the Tehama-Colusa Canal commencing at the diversion dam and traversing the west side of the Sacramento Valley through Tehama, Glenn and Colusa Counties and terminating on Bird Creek in the northern portion of Yolo County; and

WHEREAS, The need for additional water supplies on the west side of the Sacramento Valley is acute in many areas and this need is not limited to the presently defined service areas of the Tehama-Colusa Canal and feasible proposals have been made for the extension of this canal system to provide service to Yolo and Solano Counties where a need for supplementary water supplies has been adequately demonstrated to the point that existing sources and all reasonably feasible potential sources are required to meet long-range deficiencies; and

WHEREAS, The extension of this system to service Yolo and Solano Counties would make possible exchanges of water from other developed projects to furnish supplies to Napa and Lake Counties which are seriously in need of such sources of supplementary water; and

WHEREAS, The Honorable Clair Engle, United States Senator, has introduced S. 785 in the current session of the Congress, and companion bills have been introduced in the House of Representatives, which would extend the service area of this project to include Yolo and Solano Counties and envision the increase in capacity of the currently authorized Tehama-Colusa Canal and its extension to Lake Solano and Putah Creek or beyond as may be determined feasible, and the construction of certain supplementary works, and to redesignate the project as the Sacramento Valley Canal; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Honorable Clair Engle is commended

for the leadership which he has shown in seeking solutions to the water problems of the west side of the Sacramento Valley, as well as other parts of this State; and be it further

Resolved, That the Congress of the United States is urged to enact S. 785, or its companion measures in the House of Representatives, introduced at the current session of the Congress, and that the President of the United States is urged to approve such legislation; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 124

Assembly Concurrent Resolution No. 85—Approving a certain amendment to the Charter of the City of Santa Barbara, a municipal corporation in the County of Santa Barbara, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on May 7, 1963.

[Filed with Secretary of State June 5, 1963.]

WHEREAS, Proceedings have been duly and regularly taken and had for the adoption and ratification of an amendment, hereinafter set forth, to the Charter of the City of Santa Barbara, a municipal corporation in the County of Santa Barbara, State of California, and set out in the certificate of the mayor and city clerk of said city as follows:

CERTIFICATE OF RATIFICATION OF A CHARTER AMENDMENT BY ELECTORS OF THE CITY OF SANTA BARBARA

State of California
County of Santa Barbara } ss.
City of Santa Barbara

We, the undersigned, Edward L. Abbott, Mayor of the City of Santa Barbara, and Helen V. Barclay, City Clerk of said City, do hereby certify and declare as follows:

That the City of Santa Barbara, a municipal corporation in the County of Santa Barbara, State of California, is now and at all times herein mentioned was a city duly organized, existing and acting under a freeholders charter adopted under and pursuant to Section 8 of Article XI of the Constitution of the State of California.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California the

Council of said City, being the legislative body thereof, duly and regularly submitted to the qualified electors of said City a certain proposal for the amendment of the Charter of said City at a general municipal election duly and regularly called and held for that purpose in said City on the 7th day of May, 1963, said charter amendment being herein designated as Initiative Charter Amendment No. 2.

That on the 26th day of March, 1963, said Council caused said proposed Charter amendment to be duly and regularly published and advertised in each and every edition of said 26th day of March, 1963, in the Santa Barbara News-Press, a daily newspaper of general circulation, printed, published and circulated in said City, there being no official paper of said City.

That said Council caused copies of said proposed Charter amendment to be printed in convenient pamphlet form and in type of not less than 10-point and caused copies thereof to be mailed to each of the qualified electors of said City.

That said Council, until the day fixed for the election upon said proposed Charter amendment, did advertise in said Santa Barbara News-Press, a daily newspaper of general circulation in said City, a notice that copies thereof might be had upon application therefor; that copies of said proposed Charter amendment could be had upon application therefor at the office of the City Clerk of said City up to and including the day fixed for said general municipal election.

That said general municipal election was duly and regularly held in said City on the date fixed by said Council, to wit, May 7th, 1963, which date was not less than forty (40) and not more than sixty (60) days after completion of the advertising of said proposed Charter amendment, and the returns of said general municipal election were duly and regularly canvassed and the results declared and entered, namely, that at said election a majority of the qualified electors voting thereon voted in favor of and did ratify Initiative Charter Amendment No. 2 hereinafter specifically set forth.

That said amendment to the Charter of said City so ratified by the voters of said City is as follows, to wit:

Initiative Charter Amendment No. 2

That Section 16-A be added to Article II of the Charter of the City of Santa Barbara, to read as follows:

"Section 16-A. The Council shall annually by ordinance effective on the first day of July of each year commencing retroactively with July 1, 1963, adjust the salaries of the members of the Police and Fire Departments to a rate for each rank or position determined as of April the First of each year at least equal to the average rate for each rank or posi-

tion in a list of twenty cities in the State of California, the populations of which are the nearest to that of the City of Santa Barbara as of April the First next preceding said adjustment and on file with the State Controller and known as the 'Estimated population' by said State Controller.

"It is further provided that should the State of California, Department of Industrial Relations, Division of Labor Statistics and Research, conduct an annual average hourly earning survey for 'Production and Related Workers in Manufacturing' for that geographical division of the State which includes the City of Santa Barbara, then said State Survey shall be the adjusting factor for the purpose of this Section as follows:

"For the fiscal year commencing July the First following the second annual January publication of the said state survey and for each fiscal year thereafter, the monthly compensation comprising the salaries to be paid to the officers and members of the Police and Fire Departments shall be adjusted as hereinafter set forth to reflect the change, if any, in the annual survey aforementioned as follows:

"Each calendar year the City Council shall compute, as soon after the first day of the year as such information for the preceding calendar year is available, a percentage change that occurred, if any, in the annual average for such preceding calendar year in the Average Hourly Earnings of Production and Related Workers in Manufacturing in the area including the City of Santa Barbara, as compared with the annual average of such average hourly earnings for such workers in such area for the next prior preceding year. This percentage change shall be applied to adjust the then existing compensation of the officers and members of the Fire and Police Departments, such adjustments to be effective for the fiscal year commencing on July the First next following such computation.

" 'Percentage change' as used herein shall be computed as follows: Annual Average of Average Hourly Earnings of Production and Related Workers in Manufacturing in an area including the City of Santa Barbara for the calendar year next preceding the computation divided by the comparable figure for the next prior preceding calendar year.

" 'Annual Average of Average Hourly Earnings of Production and Related Workers in Manufacturing for the area that includes the City of Santa Barbara' as used herein shall mean that amount of earnings which is the annual average of monthly averages of hourly earnings for such workers in such area, as summarized and reported annually by the division of Labor Statistics and Research of the State of California. The area mentioned herein does not include the entire State, but only that specially designated geographical division of the State selected by the Division of Labor Statistics which in-

cludes the City of Santa Barbara for the purposes of said survey."

That we have compared the amendment as stated herein with the original proposal submitted to the electors of said City, and find and certify that they are full, true and correct copies thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Santa Barbara to be affixed hereto this 13th day of May, 1963.

EDWARD L. ABBOTT,
(SEAL) Mayor of the City of Santa Barbara, California
HELEN V. BARCLAY,
City Clerk of the City of Santa Barbara, California

and

WHEREAS, Said proposed charter amendment as ratified (being hereinabove set forth) has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration and in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the aforementioned amendment to the Charter of the City of Santa Barbara as proposed to, and adopted and ratified by, the qualified electors of said City of Santa Barbara be and the same hereby is approved as a whole, without amendment or alteration, for and as an amendment to and as part of the Charter of the City of Santa Barbara.

CHAPTER 125

Assembly Concurrent Resolution No. 88—Approving charter amendments to the Charter of the City of Richmond, a municipal corporation in the County of Contra Costa, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the 14th day of May, 1963.

[Filed with Secretary of State June 5, 1963.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the Charter of the City of Richmond, a municipal corporation in the County of Contra Costa, State of California, as hereinafter set forth

in the certificate of the mayor and city clerk of the city as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF RICHMOND OF THREE CERTAIN CHARTER AMENDMENTS

State of California
County of Contra Costa } ss.
City of Richmond

We, the undersigned, W. A. Cannon, Mayor of the City of Richmond, and Harlan J. Heydon, City Clerk of the City of Richmond, do hereby certify and declare as follows:

That the City of Richmond, a municipal corporation in the County of Contra Costa, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred (3,500), and has been, ever since the year 1909, and is now, organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at a special election held for that purpose on the 9th day of February, 1909, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 4th day of March, 1909 (Statutes of 1909, Chap. 18).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of Richmond, being the legislative body thereof, by its Resolution numbered 8074 adopted on March 4, 1963, duly and regularly submitted to the qualified electors of said City three certain proposals hereinafter sometimes referred to as Proposal No. 1, Proposal No. 2 and Proposal No. 3 to amend the Charter of the City of Richmond and to be voted on by said qualified electors at a special municipal charter amendment election by said Resolution called for said purpose in said City on the 14th day of May, 1963, and consolidated with the general municipal election to be held on said 14th day of May, 1963.

That said Proposal No. 1, Proposal No. 2 and Proposal No. 3 were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California and in accordance with the provisions of the Charter of the City of Richmond; that said Proposal No. 1 was published and advertised as aforesaid on the 16th day of March, 1963; that Proposal No. 2 was published and advertised as aforesaid on the 16th day of March, 1963; and that Proposal No. 3 was published and advertised as aforesaid on the 16th day of March, 1963, and that each of said publications was in The Independent, a newspaper of general circulation published daily except Sunday in said City of Richmond and

the official newspaper of said City, and in each edition thereof during the said day of publication.

That said Council caused copies of said Proposal No. 1, Proposal No. 2 and Proposal No. 3 to be printed in convenient pamphlet form and in type of not less than 10 point, and caused copies thereof to be mailed to each of the qualified electors of said City, and, beginning on March 16, 1963, advertised in said The Independent daily, except Sunday, up to and including the day fixed for said election, a notice that copies of said Proposal No. 1, Proposal No. 2 and Proposal No. 3 could be had on application therefor at the office of the City Clerk of said City.

That said general municipal elections and said special municipal charter amendment election consolidated therewith were duly called, held and conducted in the time, form and manner required by the Charter of said City and by the laws of the State of California on said 14th day of May, 1963, which day was not less than forty (40) and not more than sixty (60) days after the completion of said publication and advertisement of said Proposal No. 1, Proposal No. 2 and said Proposal No. 3 in said The Independent.

That the City Clerk of said City of Richmond did, in the manner provided by law, duly and regularly canvass all ballots cast at said general municipal election and said special municipal charter amendment election consolidated therewith as aforesaid, and did, by resolution, duly find and declare that a majority of the qualified voters voting on each of said charter amendments, voted in favor thereof and that all three of said charter amendments were ratified.

That a majority of the qualified voters voting on each of said amendments voted in favor of the ratification of and did ratify said proposed amendments to said charter.

That said charter amendments so ratified by the majority of the qualified voters of said city voting at said special municipal charter amendment election are in the words and figures following, to wit:

Proposal No. 1 amending certain sections of Article III of the Charter of the City of Richmond, entitled "The Council" to read as follows:

First: To amend Section 2 of Article III as follows: (Words underlined to be added; words in capital letters to be deleted)

"Article III. Sec. 2. Said Council shall be composed of nine members, each of whom shall have been an elector of the City of Richmond for at least one year next preceding his election.

"The members of said Council shall be known as councilmen, and their terms of office shall be six years commencing on the FIRST DAY OF JULY NEXT SUCCEEDING THEIR ELECTION, EXCEPT THAT THE TERMS OF THOSE FIRST ELECTED TO SERVE AS COUNCILMEN SHALL BE AS HEREIN PROVIDED. <u>second Monday after their election.</u>"

Second: To amend Section 3 of Article III as follows: (Words underlined to be added; words in capital letters to be deleted)

"Article III. Sec. 3. On the second Monday of May, 1909, an election shall be held within said city for the purpose of electing nine members of said Council.

"The nine members elected at such election, shall, at the first regular meeting in July, 1909, so classify themselves by lot that three of said members shall hold office for the term of two years, three for the term of four years, and three for the term of six years.

"On the second Tuesday in May, 1947, 1965, and thereafter, on the second Tuesday in May of each odd-numbered year, an election shall be held for the election of three Councilmen to succeed the three members of the City Council whose terms expire ON THE FIRST DAY OF JULY NEXT FOLLOWING; also to elect Councilmen for any unexpired terms that may exist.

"The electors, in form and manner prescribed in section two of article VIII, may by ordinance provide for the division of the city into districts or wards and require that one councilman to be elected at each election shall be a resident of each ward at the time of his election; provided that all councilmen shall be voted for at large."

Third: To amend Section 10 of Article III as follows:

(Words underlined to be added.)

(Words in capital letters to be deleted.)

Article III. Sec. 10. A vacancy in the Council shall be filled by a majority of the remaining members. Such appointees shall hold office until the FIRST DAY OF JULY second Monday succeeding the next election at which councilmen are to be elected. At the next election succeeding any vacancy a councilman shall be elected to serve for the unexpired term."

Proposal No. 2 amending Section 4 of Article V of the Charter of the City of Richmond, entitled "Elections," to read as follows:

(Words underlined to be added)

(Words in capital letters to be deleted.)

"Article V. Sec. 4. If petitions asking for nominations to the number of more than twice the number of officers to be elected at such election are filed, then a primary election shall be held FOUR five weeks prior to the date fixed in the Charter, or date of special election if such election is called, for the election of such officers. If less than such number of petitions are filed, then no such primary election need be held, but the persons named in such petition shall be deemed candidates for the office named, at the election to be held for election of such officers and the names of such candidates shall be printed on the official ballot to be used at such election or indicated on ballot machines, if such machines shall be used."

Proposal No. 3 amending Article IX of the Charter of the City of Richmond entitled "Miscellaneous," by adding thereto a Section 10, to read as follows:

"Sec. 10. The City of Richmond shall have the right and power to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this Charter; provided, however, that nothing herein shall be construed to prevent or restrict the City from exercising or consenting to, and the City is hereby authorized to exercise any and all rights, powers and privileges heretofore or hereafter granted or prescribed by general laws of the State."

And we and each of us further certify that we have compared the foregoing proposed and ratified amendments to the charter of the City of Richmond with the original proposals submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy of said amendments.

The foregoing proposed and ratified amendments to the charter of the City of Richmond are hereby submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California. As to all three of said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Richmond to be affixed hereto this 20th day of May, 1963.

W. A. CANNON
(SEAL) Mayor of the City of Richmond
HARLAN J. HEYDON
City Clerk of the City of Richmond

WHEREAS, The proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the Charter of the City of Richmond, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the Charter of the City of Richmond.

CHAPTER 126

Senate Concurrent Resolution No. 65—Memorializing former Senator Charles Brown.

[Filed with Secretary of State June 6, 1963.]

WHEREAS, The Members of the Legislature were deeply grieved to learn of the passing of former State Senator Charles Brown on May 9, 1963; and

WHEREAS, Charles Brown commenced his career of public service as a member of the Inyo County Board of Supervisors, an office he held for 14 years before his first election to the Legislature in 1938; and

WHEREAS, As representative for almost a quarter of a century of the 28th Senatorial District comprised of Alpine, Inyo and Mono Counties, he was a familiar sight in the State Capitol, a tall, erect, stern-featured but kind man, well liked by both colleagues and constituents; and

WHEREAS, During his 24-year term in the State Legislature, Charles Brown served with distinction on many Senate committees, including the Committees on Fish and Game, Natural Resources, Governmental Efficiency, and Finance, and was a member for 20 years of the Senate Rules Committee; and

WHEREAS, Throughout his long career he was respected as a capable and conscientious legislator; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members hereby pay tribute to the memory of their former colleague, Charles Brown, and extend their sincere and heartfelt condolences to the members of his family; and be it further

Resolved, That the Secretary of the Senate is directed to transmit suitably prepared copies of this resolution to the widow of Charles Brown, and to his four children, George Brown, Charles Brown, Jr., Mrs. Bernice Sorrells and Mrs. Celestia Gilliam.

CHAPTER 127

Assembly Joint Resolution No. 30—Relative to the establishment of a John Muir National Monument.

[Filed with Secretary of State June 7, 1963.]

WHEREAS, Muir Manor, the stately home of John Muir, the great naturalist, is located in a scenic area on the outskirts of the town of Martinez in the San Francisco Bay area; and

WHEREAS, This well-preserved, beautiful home is of great interest today, because it was there that Muir planted trees and shrubs which he had gathered from all parts of the world and it was there that he wrote many of his famous books and articles; and

WHEREAS, Since John Muir, during his lifetime, was an energetic and articulate crusader for national parks and forest reservations, it is highly fitting that his home be made a public national monument in recognition of the substantial role he played in advancing the cause of conservation; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, That the Congress of the United States is respectfully requested to make Muir Manor a John Muir National Monument; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 128

Assembly Concurrent Resolution No. 56—Relative to a study of the Branscomb Project.

[Filed with Secretary of State June 10, 1963.]

WHEREAS, The Branscomb Dam and Reservoir on the South Fork of the Eel River has been found by the Department of Water Resources investigations to be economically justified for development of a water-associated recreation area; and

WHEREAS, This project would be of inestimable value not only to the residents of the area of development but also to the many hundreds of other persons who would be able to enjoy the recreation made available by the project; and

WHEREAS, Completion of the necessary studies to fully evaluate the benefits of the project which must be conducted by the Department of Fish and Game and the Department of Parks and Recreation is essential to provide the basis on which to properly evaluate the project; and

WHEREAS, Considerable time and effort has already been expended in studying this project by the Department of Water Resources as evidenced by the material presented in Bulletin No. 92 of the department which effort would be wasted unless the additional studies are completed; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Fish and Game is directed to conduct the necessary study to determine the full extent of fishery enhancement which will result from the Branscomb Dam and Reservoir Project, including the beneficial effect on the fisheries by the increased flow of water below the dam and the beneficial effect the controlling of such flow will have on property below the dam; and be it further

Resolved, That the Department of Parks and Recreation is requested to study and determine the beneficial effect the project will have on recreation in the area, including the desirability of integrating the water-associated recreational opportunities of the project with the recreational opportunities in the adjoining Admiral William H. Standley State Park, and also to determine the effect of the proposed fluctuations of the reservoir level on such uses; and be it further

Resolved, That the Department of Fish and Game and the Department of Parks and Recreation shall report to the Legislature their conclusions from such studies by the fifth calendar day of the 1965 Regular Session, providing funds are made available by the Legislature to make such studies; and be it further

Resolved, That the Chief Clerk of the Assembly shall transmit a copy of this resolution to the Department of Fish and Game and the Department of Parks and Recreation

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CHAPTER 129

Assembly Concurrent Resolution No. 89—Relative to the State Bar Convention.

[Filed with Secretary of State June 10, 1963.]

WHEREAS, Chief Justice Earl Warren, a man of whom Californians are justly proud, was appointed to his present position on September 30, 1953; and

WHEREAS, The 10th anniversary of that happy occasion will coincide with the 36th annual meeting of the State Bar to be held next September in San Francisco and accordingly the State Bar has invited the Chief Justice and the Associate Justices of the United States Supreme Court to attend the convention as honored guests; and

WHEREAS, The people of California are delighted and proud that the invitations were accepted; and

WHEREAS, It is fitting that the Legislature take note of this gathering of the highest dignitaries of the judiciary of our nation and join in welcoming the Chief Justice of the United States, Earl Warren, back to California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature take this opportunity to extend a sincere welcome to the Chief Justice and the Associate Justices of the United States Supreme Court to California; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to each member of the United States Supreme Court and to William P. Gray, the President of the State Bar.

CHAPTER 130

Assembly Joint Resolution No. 40—Relative to benefits for veterans of service in Berlin, Laos and Viet Nam.

[Filed with Secretary of State June 10, 1963]

WHEREAS, The cold war has created many areas where frictions have developed or threatened to develop into actual combat situations, exemplary of such being the continuing crises in Berlin, Laos and Viet Nam; and

WHEREAS, National policy has dictated the active presence of United States military personnel in these areas; and

WHEREAS, Such personnel are being subjected to dangers and privations comparable to those which our armed forces endured during World War II and the Korean Emergency; and

WHEREAS, The Congress so generously recognized the service of those veterans of World War II and the Korean Emergency, with educational, housing and other benefits; and which benefits would be equally appropriate as a recognition of the unsung efforts of these men serving so gallantly the interest of the United States; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Congress of the United States is urged to enact legislation conferring benefits, comparable to those given veterans of World War II and the Korean Emergency, to those personnel of our armed forces serving in areas, such as Berlin, Laos and Viet Nam, where the tensions, dangers and privations far exceed the demands normally made by peacetime service; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President of the United States, the President pro Tempore of the Senate, the Speaker of the House of Representatives, and each member of the California delegation in the Congress of the United States.

CHAPTER 131

Assembly Concurrent Resolution No 84—Relative to a study of the property tax assessment of inventories.

[Filed with Secretary of State June 13, 1963]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Rules Committee of the Assembly and the Rules Committee of the Senate are requested to assign to an appropriate joint interim committee the subject matter of the property tax assessment of personal property consisting of inventories including, but not limited,

to its assessment at an average monthly or quarterly market value, and its assessment at a date other than the first Monday in March, and to direct such interim committee to report its findings thereon, together with its suggestions for proposed legislation, to the Legislature not later than the fifth legislative day of the 1964 Regular Session of the Legislature; and be it further

Resolved, That the Tax Advisory Commission created at the 1963 Regular Session of the Legislature is also requested to study the subject matter of this resolution and to report its findings thereon, together with its suggestions for proposed legislation, to the Legislature not later than the fifth legislative day of the 1964 Regular Session of the Legislature.

CHAPTER 132

Assembly Concurrent Resolution No. 76—Relative to a study concerning state and local taxation of trailer coaches and trailer parks.

[Filed with Secretary of State June 13, 1963]

WHEREAS, The use of trailer coaches as homes has tremendously increased within the State; and

WHEREAS, The revenues derived from the state and local taxes and fees imposed upon or with respect to trailer coaches and trailer parks should meet the cost of providing needed governmental services and educational facilities for the inhabitants thereof; and

WHEREAS, The present method of distribution of state vehicle license tax revenues with respect to trailer coaches may not reflect the need of the recipient counties, cities and school districts; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Rules Committee of the Assembly and the Rules Committee of the Senate are requested to assign to an appropriate joint interim committee the study of the state and local taxation of trailer coaches and trailer parks, including the basis upon which state vehicle license fees are imposed with respect to trailer coaches, and the distribution of revenues therefrom, the local ad valorem taxation of trailer coaches and trailer parks, the need for state and local revenue to cover the cost of furnishing the inhabitants of trailer coaches and trailer parks with needed governmental services and educational facilities, and any other aspects relating thereto; and to direct such interim committee to report its findings thereon, together with its suggestions for proposed legislation, to the Legislature not later than the fifth legislative day of the 1965 Regular Session of the Legislature.

CHAPTER 133

Assembly Joint Resolution No. 24—Relative to federal controls on drugs.

[Filed with Secretary of State June 13, 1963]

WHEREAS, Much benefit has been derived from the proper use of the drugs classed as barbiturates and amphetamines, but, used without proper medical direction, such drugs can cause grave harm; and

WHEREAS, Substantial quantities of such drugs are reaching many persons, including minors, who do not have legitimate medical need for them, or medical authorization for their use, through illicit channels; and

WHEREAS, It appears that in most cases the original source of such drugs that reach illicit users is a domestic manufacturer, who ships the drugs in interstate or foreign commerce without adequate inquiry to determine whether the purchaser is a legitimate one, or even with knowledge that he is not; and

WHEREAS, The nature of the problem is such as to require federal attention, yet little effective federal law now exists in this area; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully urges the Congress of the United States to enact legislation to provide: That barbiturates and amphetamines may be shipped in interstate or foreign commerce only to purchasers lawfully entitled to possess such drugs; that shippers make necessary investigation to determine that the recipients are of such character; and that all manufacturers maintain adequate records of quantities manufactured and sales made, which records shall be open to inspection by appropriate federal officials; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 134

Assembly Joint Resolution No. 17—Relative to urging the federal government to utilize the services of senior citizens.

[Filed with Secretary of State June 13, 1963]

WHEREAS, There are numerous opportunities for the use of older persons in paid and voluntary employment in occupations where shortages of skilled persons exist; and

WHEREAS, There exists in our older population in California and the United States, a supply of skilled manpower and ex-

perience that could readily be utilized in the efforts to be undertaken by the federal government, including those related to the improvement of the unmet needs of older people; and

WHEREAS, The contributions that older people could make to these efforts would hasten the need to keep pace with the amazing medical and social progress which has made it possible for more persons to live longer, by creating the type of useful and positive roles for older people to maintain a high status as members of our communities, State and nation; and

WHEREAS, The senior citizens of the State of California have already demonstrated productive contributions through their efforts to the well-being of community life and are interested in having additional opportunities to do so; accordingly, as an expression of the recognized worldwide leadership of the State of California; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the federal government be urged to use the skills and experience of older people in the aforementioned efforts to the maximum extent possible; and be it further

Resolved, That the full educational resources of the State of California be made available for the training of older persons and others who volunteer their services to these efforts, and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the Honorable Edmund G. Brown, Governor of the State of California, the Citizens' Advisory Committee on Aging, the Regents of the University of California, the State Board of Education, and the Board of Trustees of the State Colleges of California.

CHAPTER 135

Assembly Joint Resolution No. 44—Relative to Orange County.

[Filed with Secretary of State June 13, 1963.]

WHEREAS, Orange County, California, has grown into one of the great metropolitan areas of the State of California with a population rapidly approaching one million people; and

WHEREAS, There are now three contiguous cities, to wit, Anaheim, Garden Grove and Santa Ana, with populations in excess of 100,000 people each; and

WHEREAS, The City of Anaheim, the largest city in Orange County, with a population of 133,000, and the City of Santa

Ana, the second largest city in Orange County, with a population of 126,000, are both in the top 100 most populated cities in the United States; and

WHEREAS, There are now 24 incorporated cities in Orange County representing 80 percent of the total population; and

WHEREAS, The nonagricultural labor force of the area exceeds 75 percent of the total population; and

WHEREAS, The combined population of the contiguous cities of Anaheim, Brea, Buena Park, Costa Mesa, Cypress, Dairyland, Fountain Valley, Fullerton, Garden Grove, Huntington Beach, Placentia, Santa Ana, Stanton, Villa Park and Tustin is in excess of 50 percent of the total county population and exceeds a density of 150 persons per square mile; and

WHEREAS, Well in excess of 25 percent of the working population of Orange County and its cities is employed or works within the boundaries of Orange County and its cities; and

WHEREAS, All of the above statistical figures meet or exceed the minimum criteria for establishing a standard metropolitan statistical area; and

WHEREAS, Orange County is now and has been included in the Los Angeles-Long Beach Standard Metropolitan Statistical Area without being mentioned as a part of that area in official federal government reports; and

WHEREAS, Business and industry look to these federal reports for the necessary information on population, labor force, employment, markets and production; and

WHEREAS, The many advantages of Orange County as a site for industrial and trade expansion would be better known if the federal government would grant recognition to Orange County as a standard metropolitan statistical area and include Orange County in its frequent reports on such areas; and

WHEREAS, It has been the policy of the federal government during the past years to add to the list of standard metropolitan statistical areas, year by year, those new areas that qualified for such recognition; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorialize the Committee on Standard Metropolitan Statistical Areas, Bureau of the Budget, Office of the President of the United States to recognize the tremendous growth and development that has taken place in Orange County and grant recognition by naming Orange County as one of the standard metropolitan statistical areas of this nation; and be it further

Resolved, That copies of this resolution be sent to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States, urging them to assist in securing for Orange County the recognition to which it is entitled as a standard metropolitan statistical area.

CHAPTER 136

Assembly Joint Resolution No. 34—Relative to the Oxnard Harbor District and Port Hueneme Harbor.

[Filed with Secretary of State June 13, 1963.]

WHEREAS, The Oxnard Harbor District was formed in 1937, but was appropriated by the United States Navy in 1942; and

WHEREAS, In the last few years the importance of the commercial harbor activity to the community and the harbor's vast potential have been ably demonstrated; and

WHEREAS, In 1961, with the assistance of the Navy, bills were passed in Congress authorizing the sale of certain harbor property to the Oxnard Harbor District, and this sale was consummated in 1961; and

WHEREAS, Local agencies, after this sale, immediately began work and plans for the development of the Port Hueneme Harbor in the district; and

WHEREAS, The Urban Renewal Harbor Project of the City of Port Hueneme, which is estimated at being 70 percent complete, will provide the necessary property for an expanded commercial facility and ultimately three additional docks and related storage space; and

WHEREAS, The Oxnard Harbor District now lacks funds for planning and physical construction to make the project complete; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to take all necessary actions to authorize a study by the United States Army Corps of Engineers as to the engineering feasibility of the contemplated expansion of facilities of the Port Hueneme Harbor, and provided that the contemplated expansion of facilities is engineeringly feasible, to enact, at the earliest possible time, necessary legislation to provide federal funds and to authorize other federal participation in the contemplated expansion of facilities of the Port Hueneme Harbor; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 137

Senate Joint Resolution No. 18—Relative to mail order drugs.

[Filed with Secretary of State June 13, 1963.]

WHEREAS, There are numerous mail order medical supply houses that will ship to anyone who identifies himself as a

doctor, dentist, veterinarian, or other person licensed to receive drugs, drugs and devices which, under the Federal Food, Drug and Cosmetic Act (Sec. 301, et seq., Title 21, U.S.C A.) cannot be secured from a pharmacist without a prescription, including antibiotics, amphetamine and barbiturate compounds, and hypodermic needles and syringes; and

WHEREAS, It is imperative for the protection of the health and safety of all persons in every state that the federal government take immediate action to enact legislation which will preclude mail order medical supply houses from sending these drugs and devices to any persons unless they actually ascertain that the person ordering the drugs or devices is a person who is authorized to receive drugs and devices without a prescription; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully urges the President and Congress of the United States to take immediate action to enact legislation which will preclude mail order medical supply houses from sending drugs or devices which cannot be secured from a pharmacist without a prescription to any person, unless they actually ascertain that the person ordering the drugs or devices is a person who is authorized to receive drugs or devices without a prescription; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 138

Senate Concurrent Resolution No. 11—Relating to the Lower San Joaquin Levee District.

[Filed with Secretary of State June 13, 1963.]

WHEREAS, The Legislature has been informed that the consulting firm engaged by the Reclamation Board to conduct the study requested by Resolution Chapter 193 of the Statutes of 1961, has completed its report and is ready to submit the report to the Reclamation Board; and

WHEREAS, Before the Reclamation Board takes any final action on the consultant's report or submits its own report to the Legislature, the board should hold hearings throughout the affected area in order to determine the views of the persons residing in the area on the matters covered in the report; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Reclamation Board is re-

quested to hold hearings throughout the area involved in the Lower San Joaquin Levee District and take testimony of persons residing in such area as to:

(1) Whether there should be any change in the boundaries of the district;

(2) Whether a benefit zone system of assessment should be substituted in place of the present system of ad valorem assessment; and

(3) Whether the assessment base of the district should be expanded to include the assessment of improvements on land as well as the land itself;

and be it further

Resolved, That the Reclamation Board shall submit the report requested by Resolution Chapter 193 of the Statutes of 1961, together with any material deemed necessary, to the Legislature by the fifth legislative day of the 1964 Budget Session; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to the Reclamation Board.

CHAPTER 139

Senate Concurrent Resolution No. 21—Relative to the California Law Revision Commission.

[Filed with Secretary of State June 13, 1963.]

WHEREAS, Section 10335 of the Government Code provides that the California Law Revision Commission shall file a report at each regular session of the Legislature which shall contain a calendar of topics selected by it for study, including a list of the studies in progress; and

WHEREAS, The commission has submitted to the Governor and the Legislature its 1963 report, containing a list of studies in progress, all of which the Legislature has heretofore approved for study; and

WHEREAS, Section 10335 of the Government Code provides that after the filing of its first report the commission shall confine its studies to those topics set forth in the calendar contained in its last preceding report which are thereafter approved for its study by concurrent resolution of the Legislature; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature approves for continued study by the California Law Revision Commission the heretofore approved topics on which studies are in progress as listed in the commission's 1963 report on pages 111 to 114, inclusive.

CHAPTER 140

Senate Concurrent Resolution No. 50—Relative to the printing of "California Politics."

[Filed with Secretary of State June 13, 1963]

WHEREAS, The most complete political history of California for the period from 1891 to 1939, has been written by Franklin Hichborn, who is an eminent authority on California government and California politics, and

WHEREAS, The work is titled "California Politics 1891-1939," and is a five-volume set totaling 2,860 pages; and

WHEREAS, Researchers for generations will find in this work an invaluable tool for determining the political developments in California for the period covered, since the work is in a very real sense a living, virile history of the State for that period; and

WHEREAS, The value of Franklin Hichborn's work in the field of California politics can be readily understood by an examination of his books on the California Legislature for the period from 1909 through 1921, and for his fine book on the San Francisco graft prosecution, titled "The System"; and

WHEREAS, "California Politics 1891-1939" has been published on a limited basis by the John Randolph Haynes Foundation of Los Angeles, which has provided sets to six universities in the State; and

WHEREAS, The work, however, is not generally available to students of California history and cannot be obtained in the libraries of other universities, colleges, or high schools in California; and

WHEREAS, The possibility of printing Mr. Hichborn's fine work in the State Printing Office, and making it generally available to school libraries should be thoroughly investigated, and, if feasible, the work should be so printed; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, That the Subcommittee on Legislative Printing of the Joint Committee on Legislative Organization is directed to investigate the possibility of printing in the State Printing Plant copies of "California Politics 1891-1939" by Franklin Hichborn, and distributing copies to libraries of universities, colleges, and high schools in this State.

CHAPTER 141

Senate Concurrent Resolution No. 69—Relative to Padre Junípero Serra and his birthplace the Isle of Mallorca.

[Filed with Secretary of State June 14, 1963]

WHEREAS, Miguel José Serra was born in the village of Petra on the Isle of Mallorca, November 24, 1713; and

WHEREAS, He entered the Franciscan Order in the City of Palma in 1729 and subsequently was ordained to the priesthood as Padre Junípero; and

WHEREAS, He attained the doctorate in sacred theology and in the same City of Palma came to occupy a chair of divinity in the national university of Blessed Raymond Lull; and

WHEREAS, At the age of 36 years. he sacrificed his distinguished career as professor and eloquent orator, in order to sail to the New World as a missionary; and

WHEREAS, He labored in the area of the country of Mexico for some 20 years as missionary among the Indians and preacher of missions to the faithful; and

WHEREAS, In 1769 he was appointed Padre Presidente of the newly proposed missions to be located in the area of the modern State of California; and

WHEREAS, He dwelt in this area for the final 15 years of his life and is accredited with 10 of the famous Old Missions, located along El Camino Real; and

WHEREAS, Padre Serra is regarded as California's First Citizen and Greatest Pioneer; and

WHEREAS, The last remains of Father Serra lie in the Carmel Mission, Monterey County, California; and

WHEREAS, This year of 1963 marks the 250th anniversary of Padre Junípero Serra's birth, which is being commemorated with befitting ceremonies both in Mallorca and California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California salutes the citizens of Mallorca and expresses to Serra's countrymen California's appreciation for the seven days of festivities, honoring the Franciscan Padre who belongs to both our lands; and be it further

Resolved. That the Secretary of the Senate be hereby directed to have suitably prepared copies of this resolution presented to Sentero Juníperiano, Petra, Mallorca; Dr. Bauza, Petra, Mallorca; Señor Miguel Ramis Moraques, Petra, Mallorca; Mrs. Dinah Moore Bowden, Portal Nous, Mallorca; Señor Fraga Irabarane, El Ministro de Información y Turismo, Madrid, Spain; Reverend Noel F. Moholy, O.F.M. Vice Postulator, Old Mission, Santa Barbara, California.

CHAPTER 142

Assembly Concurrent Resolution No. 100—Approving three certain amendments to the Charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city at a general municipal election held therein on the 28th day of May, 1963.

[Filed with Secretary of State June 14, 1963.]

WHEREAS, Proceedings have been taken and had for the adoption and ratification of three amendments, hereinafter set forth, to the Charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, as set out in the certificate of the president of the city council and the city clerk of said city, as follows:

CERTIFICATE OF AMENDMENTS TO THE CHARTER OF THE CITY OF LOS ANGELES, CALIFORNIA

State of California
County of Los Angeles } ss.
The City of Los Angeles

We, Harold A. Henry, President of the Council of The City of Los Angeles, and Walter C. Peterson, City Clerk of The City of Los Angeles, do hereby certify and declare as follows:

That said, The City of Los Angeles, in the County of Los Angeles, in the State of California, is now, and was at all times herein mentioned: (a) a city containing a population of more than two million one hundred thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; (b) a city organized and existing under a freeholders' charter, adopted under the provisions of Section 8, Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the electors of said City at a special election held for that purpose on the 6th day of May, 1924, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 26th day of January, 1925 (Senate Concurrent Resolution No. 2, Chapter No. 5, Statutes 1925, p. 1024).

That in accordance with the provisions of Article XI, Section 8, of the Constitution of the State of California, the Council of the City of Los Angeles, being the legislative body of said City, on its own motion, duly and regularly submitted to the qualified electors of the City of Los Angeles certain proposals for the amendment of the Charter of said City to be voted upon by said qualified electors at a certain general municipal election held on the 28th day of May, 1963, all as

required by law, which said proposals were designated as proposed charter amendments 2, 3 and 4, respectively

That on the 12th day of April, 1963, the said proposed amendments were published and advertised in accordance with Section 8 of Article XI of the Constitution, in each and every edition of said day of April 12, 1963, in "The Los Angeles Daily Journal", a daily newspaper of general circulation printed and circulated in said City, and being the official newspaper for said purpose; all as shown by the affidavit of publication on file in the office of the City Clerk of said City

That copies of said proposed charter amendments were printed in convenient pamphlet form in type of ten-point, and were mailed to each of the qualified electors of said City; and copies thereof could be had upon application therefor at the office of the City Clerk on and from April 12, 1963, to and including May 28, 1963; and a notice was advertised and published on and from April 12, 1963, to and including May 28, 1963, in "The Los Angeles Daily Journal", a newspaper of general circulation in said City, that copies thereof might be had at the office of the City Clerk of said City upon application therefor.

Such proposed charter amendments were submitted to the electors of said City for adoption and ratification at a general municipal election held on May 28, 1963, which was not less than forty, nor more than sixty, days after completion of the advertising in the official paper of the proposed charter amendments aforesaid.

At said election a majority of the qualified electors voting upon each of the proposed charter amendments voted in favor thereof and adopted and ratified the same, as appears by the official canvass of the returns thereof by the City Clerk of the City of Los Angeles, heretofore certified by him to the Council of said City, and the declaration of the Council of the said City of Los Angeles, which pursuant to law met on June 7, 1963, at its usual time and place of meeting, and duly declared the result of said canvass of the returns of said election, as certified by the said City Clerk.

That the said amendments to the Charter of the City of Los Angeles, so adopted and ratified by the qualified electors of said City, and which shall be submitted to the Legislature for approval or rejection, are in words and figures as follows:

Proposed Charter Amendment No. 2

Section 108 of the Charter of the City of Los Angeles is hereby amended to read as follows:

Sec 108. The Board of Civil Service Commissioners may by its rules provide for status and seniority for civil service employees in classes other than those for which they were examined, where (a) an employee is incapable of performing satisfactorily the duties of his position because of injury or sickness resulting from the discharge of the duties of such posi-

tion or from the discharge of his duties as a member of the armed forces of the United States in time of war, or (b) an employee has served not less than an aggregate of three years in the city service. Any rules adopted by the board pursuant to this section shall provide: (1) no employee may be placed in a different class unless he shall first have filed his written consent thereto; (2) no change of class status may be allowed where the same would result in a promotion; (3) no employee may be placed in a different class unless the board finds that he possesses the minimum qualifications required for such class and that he is capable of performing the duties prescribed therefor. No employee who is placed in a different class pursuant to the provisions of this section may at the time he is placed in such class be credited with more seniority therein than he had accumulated in his former class.

The authority of the Board of Civil Service Commissioners under this section shall be in addition to and may be exercised without regard to the provisions of Section 125 of this Charter.

Proposed Charter Amendment No. 3

The Charter of the City of Los Angeles is hereby amended by adding thereto Section 111¾ to read as follows:

Sec. 111¾. Notwithstanding other provisions of the Charter to the contrary, physicians, employed in the Health Department on a regular full-time permanent basis, are hereby placed under the classified civil service provisions of this Charter and shall be included within the provisions of Section 111½ thereof and for purposes of this section the effective date of Section 111½ shall be construed to be the same as this section.

Proposed Charter Amendment No. 4

Section 434 of the Charter of the City of Los Angeles is hereby amended to read as follows:

Sec. 434. Wherever this Charter requires any record to be made or maintained by any officer or body, it shall be sufficient if a duly authenticated microfilm copy be made; and, when so made, it shall be the official record. The applicable general laws of the State of California shall govern the maintenance, preservation and destruction of official records except as otherwise specifically provided in this Charter. The destruction of any record microfilmed as provided in this section shall first be authorized by resolution of the Council.

Records of historical, geographical or technical interest, which have served their purpose and are no longer required for the conduct of city business, may be delivered to and maintained by such officer, board or department designated by the City Council by ordinance.

We further certify that we have compared the text of the foregoing amendments with the original proposals submitting the same to the electors of said City and find that the foregoing are full, true, correct, complete and exact copies thereof, and of each of them. That as to all of said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and have caused the corporate seal of the City of Los Angeles to be affixed hereto this 7th day of June, 1963.

(SEAL)

HAROLD A. HENRY
President of the Council of the City of Los Angeles
WALTER C. PETERSON
City Clerk of the City of Los Angeles

and

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without the power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all of the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of Los Angeles as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as a part of the Charter of the said City of Los Angeles.

CHAPTER 143

Assembly Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 13 of Article XII thereof, relating to investment of retirement funds in stocks.

[Filed with Secretary of State June 17, 1963.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1963 Regular Session commencing on the seventh day of January, 1963, two-thirds of the members elected to each of the two houses of the

Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 13 of Article XII thereof to read:

SEC. 13. The State shall not in any manner loan its credit, nor shall it subscribe to, or be interested in the stock of any company, association, or corporation, except that the State and each political subdivision, district, municipality, and public agency thereof is hereby authorized to acquire and hold shares of the capital stock of any mutual water company or corporation when such stock is so acquired or held for the purpose of furnishing a supply of water for public, municipal or governmental purposes; and such holding of such stock shall entitle such holder thereof to all of the rights, powers and privileges, and shall subject such holder to the obligations and liabilities conferred or imposed by law upon other holders of stock in the mutual water company or corporation in which such stock is so held.

Notwithstanding provisions to the contrary in this section and Section 31 of Article IV of this Constitution, the Legislature may authorize the investment of moneys of any public pension or retirement fund other than the Teachers Retirement Fund provided for in Section 13901 of the Education Code, or any successor thereto, in the stock, shares, or other obligations of any corporation.

CHAPTER 144

Assembly Concurrent Resolution No. 80—Relative to Lake Elsinore.

[Filed with Secretary of State June 17, 1963.]

WHEREAS, The Legislature of the State of California has authorized the loan of $750,000 from the Small Craft Harbor Revolving Fund to the Division of Beaches and Parks for the purpose of filling Lake Elsinore with water; and

WHEREAS, The respective state agencies interested in this project have substantially approved all the legal and engineering formalities necessary for the delivery of water and the development of Lake Elsinore; and

WHEREAS, The Metropolitan Water District has offered to sell surplus water when it is available for the filling and replenishment of Lake Elsinore; and

WHEREAS, The feasibility of the entire project depends on the availability of surplus water, which cannot be guaranteed by any agency; and

WHEREAS, Construction of certain works for the transfer of water must be built at a cost of approximately $250,000 prior to the actual physical availability of water; and

WHEREAS, The Lake Elsinore Park and Recreation District has adopted a resolution stating that it believes surplus water will be available from some source and desires to proceed with the project assuming the responsibility of repayment of the loan to the extent of a 25-cent tax rate whether or not such water is available; and

WHEREAS, The County of Riverside has adopted a resolution stating it believes surplus water will be available and will execute a contract agreeing to guarantee the repayment of the loan for the amount in excess of the 25-cent tax rate of the Lake Elsinore Park and Recreation District; and

WHEREAS, There may be unforeseen obligations of the State in the future as well as those now known; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature of the State of California do reaffirm its position favoring the filling of Lake Elsinore as previously authorized, and directs the Administrator of the Resources Agency and all appropriate state agencies to use such diligence and take such steps as may be necessary to complete the project of filling Lake Elsinore at the earliest possible date; and be it further

Resolved, That a copy of this resolution be sent to the Governor of the State of California, the Administrator of the Resources Agency, the Board of Directors of the Metropolitan Water District, the Board of Supervisors of the County of Riverside, and the Board of Directors of the Lake Elsinore Park and Recreation District.

CHAPTER 145

Assembly Concurrent Resolution No. 96—Relative to the death of Pope John XXIII.

[Filed with Secretary of State June 17, 1963.]

WHEREAS, The tolling of the bells of St. Peter's and the swinging shut of the great bronze doors at the entrance to the Vatican announced the death of Pope John XXIII, born Angelo Giuseppe Roncalli; and

WHEREAS, The pomp and ceremony of his office marked a contrast with the innate simplicity of Pope John, whose view of his role as pastor, rather than ruler, was manifest in the simple humanity of his contacts with others, and whose paternal concern found expression in his social encyclicals; and

WHEREAS, The brotherhood of man was to him not only a truth but the bedrock upon which solutions to man's problems would be built, as he demonstrated by his efforts to achieve Christian unity and to promote an atmosphere of tolerance and understanding in which those solutions could be wrought for all men, and to this end he sought new approaches through the Ecumenical Council; and

WHEREAS, He viewed the central world tension within the context of his understanding that man can lose his way not only by the false doctrines of communism but equally by the West's besetting temptation, in his words, "Well-being based exclusively on the comforts of life"; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members express their sorrow at the death of Pope John XXIII, whose great understanding and warm humanity touched the lives of people of all faiths in all areas of the world during the five years allotted to him to serve as Pope; and be it further

Resolved, That the Members of the Legislature express their hope that the world's goals of peace and dignity for each and all of mankind, so eloquently expressed in the person and acts of Pope John, may be advanced as he hoped; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit suitably engrossed copies of this resolution to the ordinaries of the various diocese of the Roman Catholic Church in the State of California and to the apostolic delegate of the Roman Catholic Church in Washington, D C.

CHAPTER 146

Assembly Concurrent Resolution No. 101—Relative to the approval of those certain amendments to the Charter of the City of Alhambra ratified by the qualified electors of said city at a special municipal election held thereon, consolidated with the general municipal election, on the fourth day of June, 1963.

[Filed with Secretary of State June 17, 1963]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of those certain amendments to the Charter of the City of Alhambra, a municipal corporation of the County of Los Angeles, as hereinafter set forth in the certificate of the Mayor and the City Clerk of the City of Alhambra, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF ALHAMBRA OF THOSE CERTAIN CHARTER AMENDMENTS

State of California
County of Los Angeles } ss:
City of Alhambra

We, the undersigned, Talmage V. Burke, Mayor of the City of Alhambra, and William F. Longley, City Clerk and ex-

officio Clerk of the Alhambra City Council, do hereby certify and declare as follows:

That the City of Alhambra, a municipal corporation of the County of Los Angeles, State of California, now is and at all times herein mentioned was a City containing a population greater than 50,000 inhabitants, and ever since the year 1915 has been and now is organized, existing and acting under a Freeholders' Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the qualified electors of said City at a Special Election held for that purpose on the 14th day of October, 1914, and approved and ratified by the Legislature of the State of California by Concurrent Resolution No 14 thereof, introduced by Senator Newton W. Thompson on January 26, 1915, and approved by the Legislature of the State of California on January 28, 1915. (Statutes 1915, p. 1740).

That the City Council of said City, being its legislative body, on its own motion, and pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California, by Resolution No. 23241, adopted on the 2nd day of April, 1963, duly proposed to the qualified electors of the City of Alhambra those certain Amendments to the Charter of said City designated as Proposed Charter Amendment No. 1, Proposed Charter Amendment No. 2, Proposed Charter Amendment No. 3, Proposed Charter Amendment No. 4 and Proposed Charter Amendment No. 5, and ordered said Charter Amendments to be submitted to said qualified electors at the General Municipal Election to be held in said City on the 4th day of June, 1963; that said proposed Amendments were on April 15, 1963, published and advertised in accordance with Section 8 of Article XI of the Constitution of the State of California, in the "Post-Advocate", being a daily newspaper of general circulation printed, published and circulated in said City, and being the official newspaper of said City.

That said proposed Amendments were duly and regularly printed in convenient form and at and during the time and in the manner provided by law a notice was published in said Post-Advocate that such copies of said proposed Amendments could be had upon application therefor in the office of the City Clerk of said City, and said proposed Amendments, so printed in convenient form, were duly and regularly distributed in the manner provided by law.

That said City Council did by Ordinances Nos. 3059 and 3060 order the holding of a General and Special Municipal Election in said City of Alhambra on June 4, 1963, for the purpose, among other things, of submitting to a vote the said proposed Charter Amendments, and which date of said election was not less than forty days nor more than sixty days after the completion of the publication of the said proposed Charter Amendments, as aforesaid; and pursuant to said

Charter, resolution and ordinances, the said proposed Amendments were submitted to the qualified electors of said City for their ratification on said June 4, 1963, and at said election a majority of the qualified electors voting thereon voted for the ratification of and did ratify the Proposed Amendment No. 1, the Proposed Amendment No 2, the Proposed Amendment No. 3, the Proposed Amendment No. 4 and the Proposed Amendment No. 5 of the Charter of said City.

That the City Council of the City of Alhambra, in accordance with the law in such cases made and provided, did meet on the 10th day of June, 1963, at a regular meeting of such City Council and duly canvassed the returns of said election and duly found, determined and declared that the said Proposed Amendment No. 1, the Proposed Amendment No. 2, the Proposed Amendment No. 3, the Proposed Amendment No. 4 and the Proposed Amendment No. 5 of the Charter of the City of Alhambra were ratified by a majority of the electors of said City voting thereon.

That the said Amendments to the Charter so ratified by the electors of the City of Alhambra are in words and figures as follows, to wit:

PROPOSED CHARTER AMENDMENT NO. 1
(Changes Sub-section 10, of Section 59, of Article VII)

"ARTICLE VII
POWERS OF THE CITY AND OF THE COUNCIL

Section 59. The City of Alhambra, in addition to any other powers now held by or that may hereafter be granted to it under the constitution or laws of the state, shall have the right and power—

10. To lease to persons, firms or corporations for the purpose of maintenance, operation or use, any public utility owned or controlled by the city, and to provide for the leasing of any lands now or hereafter owned by the city, except lands donated, purchased or used as public parks, *provided* that any such lease shall be made only by ordinance to the highest bidder, for a term not exceeding fifty years, and *provided further*, that the council may, at its discretion, reject any and all bids."

PROPOSED CHARTER AMENDMENT NO. 2
(Changes Sub-Section 45 of Section 61 of Article VII)

"ARTICLE VII
POWERS OF THE CITY AND OF THE COUNCIL

Section 61. Except as herein otherwise expressly provided, the council shall exercise all the general powers of the city herein set forth, and all powers now held by or that may here-

after be given to the city under the constitution or laws of the state; but only in the manner and under the conditions of this charter, and subject to all its provisions.

In addition to all such powers, the council, subject to the provisions and restrictions of this charter, shall have power:

45. To provide for the sale at public auction upon five days' published notice or by notice posted in three public places in the City of Alhambra, for a period of five days, of personal property unfit or unnecessary for the use of the city; *provided*, that personal property of less than One Hundred Dollars ($100.00) in valuation may be sold at private sale and without notice *provided* there are three or more competitive bids; *provided further*, that if the provisions of Section 135 of this charter shall have been complied with as to the execution of a contract or the purchase of personal property by the city, personal property unfit or unnecessary for the use of the city may be traded in as part payment on account of the purchase of similar new personal property, without any requirement of auction, notice or separate bid."

PROPOSED CHARTER AMENDMENT NO 3
(Changes Section 132A of Article XVIII)

"ARTICLE XVIII

FINANCE

Section 132A. The Alhambra City Council shall create a special fund to be known as the General Reserve Fund for the purpose of keeping the payment of the running expenses of said city on a cash basis. Commencing with the fiscal year 1964-1965, there shall be placed in said fund annually out of the general tax revenues of said city the sum of not less than Ten Thousand Dollars ($10,000.00) until said fund has reached the sum of Four Hundred Fifty Thousand Dollars ($450,000.00) Payments from said fund may be made by the Council to any other fund or funds of said City, for the purpose of keeping such other fund or funds upon a cash basis as nearly as may be, during such periods as such other fund or funds are depleted by reason of non-receipt of tax revenue between the close of the fiscal year and the payment of city taxes; provided that all moneys so transferred from said General Reserve Fund shall be returned thereto by said Council from the first tax receipts available, and in any event before the end of the fiscal year in which such transfer or transfers are made."

PROPOSED CHARTER AMENDMENT NO 4
(Changes Section 135 of Article XIX)

"ARTICLE XIX

CONTRACTS

Section 135 Except as provided in Subparagraphs (a) and (b) below, the City of Alhambra shall not be and is not

bound by any contract (except such a contract as is otherwise authorized by this charter to be made in behalf of the city by a board or officer of the city) unless the council shall have first caused notice to be published for not less than five days in a daily newspaper or posted for five days in three public places in the city to be designated by the council, inviting proposals to perform the same, and thereafter shall have let said contract to the lowest responsible bidder furnishing security for its performance satisfactory to the council; *provided* that no such contract shall be made or shall be binding on the city unless and until the following steps shall have been taken:—such contract shall have been reduced to writing and the draft thereof shall have been approved as to form by the city attorney by his endorsement thereon; and such contract shall thereafter have been authorized and approved by resolution adopted by the council and the same ordered to be, and be, signed on behalf of the city by the mayor, the city manager, or some other person authorized so to do by resolution, and shall have been countersigned by the auditor, who shall number and register the same in a book kept for that purpose.

(a) The council may by resolution authorize the execution of a contract without any previous publication or posting of notice inviting bids or proposals when the council finds and declares in such resolution that any one or more of the following situations exist, such contract to be executed in the same manner as specified hereinabove, except for the aforesaid previous publication or posting of notice inviting bids or proposals:

When there is only one available source which can supply the subject matter of the contract;

When the contract is for personal services involving peculiar or specialized skill or ability;

When an emergency exists which makes it essential to the health, safety or welfare of the people that emergency action be taken.

(b) The council may by resolution authorize any officer, committee or agent of the people to bind the city for the payment of a sum of money not exceeding Two Thousand Five Hundred Dollars ($2,500.00) without a contract in writing and without a previous publication or posting of notice inviting bids or proposals.

(c) It shall be the duty of the city attorney to see that all bonds relating to any such contract and required by resolution, ordinance, this charter or the general laws of the state are properly drawn, executed and delivered.

(d) The council may, in its discretion, reject all bids or proposals submitted pursuant to any notice inviting bids or proposals."

PROPOSED CHARTER AMENDMENT NO. 5

(Changes Section 7 of Article III, and Sections 83, 84, 85 and 86 of Article XIV, and Section 107 of Article XVII; deletes Section 97 of Article XIV; and adds Section 193.1 to Article XXV)

"ARTICLE III

GENERAL PROVISIONS RELATING TO OFFICERS

Section 7. Five city councilmen, a city auditor, who shall be ex-officio city clerk and clerk of the board of equalization; a city treasurer, who shall be ex-officio city assessor and city tax and license collector; and a city attorney, shall be elected officials of the City of Alhambra, all of whom shall be elected at the general municipal election on a general ticket from the city at large; provided that, of the five councilmen, one shall be nominated by the qualified electors of each district, of which the councilman so nominated must have been a resident not less than four months preceding the date of his election. The office of councilman of each district shall constitute a separate office. Five members of the board of education shall be elected officials of the unified school district, of which the City of Alhambra is a part. All school board members shall be elected at the general municipal election on a general ticket from the unified school district at large; provided, that the five members of the board of education must have the residence qualifications specified in Section 86 of Article XIV of this Charter.

"ARTICLE XIV

BOARD OF EDUCATION

Section 83. Upon the effective date of the formation of a unified school district which includes the territory of the Alhambra City School District and the Alhambra City High School District, as provided for in Part 1, Division 5, Chapter 9 of the Education Code of the State of California, the Alhambra City School District and the Alhambra City High School District shall cease to exist. After the formation of said unified school district, additional territory may be annexed thereto in the manner provided in the Education Code of the State of California.

(a) Said unified school district is hereby divided into four trustee areas, which shall be designated respectively as the First Trustee Area, the Second Trustee Area, the Third Trustee Area and the Fourth Trustee Area, and which Trustee Areas shall include the following territory:

First Trustee Area:

The First Trustee Area shall consist of the territory comprising the San Gabriel School District as it existed on July 1, 1963.

Second Trustee Area:

The Second Trustee Area shall consist of the territory comprising the Garvey School District as it existed on July 1, 1963.

Third Trustee Area:

The Third Trustee Area shall consist of the territory in the Alhambra City School District lying Southerly of the common boundary between the City of Alhambra and the City of Monterey Park as the School District and Cities existed on July 1, 1963.

Fourth Trustee Area:

The Fourth Trustee Area shall consist of the territory of the Alhambra City School District lying northerly of the common boundary between the City of Alhambra and the City of Monterey Park as the School District and Cities existed on July 1, 1963.

(b) Such trustee areas may be modified in any of the respects specified in Section 3132 of the Education Code of the State of California, as amended from time to time, and such amendments may be adopted in the manner specified in Sections 3132 and 3133 of the Education Code of the State of California, as amended from time to time.

(c) Such unified school district may be dissolved in the manner specified in Part 1, Division 5, Chapter 9, Article 11, of the Education Code of the State of California, as amended from time to time.

Section 84. All territory included within the limits of the unified school district, or that may hereafter be included within such limits, but which is not within the city limits, shall be deemed a part of said city for the purpose of holding general or special municipal elections and shall constitute one or more separate election precincts. In all matters connected with the administration or support of the public schools said outside territory shall be deemed a part of said city. The qualified electors of said unified school district who do not reside within the city limits shall be entitled to vote only for the election of members of the board of education and on questions pertaining to school matters submitted to a vote at special or general elections.

Section 85. The government of the schools in said unified school district shall be vested in a board of education which shall consist of five members who shall serve without compensation. All qualified electors of such unified school district, whether they reside within or without the City of Alhambra, shall have the right to vote at elections for members of the board of education. Members of the board of education shall be nominated by the qualified electors as provided in sub-paragraph (a), below, and they shall be elected as provided in sub-paragraph (b), below.

(a) Candidates for three of the five positions on the board of education shall be nominated by the qualified electors, respectively, one from each of the first, second and third trustee areas, and candidates for the remaining two positions shall be nominated by the qualified electors of the fourth trustee area.

(b) Members of the board of education shall be elected by the qualified electors of the entire unified school district at large at a general municipal election, and shall hold office for a term of four years from and after the first day of July following their election, and until their successors are elected and qualified.

Section 86. To be eligible for the office of member of the board of education, a person must be a qualified elector of the unified school district and shall have resided in said school district for at least two years, and in the trustee area from which he was nominated for at least four months next preceding the date of his election or appointment.

"ARTICLE XVII

ELECTIONS

Section 107. All candidates for elective city offices including members of the board of education shall be nominated in the manner provided by general election laws as applicable to special, local and municipal elections in the State of California, and succeeding and other sections or laws relating to independent nominations, in force at the time of any general municipal election, except as hereinafter otherwise prescribed; *provided, however,* that nominating certificates for a councilman of a district shall be signed by at least fifty qualified electors of the district from and by which the nomination is made and that nominating certificates of members of the board of education shall be signed by at least seventy-five qualified electors of the trustee area from and by which the nomination is made, and that all other nominating certificates shall be signed by at least seventy-five qualified electors of the city; *and provided further,* that all nominating certificates shall be filed with the city clerk not more than sixty days nor less than fifty days before the day of the general municipal election.

When candidates for any office are nominated in accordance with the provisions of this section, it is hereby provided and directed that no party name or designation shall appear on the certificate or ballots and that the names of all candidates for each office shall be arranged alphabetically on said ballot.

(Section to be deleted reads as follows):

"ARTICLE XIV

BOARD OF EDUCATION

Section 97. The city attorney shall be the attorney of the board of education.

(Section to be added reads as follows):

"ARTICLE XXV

MISCELLANEOUS

Section 193.1 The amendment of Section 7 of Article III, of Sections 83, 84, 85 and 86 of Article XIV and of Section 107 of Article XVII, and the repeal of Section 97 of Article XIV of this charter, as ratified by the Legislature at its 1963 regular session, shall become operative only upon the effective date of the formation of a unified school district which includes the territory of the Alhambra City School District and the Alhambra City High School District. Prior thereto, Section 7 of Article III, Sections 83, 84, 85, 86 and 97 of Article XIV and Section 107 of Article XVII of the Charter of the City of Alhambra, as they read prior to such ratification by the Legislature, shall remain operative."

That we have compared the foregoing amendments with the original proposals submitting the same to the electors of said City and find that the foregoing are full, true, correct and exact copies thereof; we further certify that the facts set forth in the preambles preceding such amendments to such Charter are true.

That as to the said amendments, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

In witness whereof we have hereunto set our hands and caused the corporate seal of the City of Alhambra to be affixed hereto this 10th day of June 1963.

(SEAL)

TALMAGE V. BURKE
Mayor of the City of Alhambra
WILLIAM F. LONGLEY
City Clerk and ex-officio Clerk
of the City Council of the City
of Alhambra

and

WHEREAS, The said proposed charter amendments, as ratified as hereinbefore set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the aforementioned amendments to the Charter of the City of Alhambra as proposed to, and adopted and ratified by, the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration for and as amendment to and as part of the Charter of the City of Alhambra.

CHAPTER 147

Assembly Concurrent Resolution No. 65—Relative to the assessment of agricultural land.

[Filed with Secretary of State June 18, 1963.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Rules Committee of the Assembly and the Rules Committee of the Senate are requested to assign to an appropriate joint interim committee the subject matter of Assembly Concurrent Resolution No. 4 of the 1961 Regular Session, which proposed that the assessment of land used exclusively for agricultural purposes be assessed solely on the basis of agricultural use, and the general subject of assessment of agricultural land on a use basis; and to direct such interim committee to report its findings thereon, together with its suggestions for proposed legislation, to the Legislature not later than the fifth legislative day of the 1964 Regular Session of the Legislature; and be it further

Resolved, That the Tax Advisory Commission created at the 1963 Regular Session of the Legislature is also requested to study the subject matter of this resolution and to report its findings thereon, together with its suggestions for proposed legislation, to the Legislature not later than the fifth legislative day of the 1964 Regular Session of the Legislature.

CHAPTER 148

Senate Concurrent Resolution No. 48—Relative to the Fairs Allocation and Classification Committee.

[Filed with Secretary of State June 18, 1963.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the sum of twenty thousand dollars ($20,000), or so much thereof as may be necessary, is hereby made available from the Contingent Fund of the Senate and the Contingent Fund of the Assembly for the expenses of the Fairs Allocation and Classification Committee created pursuant to Section 92.7 of the Agricultural Code and its members and for any charges, expenses or claims it may incur under said section, to be paid from said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 149

Senate Concurrent Resolution No. 54—Relative to expenses of the Joint Interim Committee on Uniform Laws.

[Filed with Secretary of State June 18, 1963.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the sum of one thousand seven hundred dollars ($1,700) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the Joint Interim Committee on Uniform Laws (created by Section 10401 of the Government Code), and its members and for any charges, expenses or claims it may lawfully incur, to be paid from said contingent funds equally and disbursed after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 150

Assembly Joint Resolution No. 41—Relative to a freeway through the Presidio in San Francisco.

[Filed with Secretary of State June 19, 1963.]

WHEREAS, The road approaches to the Golden Gate Bridge through the Presidio in San Francisco are inadequate, which causes traffic congestion and dangerous driving conditions for auto drivers using such approaches; and

WHEREAS, A widened freeway through the Presidio is planned which when constructed will relieve such traffic congestion; and

WHEREAS, The Presidio is under federal military control, and the federal government through its military authorities and the proper State of California agencies have not entered a right-of-way contract so that right-of-way acquisition through the Presidio cannot be started in preparation for construction of the freeway and approach, and

WHEREAS, When the Armed Services Committee of the Congress of the United States approves the granting of a right-of-way through the Presidio and the Federal Bureau of Public Roads concurs on selection of the route, the proper military authorities can enter and consummate a right-of-way contract with the Division of Highways, Department of Public Works, State of California; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully requests the Armed Services Committee of the Congress of the United States, the Federal Bureau of Pub-

lic Roads, the proper military authorities, and the Division of Highways of the Department of Public Works to take such steps as may be necessary in order that a contract for right-of-way acquisition necessary for the construction of a freeway through the Presidio in San Francisco may be executed at the earliest opportunity, and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of the Army, to the Secretary of Commerce, and to the Director of Public Works.

CHAPTER 151

Assembly Joint Resolution No. 45—Relative to California grape and wine industry.

[Filed with Secretary of State June 19, 1963]

WHEREAS, The California grape and wine industry is of major importance to the economy of California in that grapes constitute California's largest fruit crop, that California produces 85 percent of the nation's wine, that wine production is important in most major agricultural districts of the State, and that the industry employs over 100,000 people; and

WHEREAS, The industry is faced with increased imports of wine from Europe and South America; and

WHEREAS, Import duties on wine by foreign countries are universally higher than similar duties imposed by the United States, and further that by terms of an international treaty known as the Madrid Agreement certain California wines such as champagne, sherry, burgundy and others cannot be sold in Europe; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the United States government in carrying out the spirit of the Trade Expansion Act of 1962, and with particular reference to its dealings with the European Common Market, is urged to provide for California wines the same consideration extended to foreign wines coming into the United States by

1. Securing a modification of the Madrid Agreement to eliminate its nontariff barrier against American and California wines, and

2. Taking all necessary steps to protect the California and American wine industries against any abnormal flow into the United States of low-quality, low-priced foreign wines; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President of the United States, the Secretary of State of the United States, the Director of the United States Department of Agriculture, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 152

Assembly Concurrent Resolution No. 67—Relative to construction of the East Branch Aqueduct.

[Filed with Secretary of State June 19, 1963.]

WHEREAS, An action was recently brought by the Orange County Water District to have declared the rights of the defendant Cities of San Bernardino, Redlands, Colton, and Riverside to the surface and underground flows of the Santa Ana River system, and to enjoin the taking of water from such system in excess of their rights as determined by the court. The court has granted an injunction in this case against said agencies which will take effect in the near future. At that time the area involved in San Bernardino County will be without a sufficient supply of water. The Metropolitan Water District of Southern California and the San Bernardino Valley Municipal Water District, which serve the area involved with water, have contracted with the State to receive water which will be transported through the East Branch Aqueduct of the State Water Facilities when these facilities are built sometime in the future. In addition, the Antelope Valley-East Kern Water Agency, the Desert Water Agency, San Gabriel Municipal Water District, San Gorgonio Pass Water Agency, Palmdale Irrigation District, and the Coachella Valley County Water District, which will serve water to another area of critical water shortage, have contracted with the State to receive water which will be transported through said East Branch Aqueduct, and it is expected that other agencies will also contract for water which will be transported through said East Branch Aqueduct. Because of the unique water scarcity problems presented by these areas, and to prevent a catastrophic situation from developing in the San Bernardino County area, it is necessary to construct the East Branch Aqueduct so that water may be served from said aqueduct as soon as water can be made available through the State Water Facilities; and it is presently estimated that water service from said facilities will begin in the East Branch Aqueduct service area in 1972; and

WHEREAS, The water supply contracts between the State and the agencies above named provide that the timing of first deliveries of project water to said agencies from the East

Branch Aqueduct shall be as established by mutual agreement among the State and said agencies; provided that if such agreement is not reached on or before December 31, 1963, the State may then construct said East Branch Aqueduct in accordance with such construction schedules as, in the judgment of the State, will best serve the interests of all those agencies whose service areas are located south of the south portal of the Tehachapi Tunnels and which have executed contracts with the State on or before June 30, 1963; and

WHEREAS, In the event such agreement is not reached by the State and the contracting agencies, it is the desire of the Legislature that said East Branch Aqueduct be constructed at the earliest possible time; and

WHEREAS, The Department of Water Resources has repeatedly declared its intention of exerting every effort to deliver water in the East Branch Aqueduct service area pursuant to its contracts beginning in the year 1972; and

WHEREAS, Article 6(a) of each of the above contracts provides that the year of initial delivery is estimated to be 1972; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Water Resources is hereby directed, in the event the State and the contracting agencies do not reach agreement as provided in their contracts by December 31, 1963, to proceed to construct the said East Branch Aqueduct to the end that water deliveries shall be initiated pursuant to the water supply contracts no later than 1972; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the Governor of the State of California, to the Administrator of the Resources Agency, to the Director of Water Resources, and to the governing bodies of each of the contracting agencies mentioned in this resolution.

CHAPTER 153

Assembly Concurrent Resolution No 103—Approving certain amendments to the Charter of the City of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein June 4th, 1963.

[Filed with Secretary of State June 19, 1963]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the Charter of the City of Long Beach, as set out in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF LONG BEACH AT A SPECIAL MUNICIPAL ELECTION HELD THEREIN JUNE 4TH, 1963, OF CERTAIN AMENDMENTS

TO THE CHARTER OF THE CITY OF LONG BEACH, STATE OF CALIFORNIA.

State of California
County of Los Angeles } ss.
City of Long Beach

We, Edwin W. Wade, Mayor of the City of Long Beach, and Margaret L. Heartwell, City Clerk of the City of Long Beach, do hereby certify as follows:

That said City of Long Beach, in the County of Los Angeles, State of California, is now, and was at all of the times herein mentioned, a city containing a population of more than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Long Beach is now, and was at all of the times herein mentioned, organized and existing under a freeholders' charter adopted under the provisions of Section 8, Article XI, of the Constitution of the State of California, which charter was duly ratified by a majority of the electors of said City at a special election held therein on the 14th day of April, 1921, and approved by the Legislature of the State of California and filed with the Secretary of State of the State of California on the 26th day of April, 1921, (Statutes of 1921, page 2054); and

That the legislative body of said City, namely, the City Council thereof, did, by motions duly adopted and pursuant to the provisions of Section 8, Article XI, of the Constitution of the State of California, duly vote to submit to the qualified electors of said City of Long Beach six amendments to the Charter of said City and ordered that said proposed amendments be submitted to said qualified electors of said City at a Special Municipal Election to be held in said City on the 4th day of June, 1963; and

That said six proposed amendments to be so submitted June 4, 1963, were designated as Propositions 1, 2, 3, 4, 5 and 6, and were duly published the 5th day of April, 1963, in the Long Beach Independent, and in each edition thereof during said date of publication; and

That said Long Beach Independent was, upon the date of said publication, and at all times since has been, and now is, a daily newspaper of general circulation within said City of Long Beach, and was, upon the date of the publication of said proposed amendments, and at all times since has been, and now is, published in said City and said newspaper was, upon the date of the publication of said proposed amendments, and at all times since has been and now is, the official newspaper of said City, and was the newspaper designated by said City Council for the publication of said proposed amendments; and

That said proposed amendments were duly and regularly printed in convenient pamphlet form and, at and during the

time and in the manner provided by law, a notice was published in said Long Beach Independent that such copies of said proposed amendments could be had upon application therefor in the office of the City Clerk of said City, and said proposed amendments so printed in convenient pamphlet form were duly and regularly distributed in the manner provided by law; and

That said City Council did, by an ordinance designated as Ordinance No. C-4352, order the holding of said Special Municipal Election in said City of Long Beach on June 4, 1963, which date was not less than forty nor more than sixty days after the completion of the publication of said proposed amendments, as aforesaid, and that said ordinance was published at least three times in said Long Beach Independent ten days prior to the date of said election, to wit: May 22, 1963, May 23, 1963, and May 24, 1963; and

That said Special Municipal Election was held in said City of Long Beach on June 4, 1963, which day was not less than forty days nor more than sixty days after the completion of the publication of said proposed amendments once in said Long Beach Independent as aforesaid; and

That the City Council did, by resolution adopted on the 11th day of June, 1963, duly declare the results of said Special Municipal Election and did duly find, determine and declare that a majority of the qualified voters of said City of Long Beach voting thereon had voted in favor of and had ratified four of said proposed amendments; and

That said proposed amendments to the Charter of the City of Long Beach, so ratified by the voters of said City as aforesaid, are in words and figures as follows, to wit:

"PROPOSITION 1—CHARTER AMENDMENT

"That the Charter of the City of Long Beach be amended by amending Section 215a thereof to read as follows:

"Sec. 215a (1) Except as otherwise provided in Sections 215b and 215c of this Charter, all revenue, of whatever source, derived from the operation of the Gas Department shall be deposited to the credit of the 'Gas Revenue Fund', which fund has been heretofore created and established and is hereby continued, and shall be subject to disbursement therefrom in the following order:

"(a) For the payment of interest coming due on the bonded indebtedness incurred for the construction, acquisition, operation or extension of the Gas Department;

"(b) For the payment, or provision for the payment, of the principal on said indebtedness as it may from time to time become due;

"(c) For the payment of the annual operating and maintenance expense, including property acquisitions, improvements and extensions of the Gas Department system, and

for the expenses of advertising for, soliciting for, and increasing the business of said Gas Department, and for promoting the sale of the commodities and products of said department;

"(d) For the transference of moneys to other funds for use as hereinafter in this section and in Section 215b provided and authorized to be done;

"(e) For an annual payment into the 'Gas Reserve Fund', which fund has been heretofore created and established and is hereby continued, to be used for contingencies in the operation, maintenance, construction and property acquisition program of the Gas Department, of an amount sufficient to maintain a balance of Seven Hundred Thousand Dollars ($700,000.00) in said Gas Reserve Fund; provided, that should expenditures from said fund deplete the moneys therein below Seven Hundred Thousand Dollars ($700,000.00), said Gas Reserve Fund shall be replenished within two years; provided, further, that the City shall not be required to replenish the Gas Reserve Fund in an amount exceeding Three Hundred Fifty Thousand Dollars ($350,000.00) in any one fiscal year.

"(f) The remainder may be paid into the General Purpose Fund of the City.

"(2) The City Manager, subject to all other provisions of this charter, shall have the power to order and contract for the expenditure of moneys from said Gas Revenue Fund, in accordance with budget provisions, but only for the purposes for which said moneys may be used as hereinabove set forth; provided that withdrawals of money from said fund, other than transfers of money therefrom to the Gas Reserve Fund, or as such transfers are authorized to be made under the provisions of Section 215b of this charter, shall be made, except as otherwise provided in this charter, only by means of vouchers signed by the City Manager and countersigned by the Superintendent of the Gas Department.

"(3) Upon receiving the consent of two-thirds of all of the members of the City Council, expressed by resolution, the City Manager, subject to all the provisions of this charter, other than the provisions thereof relating to the budget of the City or of the Gas Department, shall have the power to order and contract for the expenditure of moneys from said Gas Reserve Fund, but only for the purposes for which said moneys may be used as hereinabove set forth.

"(4) The City Council by a vote of not less than two-thirds of all of its members shall be authorized to incur an indebtedness not to exceed a total of Five Million Dollars ($5,000,000.00), secured by the revenues of the Gas Department, to finance emergency repairs to the gas system, to finance other emergency expenses of the Gas Department which might be required in the event of a disaster, and for the acquisition of additional gas systems and additional gas supply sources, including appurtenant facilities. Such revenue bonds shall be

issued in accordance with the general laws of the State of California applicable thereto, provided that no election shall be required for the issuance of such revenue bonds. Neither such revenue bonds, nor the interest accruing thereon, shall constitute an indebtedness of the City, nor shall the same be taken into consideration in determining the limit of the general obligation bonded indebtedness of the City.

"PROPOSITION 2—CHARTER AMENDMENT

"That the Charter of the City of Long Beach be amended by repealing Section 274 thereof and by amending Sections 271, 273, 280 and 281 to read as follows:

"TERM OF FRANCHISE

"Sec. 271. No franchise shall be granted for a longer period than sixty years in, upon, over, across or under any street, highway, alley, or other public place in the City of Long Beach.

"ALL EXTENSIONS PART OF ORIGINAL GRANT

"Sec. 273. All extensions of public utilities within the City shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this Charter, and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant, and shall be terminable as provided herein.

"HEARING AND BIDDING

"Sec 280. Upon the receipt of an application for any franchise, the City Council, if it be disposed to grant same, must require the applicant to deposit with the City Treasurer, either in cash or by certified check payable to the City, a specified sum of not less than Two Hundred Fifty Dollars, nor more than Two Thousand Dollars as a guarantee of the good faith of the applicant and as a fund out of which to pay expenses incurred by the City connected with such application including the cost of publication in the event that the franchise is awarded applicant or be not awarded at all. Upon the making of such deposit, the City Council shall fix the time (not less than thirty nor more than sixty days from the date of the order fixing the same) and the place for a public hearing of said application, and shall publish for ten consecutive days (Sundays and legal holidays excepted), a notice in the official newspaper of the City, setting forth the making of such application, the time and place fixed for a public hearing thereon and, if the

applicant be not a holder of an existing franchise or franchises seeking a superseding or renewal franchise or an extension of an existing franchise, nor a person, firm or corporation desiring a franchise for an interurban, steam or commercial railroad, that at the time of the hearing or at any time prior thereto, any person, having made the necessary deposit, may submit a bid in writing for said franchise upon terms which he deems of better advantage to the City than the terms of said application. An affidavit in proper form establishing the fact of such publication must be filed with the City Clerk prior to the date set for the hearing. If the application be not for a superseding or renewal franchise or an extension of an existing franchise nor for an interurban, steam or commercial railway, any person may, at the time of the hearing, or at any time prior thereto, file with the City Clerk a bid in writing for said franchise, upon the same conditions set forth in said application. Each bidder must, before making a bid, deposit with the City Treasurer, in cash or by certified check, a sum of money equal to that deposited by the applicant, as a guarantee of good faith of the bidder, and as a fund out of which to pay expenses incurred by the City in connection with the application, including the cost of publication in the event that the franchise be awarded such bidder. Upon the franchise being awarded, all deposits by unsuccessful bidders, or by the applicant, if the franchise be awarded to some other person, shall be returned. The deposit of the successful bidder shall be retained until the approval and filing of the bond hereinafter provided for, whereupon the remainder of the deposit, after the payment therefrom of the expenses incurred by the City in connection with such franchise, shall be returned.

"GRANTING OF FRANCHISE

"Sec. 281. At the appointed time the City Council shall proceed to hear and consider such application and all remonstrances and protests, if any, against the granting of such franchise, and all bids submitted. If, in the judgment of the City Council, no sufficient reason appears why the franchise requested should not be granted it may within sixty days after said hearing grant to the applicant or, if the application be not for a superseding or renewal franchise or an extension of an existing franchise, nor for an interurban, steam or commercial railway, to any bidder a franchise in conformity with the terms of the application or any bid or such modification thereof as the City Council shall deem to be for the public interest and upon the terms and conditions of this article applicable thereto, or the City Council may deny the franchise, or, if the franchise be one for which bids may be made, may readvertise for bids. All grants of franchises shall be made by ordinance, and no such ordinance shall be an emergency ordinance nor go into effect within sixty days from the date of

the passage thereof and during such time it shall be subject to the referendum provisions of this Charter. Such ordinance must, within ten days after passage by the City Council, be published at least once in the official newspaper of the City.

"PROPOSITION 3—CHARTER AMENDMENT

"That the Charter of the City of Long Beach be amended by amending Subsection (b) of Section 229a thereof to read as follows:

"(b) The Board of Harbor Commissioners shall have power to grant to any person, firm or corporation franchises and permits to use the water frontage in the Harbor District for purposes in connection with or for the promotion and accommodation of commerce, navigation and fishery, together with the necessary coterminous and adjacent tide or submerged lands, for periods not exceeding sixty (60) years, as hereinafter provided. Whenever it shall be determined by the Board, by ordinance, that certain parts of such tide or submerged lands therein described may not be required at such time for use for purposes in connection with, or for the promotion and accommodation of commerce, navigation and fishery, the Board of Harbor Commissioners shall have power to grant leases of such tide or submerged lands for periods not exceeding sixty (60) years, for any and all purposes which shall not interfere with commerce or navigation and are not inconsistent with the trusts upon which said lands are held by the City of Long Beach.

"PROPOSITION 4—CHARTER AMENDMENT

"That the Charter of the City of Long Beach be amended by amending Section 229b thereof to read as follows:

"Sec. 229b. Grants of franchises, permits, leases, revocable permits and assignments provided for herein shall be made only upon written application therefor submitted to the Board of Harbor Commissioners, which application shall set forth such information as the Board may require and, when prescribed by the Board, such application shall be accompanied by a fee to cover the expenses of making any such grant In every case where an application is filed for a franchise, permit or lease for a fixed term in excess of five (5) years, at least thirty (30) days must elapse after the date of filing such application before the Board shall have power to grant such franchise, permit or lease."

That the foregoing is a full, true and correct copy of said proposed amendments to the Charter of the City of Long Beach, ratified by the electors of said City, as aforesaid, on file in the office of the City Clerk of said City of Long Beach.

In witness whereof, Edwin W. Wade, Mayor, as aforesaid, and Margaret L. Heartwell, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the

City of Long Beach to be thereunto duly affixed on this 11th day of June, 1963.

(SEAL)

EDWIN W. WADE
Mayor of the City of Long Beach
MARGARET L. HEARTWELL
City Clerk of the City of Long Beach

WHEREAS, Said proposed amendments to the Charter of the City of Long Beach, ratified by the electors of said city, as aforesaid, have been, and are now, submitted to the Legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with Section 8, Article XI, of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of Long Beach, as proposed to, adopted and ratified by the qualified electors of said City of Long Beach, as hereinabove fully set forth, be and the same are hereby approved as a whole without amendment or alteration, for and as amendments to and as parts of the Charter of the City of Long Beach.

CHAPTER 154

Senate Concurrent Resolution No. 76—Approving charter amendments to the Charter of the City of Eureka, a municipal corporation in the County of Humboldt, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the 10th day of June, 1963.

[Filed with Secretary of State June 19, 1963.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of amendments to the Charter of the City of Eureka, a municipal corporation in the County of Humboldt, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city as follows:

CERTIFICATE OF PROCEEDINGS HAD BY THE CITY OF EUREKA FOR THE PURPOSE OF ADOPTING AND RATIFYING CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF EUREKA.

State of California, }
County of Humboldt, } ss.
City of Eureka. }

We, the undersigned, Henry Terheyden, Mayor of the City of Eureka, and Ruby C. Shanahan, City Clerk of the City of Eureka, do hereby certify and declare as follows:

That the City of Eureka, a municipal corporation, in the County of Humboldt, State of California, now is and at all times herein mentioned was a city containing a population of more than 3,500 and less than 50,000 inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States or under the Legislature of the State of California; that said city is organized, existing and acting under a Charter adopted under and by virtue of the provisions of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City of Eureka at an election held for that purpose on the 5th day of March, 1959, and approved by the Legislature of the State of California, on the 10th day of April, 1959;

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the City Council of the City of Eureka by its Charter Amendment Resolutions No 2, 3, 4, and 5, adopted on April 2, April 4, April 4, and April 17, 1963, respectively, duly and regularly submitted to the qualified electors of said City of Eureka certain proposals to amend the Charter of the City of Eureka and to be voted upon by said qualified electors at the General Municipal Election to be held in said City of Eureka on the 10th day of June, 1963, the date of which election is fixed by said Charter of the City of Eureka hereinbefore referred to, and which said date was fixed in said resolutions as the date for voting upon said amendments proposed;

That each of said proposals was published and advertised, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on the 26th day of April, 1963, in each edition of the Humboldt Standard, a newspaper of general circulation, printed and published within the said City, (there being no official newspaper of the said City);

That the said General Municipal Election was duly called, held and conducted in the time, form and manner required by the Charter of said City and by law on said 10th day of June, 1963, which day was not less than forty (40) and not more than sixty (60) days after the completion of said publication and advertisement of each of said proposals in said Humboldt Standard, and that at the said election a majority of the qualified voters of said City voted in favor of each of said proposed Charter Amendments and for the adoption thereof; that all of the proceedings for the amendment and ratification of the proposed amendments to the said Charter of said City were had and taken in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and of other applicable State and local laws; and

That the Charter Amendments so ratified by the majority of the qualified electors of said City voting at said General Mu-

nicipal Election are in the words and figures following, to wit:

Charter Amendment Resolution No. 2 (Proposition B):

That Section 902 of Article IX be amended to read:

"Section 902. Officers or Employees Interested in Contracts. No member of the Council, and no officer or employee of the city, shall be or become directly or indirectly financially interested in, or with the performance of, any contract, work, or business, or in the sale of any article, the expense, price or consideration of which is payable from the City Treasury, or in the purchase or lease of any real estate or property belonging to or taken by the city, or which shall be sold for taxes or assessments or by virtue of legal process at the suit of the city; provided, however, that any member of a board or commission serving without compensation may contract to sell personal or real property to the city to be used by a department of the city, board or commission other than the board or commission on which he serves; and provided further, that no officer or employee shall be deemed to be financially interested, within the meaning of the foregoing provisions, if such interest is not a prohibited interest under, and disclosure is made in accordance with the provisions of Article 4, Chapter 1, Division 4, Title 1 of the Government Code of the State of California as the same now exists or may hereafter be amended.

Any member of the Council, or any officer or employee of this city, violating the provisions of this section, or who shall be directly or indirectly interested in any franchise, right, or privilege granted by the city while he is such officer, member, or employee, unless the same shall devolve upon him by law, shall forfeit his office, and be forever disqualified from holding any position in the service of the city; and all contracts made, or rights or franchises granted, in violation of this section shall be absolutely void."

Charter Amendment Resolution No. 3 (Proposition C):

That Section 901 of Article IX be amended to read:

"Section 901. Officers Holding Other Office. Any elective officer of the City who shall during his term of office hold or retain any other elective public office to which compensation is attached, or who shall hold any other position, office or employment the compensation of which is paid by the City, except as otherwise provided in this charter, shall be deemed thereby to have vacated the office held by him under the city government."

Charter Amendment Resolution No. 4. (Proposition D):

That Section 506 of Article V be amended to read:

"Section 506. Interference With City Manager. No member of the Council shall by suggestion or otherwise attempt to influence or coerce the City Manager for personal gain. Nor shall he discuss directly or indirectly or attempt to exact any promise from any candidate for City Manager concerning appointments to city offices or employment. Except for the purpose of inquiry, the Council member shall deal with the administrative service for which the City Manager is responsible

solely through the City Manager, and not through his subordinates. A violation of the provisions of this Section by any member of the Council shall constitute a misdemeanor for which the offending member may be charged in any court of competent jurisdiction, and if found guilty the sentence imposed shall include removal from office No prohibition herein contained shall be construed to mean that any member of the Council shall in any respect be prohibited from informing the City Manager as to any fact within his knowledge which might be of value to the City Manager in assisting him to appoint or employ qualified persons under him, or to discharge any unqualified person appointed by or employed under him."

Charter Amendment Resolution No. 5 (Proposition A):

First. That Section 201 of Article II be amended to read:

"Section 201. Date of Election. After the adoption of this amendment, general municipal elections for filling the elective offices of Mayor, five Councilmen and five Directors of the Board of Education shall be held on the third Tuesday in April of each odd numbered year commencing with the year 1965. At the general municipal election in April 1965, two Councilmen and three Directors of the Board of Education shall be elected to replace those Councilmen and Directors of the Board of Education whose terms were scheduled to expire prior to this amendment on July 12, 1965, and shall take office on April 27, 1965. At the general municipal election in April 1967, a Mayor, three Councilmen, and two Directors of the Board of Education shall be elected to replace those Councilmen and Directors of the Board of Education whose terms were scheduled to expire prior to this amendment on July 10, 1967, and shall take office on April 25, 1967. At each subsequent general municipal election the number of Councilmen and Directors of the Board of Education to be elected shall be equal to the number of terms to expire on the ensuing fourth Tuesday in April."

Second: That Section 205 of Article II be amended to read:

"Section 205. Officers to Hold Office. The officers elected at a general municipal election shall, after they have qualified as provided in this charter, enter upon the discharge of the duties of the office to which they have been elected, on the first Tuesday following their election and shall hold their offices for the term of four years, and until their successors are elected and qualified."

Third: That Section 303 of Article III be amended to read:

"Section 303. Council Meetings. The Council shall meet in the City Hall of the city on the first Tuesday after a general municipal election, duly canvass the returns and declare the result thereof, and install the newly elected officers and at such other times as may be designated by ordinance. If at any time a regular meeting falls on a holiday, such regular meeting shall be held on the following day. Special meetings may be called by the Mayor or three members of the Council. Three members of the Council shall constitute a quorum, and the

affirmative vote of three members shall be necessary for the passage of an ordinance or the final transaction of any business, but a less number than three may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as the Council may by ordinance prescribe."

We further certify that the foregoing proposed and ratified amendments to the Charter of the City of Eureka are full, true and exact copies of the said proposed amendments to the Charter of the said City submitted to the electors, and is a true statement of the proceedings had for adoption of the said amendments to said Charter.

In witness whereof, we have hereunto set our hands and hereunto affixed the official seal of the City of Eureka, this 11th day of June, 1963.

(SEAL)

HENRY TERHEYDEN
Mayor of the City of Eureka
RUBY C. SHANAHAN
City Clerk of the City of Eureka

WHEREAS, The proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the Charter of the City of Eureka, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the Charter of the City of Eureka.

CHAPTER 155

Senate Joint Resolution No. 25—Relating to use of surplus food stocks to aid senior citizens.

[Filed with Secretary of State June 19, 1963]

WHEREAS, There is in effect the commodity donation program which provides surplus foods to low-income persons and families and charitable institutions serving aged persons and others and to school lunch programs; and

WHEREAS, There is a recognized need for better nutrition to improve the health status of many older people; and

WHEREAS, Many older people because of small and limited incomes are required to limit their purchase of food and thus increase the risk of illness or malnutrition; and

WHEREAS, It is recognized that the present production of certain foods is in excess of the actual market demand for such foods; and

WHEREAS, The foregoing has been recognized by the federal government and the states since surplus foods are currently being distributed; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Secretary of Agriculture of the United States government make every effort to increase and expand the amount of surplus foods now made available to older persons, including public and voluntary nonprofit organizations and facilities which are used by senior citizen organizations for recreational, educational, and social activities; and be it further

Resolved, That the present eligibility standards for the distribution of surplus foods under the commodity donation program be revised in California to permit public and voluntary nonprofit organizations and facilities used by senior citizens for recreational, educational, social and related activities to receive surplus foods; and be it further

Resolved, That the Secretary of the Senate is hereby directed to send copies of this resolution to the President of the United States, the President pro Tempore of the Senate, the Speaker of the House of Representatives, the Secretary of the Department of Agriculture, and to each Senator and Representative from California in the Congress of the United States; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the Honorable Edmund G. Brown, Governor of California and the State Board of Education.

CHAPTER 156

Senate Concurrent Resolution No. 63—Relative to student loans.

[Filed with Secretary of State June 20, 1963.]

WHEREAS, It is consistent with the policy of this State of promoting education to provide opportunities for its residents who have shown academic aptitude in high school to continue their formal education; and

WHEREAS, Assembly Bill 1273, as introduced at the 1963 Regular Session of the Legislature, provides for a student loan program for California residents who are in the upper 15 percent of their high school graduating classes, who demonstrate financial need and who are enrolled or plan to enroll in a full-time course of study in an institution of higher learning; and

WHEREAS, The Legislature is in need of advice, information and recommendations as to the most advantageous and feasible method of establishing and administering a program such as is proposed by Assembly Bill 1273; and

WHEREAS, The State Department of Education is now implementing programs of compensatory education under the McAteer Act, and whereas it seems probable that many of the students involved in compensatory education programs would benefit from a state student loan program; and

WHEREAS, The State Scholarship Commission is currently charged with the responsibility for making a study of the need for additional student aid programs in the colleges and universities of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Scholarship Commission is hereby requested to include within its present study the general subject matter of Assembly Bill 1273, and to consult with the State Department of Education in specific reference to the college and university loan needs of students in compensatory education programs as set forth in the McAteer Act, and to report its findings to the Legislature not later than the fifth legislative day of the 1965 Regular Session; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the State Board of Education and to the State Scholarship Commission.

CHAPTER 157

Senate Concurrent Resolution No. 68—Relative to a study of gasoline tax refunds.

[Filed with Secretary of State June 20, 1963]

WHEREAS, The problem of gasoline tax refunds has been controversial and uncertain for many years; and

WHEREAS, Such refunds are now made in three fields, namely gasoline used for boats, airplanes and for agriculture; and

WHEREAS, Equity demands that unused taxes on gasoline for boats and airplanes should be returned to those agencies charged with constructing boat or airplane facilities; and

WHEREAS, The amount of such refunds has been studied several times but the results of all such studies have been inadequate due to lack of funds; and

WHEREAS, No examination has been made of the problem of agricultural refunds and this may well be a field where the law should be revised; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That an independent consultant conduct a complete investigation into the field of refunds for

gasoline purchased for boats, airplanes and agriculture; and be it further

Resolved, That the investigation in connection with boats and airplanes should also make every effort to reach as certain a conclusion as practical regarding the amount of unused refunds by such boats and airplanes; and be it further

Resolved, That the Department of Public Works is requested to apply to the Bureau of Public Roads for one hundred fifty thousand dollars ($150,000) in federal planning money for use in conducting the study and, in the event of failure to obtain such funds or any portion thereof, that state highway funds be used therefor; and be it further

Resolved, That the consultant shall work with the Board of Equalization, the Department of Public Works, the State Controller, and the Division of Small Craft Harbors at the beginning of the study to assure that proper standards will be developed for the study and shall further work with such agencies throughout the study whenever necessary or desirable; and be it further

Resolved, That such consultant is also directed to work with appropriate interim committees in the Senate and the Assembly, which interim committees shall be assigned the subject matter of this resolution by the President pro Tempore of the Senate and the Speaker of the Assembly; and be it further

Resolved, That a copy of this resolution be transmitted to the Board of Equalization, the Department of Public Works, the State Controller, and the Division of Small Craft Harbors

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CHAPTER 158

Senate Joint Resolution No 20—Relating to remedial English instruction for non-English-speaking students from immigrant families.

[Filed with Secretary of State June 20, 1963.]

WHEREAS, The presence of large numbers of non-English-speaking children of Mexican immigrants creates instructional and financial problems for the involved school districts; and

WHEREAS, School districts experiencing this problem are widely scattered throughout the State of California although the problem in the schools of Imperial County is especially critical where the percentages of elementary pupils with this language handicap generally vary from 2 to 15 percent of the total enrollment; and

WHEREAS, Experience in schools of Imperial County has shown that the language-handicapped child can be helped by special programs which include bilingual teachers, smaller classes, individual help and language laboratories for teaching English as a foreign language; and

WHEREAS, Low assessed valuation per unit of average daily attendance makes it extremely difficult for many of the school

districts involved to finance special programs for the language-handicapped and under existing law it would be impractical to attempt to collect tuition from any students residing in California away from parents living in Mexico; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Congress of the United States is urged to enact legislation amending Title III of the National Defense Education Act to include English for non-English-speaking pupils in the school foreign language program; and be it further

Resolved, That the Secretary of the Senate be hereby directed to send copies of this resolution to the President of the United States, the President pro Tempore of the Senate, the Speaker of the House of Representatives, and each member of the California Delegation in the Congress of the United States.

CHAPTER 159

Senate Joint Resolution No. 29—Relative to requesting official action by the Civil Aeronautics Board in the matter of United Airlines service to Merced.

[Filed with Secretary of State June 20, 1963]

WHEREAS, United Airlines has recently suspended two flights originating in Merced; and

WHEREAS, This action was taken without notice to the people of Merced who would be adversely affected by this curtailed airline service; and

WHEREAS, United Airlines has not met its obligations to the public by this disregard for the needs of the community served by United Airlines as an exclusive franchise carrier; and

WHEREAS, It is incumbent on the Civil Aeronautics Board to take direct positive action to maintain and guarantee to those residents of cities served by exclusive franchise carriers, such as United Airlines, a quality of service which will meet the present and future needs of growing communities; and

WHEREAS, All residents of the State of California express their hope that United Airlines will reconsider its suspension of the two flights and without delay will restore the suspended service; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Civil Aeronautics Board to take direct positive action to restore the two flights cancelled by United Airlines for service to Merced in the event that service is not restored by the airline; and be it further

Resolved, That the Secretary of the Senate be directed to transmit copies of this resolution to the Civil Aeronautics Board and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 160

Senate Concurrent Resolution No. 47—Relative to overtime policy of California Highway Patrol.

[Filed with Secretary of State June 20, 1963.]

WHEREAS, The Budget Act of 1962 and successive budget acts will provide funds for payment of overtime earned by state traffic sergeants and state traffic officers of the California Highway Patrol; and

WHEREAS, The purpose of this overtime compensation is to make available more man-hours for road patrol and traffic law enforcement duties; and

WHEREAS, It is understood that these additional man-hours made available by payment for overtime will reduce the necessity of requesting additional manpower; and

WHEREAS, It is not the desire of this legislative body that these funds be used to pay for overtime earned in duties of an administrative nature; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Commissioner of the California Highway Patrol express departmental policy in a directive to his department embodying the principles set forth above by emphasizing that overtime be authorized by his subordinate commanders to the greatest extent possible for the essential task of traffic law enforcement in those duties performed by members assigned to beat or road patrol in vehicles or motorcycles and that this stated policy should not be construed as reason or justification for disregarding the normal management function of control of authorized overtime by proper scheduling or good judgment; and be it further

Resolved, Such policy directive should state that members of the California Highway Patrol assigned or serving in desk positions, staff positions at whatever level or assigned to duties other than road or beat patrol should not, except under unusual circumstances, and only with the prior approval of their immediate commander, be authorized to earn overtime, and that in such instances a special review of this type of overtime will be provided at Sacramento headquarters level; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to the Commissioner of the California Highway Patrol.

CHAPTER 161

Assembly Concurrent Resolution No. 51—Relative to professional boxing.

[Filed with Secretary of State June 20, 1963]

WHEREAS, Professional boxing is causing an ever-mounting toll of death and permanent injury to the participants; and

WHEREAS, The families of the victims have suffered untold grief and the sensibilities of the public generally have been greatly disturbed and offended; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California State Athletic Commission is requested to review and revise its rules and regulations governing professional boxing to give all possible protection to the participants to avoid their death or permanent injury and to review the records of all persons licensed to conduct or participate in professional boxing contests and to suspend all licenses and permits to conduct or participate in professional boxing contests of any person who is found, as a promoter, manager, or second, to have failed to take all reasonable precautions to protect the professional boxers involved in his activities from death or permanent injury, and to suspend all licenses of any professional boxer who is, in the judgment of the commission, likely to suffer death or permanent injury if he continues to engage in boxing; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the State Athletic Commission.

CHAPTER 162

Assembly Concurrent Resolution No. 102—Relative to the celebration of the centennial commencement of the University of California.

[Filed with Secretary of State June 20, 1963]

WHEREAS, The University of California celebrated its centennial commencement on June 8, 1963; and

WHEREAS, The extent of the growth of the university in order to meet the educational needs of today is shown by the fact that 6,367 degrees were awarded on June 8, in contrast to the 4 degrees awarded at the first commencement in 1864; and

WHEREAS, The University of California is today recognized as one of the greatest educational institutions in the world; and

WHEREAS, One of the foremost purposes of the University of California as stated by President Emeritus, Robert Gordon Sproul, at the June 8 commencement, is not only to equip students to earn a livelihood but to endow them with a mind-enriching philosophy so that their "reaction to disturbing problems is slanted as little as possible by prejudice"; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature of the State of California congratulate the University of California upon its centennial commencement and express on behalf of all the people of the State of California their appreciation and sense of pride upon the accomplishments of the University of California during the past century; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a suitably prepared copy of this resolution to the Regents of the University of California.

CHAPTER 163

Senate Joint Resolution No. 13—Relative to judicial review in public assistance cases.

[Filed with Secretary of State June 24, 1963.]

WHEREAS, It is in the public interest that the administrative interpretation of statutory provisions be subject to judicial review, so that those subject to regulation may have a forum wherein they may obtain an impartial determination as to the meaning of the statutes under which they operate; and

WHEREAS, The law is not clear whether a state or its subdivisions, or a recipient of public assistance, may obtain a speedy and adequate judicial review of decisions made by the United States Department of Health, Education, and Welfare concerning the public assistance sections of the Social Security Act; and

WHEREAS, The result is that the United States Department of Health, Education, and Welfare, for practical purposes, is the final judge as to whether or not a state is in conformity with federal requirements; and

WHEREAS, The apparent unlimited authority conferred on the department prevents the legislatures in the various states, in many instances, from enacting sound legislation in the field of public assistance, due to statements, often unfounded, that the legislation will be declared by the department to be out of conformity with federal requirements; and

WHEREAS, If provision were expressly made for an adequate judicial review of decisions of the department in the federal courts, the problems discussed above would be eliminated, and there would grow a body of judicial precedents that would

enable the states to determine the extent of their discretion under the Social Security Act; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California hereby memorializes the President of the United States, the Congress of the United States, and the Secretary of Health, Education, and Welfare to take such action as may be necessary to clearly enable a state and its political subdivisions, and public assistance recipients, to maintain appropriate actions in the federal courts to obtain a quick and adequate judicial review of administrative determinations made under the Social Security Act; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, the Secretary of the United States Department of Health, Education and Welfare, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 164

Assembly Concurrent Resolution No. 86—
Relative to conservation.

[Filed with Secretary of State June 27, 1963.]

WHEREAS, California is now the most populous state of the United States of America; and

WHEREAS, Accompanying this spectacular growth in population, there has been a drain upon, and a destruction of, resources for which this State is justly world famous; and

WHEREAS, There is increasing pollution of the air, pollution and waste of water, destruction of scenic beauty, damage to the natural environment of fish and wildlife, obliteration of priceless farmland and, in some cases, ill-conceived, unsightly housing developments, disregard for the needs of man's spirit, a threat to the preservation of the matchless beauty of California, threatened damage to the State's tax base by making the State less attractive to tourists and industry, and a less than desirable understanding, because of inadequate conservation education, of the principles and value of conservation practices; and,

WHEREAS, As a result, there is a need for comprehensive planning of the State's future quality and character, and a need for a sustained, vigorous, flourishing California Citizens' Conservation Crusade; and

WHEREAS, There is an awakening among the citizens of California, recognizing more clearly these threats to the State's future, and there is also a determination to preserve

the beauty of the State of California, and this effort calls for leadership both in state government and in federal government; and

WHEREAS, The success of a California Citizens' Conservation Crusade depends upon a leadership in the field of conservation education and a mobilizing of the energy and finances of individuals, private companies, and employees of local, state, and federal agencies in a massive citizens' effort to use wisely our natural environment; and

WHEREAS, This leadership can best be employed by the legislative and executive representatives of the state government primarily concerned with preserving, improving and renewing the quality and usefulness of the State's natural resources; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California does hereby reaffirm its dedication to sound conservation practices and their importance to the general welfare of the people of California; and be it further

Resolved, That the Governor of the State of California is requested to appoint a citizens' conservation crusade committee which shall, through the Administrator of the Resources Agency of the state government, encourage on a statewide basis in appropriate areas of the State, conservation education centers utilizing personnel of the various state conservation agencies or federal agency employees, which action shall be the beginning of a sustained effort to promulgate and provide leadership for a sustained California Citizens' Conservation Crusade; and be it further

Resolved, That the Governor of the State of California is requested to submit to the Legislature of California as of December 1, each calendar year, a report on the progress of conservation planning and conservation education in the State of California with any recommendations he may deem advisable for improving and intensifying the California Citizens' Conservation Crusade, giving full weight to the fact that success depends not so much on appropriation of public funds as upon the mobilization of the latent energy and finances of millions of individuals and scores of privately owned companies and corporations which have responsibilities and a substantial interest in improving the quality and the usefulness of the State's natural resources; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to distribute copies of this resolution and declaration of policy to the Governor, the Lieutenant Governor, the Administrator of the Resources Agency, the State Planning Officer, and the State Lands Commission and to distribute it widely among the individuals and groups concerned, including the President and Vice President of the United States, the Secretary of the Interior, the Under Secretary of the Interior, Secretary of Agriculture, the Secretary of Commerce, the Speaker of the

House of Representatives, the chairman of each committee in the Congress of the United States that has responsibilities in the field of natural resources, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 165

Senate Joint Resolution No. 11—Relative to the Trinity River.

[Filed with Secretary of State June 27, 1963.]

WHEREAS, The Upper Trinity River is an area of great natural beauty with fine fishing areas for the people of California; and

WHEREAS, The lack of annual or periodic river flush due to the water regulation by Trinity Dam has caused excessive muddying and sliming of slack water areas and has caused excessive willow, tule, and other aquatic growth; and

WHEREAS, Highway projects on State Route 299 in the Grass Valley Creek area, while not being the original cause of, nor at any time the major contributory factor, have caused some heavy siltation of the Trinity River, and

WHEREAS, Decomposed granite covers more than a mile of the spawning gravel in the Trinity River; and

WHEREAS, The Trinity River salmon and steelhead fishery is of vital economic importance to Trinity County since many of its businesses depend entirely upon the autumn and winter influx of fishermen who are attracted by the excellent fishing; and

WHEREAS, Immediate co-operative action of the state and federal governments is essential to the elimination of this serious threat to the Upper Trinity River fishery; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to take immediate co-operative action with the State of California to eliminate this serious threat to the Trinity River fishery; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 166

Senate Joint Resolution No. 27—Relative to the creation of a national park in the redwood area.

[Filed with Secretary of State June 27, 1963.]

WHEREAS, The Secretary of the Interior, Stewart L. Udall, has announced that he will soon propose a new national park covering a large redwood area in Northern California, which will embrace a whole watershed area; and

WHEREAS, The people of California welcome the nationwide recognition of the scenic splendors of its redwood groves and encourage their dedication to the use and enjoyment of all of the people of the United States; and

WHEREAS, The outstanding manner in which the federal government maintains and operates national parks such as the Yellowstone National Park and Yosemite National Park is a credit to our country and has commanded worldwide admiration and respect; and

WHEREAS, It is appropriate that a national park be established in the redwoods, site of the oldest living things; and

WHEREAS, The only groves of redwoods comprising a whole watershed suitable for the proposed park appear to be located in Humboldt County; and

WHEREAS, More than 20 percent of the land of Humboldt County is now in public ownership and the removal of additional areas from private ownership and the tax rolls would not only preclude further development and growth of the county, and impose an intolerable tax burden on the residents thereof, but also would pose a serious threat to its existing economy; and

WHEREAS, The State of California has in 1962 acquired some 18,000 acres in the Bull Creek area within the watershed of the south fork of Eel River, of the value of over $1,150,000, in addition the 35,000 acres theretofore within existing state parks in said county, and thereby removed the same from the tax rolls of Humboldt County, and increased the tax burden upon the taxpayer of Humboldt County and of the Southern Humboldt Unified School District; and

WHEREAS, The creation of the proposed national park in lands now included within a state park would not only facilitate the dedication of the most desirable redwood groves for this purpose but would also avoid removing more lands from private ownership; and

WHEREAS, The acquisition and transfer of the present state parks by and to the United States for purposes of said national redwood park would relieve the State of California and the taxpayers thereof of the cost and responsibility for the further administration and operation thereof, without any disadvantages from the recreational standpoint; and

WHEREAS, The proposed national park or certain groves thereof could well be named in honor and memory of Dag Hammarskjöld as a fitting memorial, thereby relieving fund-raising organizations including those known as the "Save the Redwoods" league and "Nature's Conservancy" in their efforts to raise money to acquire a redwood grove in Humboldt County in his honor; and

WHEREAS, Pursuant to Section 4433 of the California Public Resources Code, the State pays to each county in which lands have been acquired for state forests an amount equivalent to taxes levied by the county on similar land similarly situated in the county; and

WHEREAS, Section 1504 of the Fish and Game Code also requires that payments be made to counties by the State "in lieu" of taxes when income is derived from real property acquired and operated by the State as wildlife management areas; and

WHEREAS, Other states, including the State of New York, assist their counties in carrying their added burdens incident to the maintenance of tax-free state parks within their boundaries by making payments "in lieu" of taxes; and

WHEREAS, Various federal laws similarly provide for payments to counties including: Payments to counties of 25 percent of funds received from national forests for use in the county or counties in which the forest is located (Sec. 50d, Title 16, United States Code); payments to counties of specified percentage of various grazing fees received under the Taylor Grazing Act (Sec. 315 et seq., Title 43, United States Code); and payment of certain percentage of money received from the sale of public land (Act of June 17, 1902 and other acts) and from the disposal of materials (including timber) on public lands (Sec. 603, Title 30, United States Code); and

WHEREAS, The payment of such payments "in lieu" of taxes is essential to enable the county to meet its obligations and to provide services necessary for its present population and those who would travel through the county to visit the redwoods; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That Congress is urged to secure the lands necessary for the proposed national park by taking over only those present state park lands in the Humboldt County comprising the Humboldt Redwood State Parks in the watershed of the south fork of the Eel River; and be it further

Resolved, That provision be made for payments by the federal government to the County of Humboldt "in lieu" of taxes in order to remove the inequity resulting from present loss of tax base, and assist the county in performing the added county services which will be required incident to the operation of the national park; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives,

to each member of Congress from the State of California, Stewart L. Udall, Secretary of the Interior, to James K. Carr, Under Secretary of the Interior and to Orville Freeman, Secretary of Agriculture.

CHAPTER 167

Assembly Concurrent Resolution No. 34—Relative to State Highway Routes 165 and 167 in San Pedro.

[Filed with Secretary of State June 27, 1963.]

WHEREAS, The vehicular traffic in San Pedro is creating serious problems endangering the lives and safety of both motorists and pedestrians, and with the growth in the economy and population in the harbor area, this problem will increase in its intensity; and

WHEREAS, Other factors will also contribute to the congestion of traffic in San Pedro, namely, the World Fair which will be held in Long Beach in 1967, and the World Trade Center and the United States Custom House which are currently being proposed for construction on Terminal Island; and

WHEREAS, While State Highway Routes 165 and 167 presently provide for a connection between the Harbor Freeway and Pacific Avenue in San Pedro, there are still 0.8 miles of highway to be constructed on Route 165 from Battery Street to Elberon Street and 0.6 miles of highway from Route 165 to Pacific Avenue, which remain to be improved as a state highway; and

WHEREAS, It is estimated that the total cost of rights-of-way for these stretches of highway will be $3,965,000 and that the total cost of construction thereof will be $4,000,000; and

WHEREAS, Under the present time schedule of the California Highway Commission and the Department of Public Works, funds will not be allocated for right-of-way acquisition until 1966 and funds will not be allocated for construction until 1970; and

WHEREAS, In view of the factors mentioned in this resolution, it is apparent that such a delay in the acquisition of rights-of-way for, and the construction of, the stretches of State Highway Routes 165 and 167 involved in San Pedro would be detrimental to public health and safety; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Highway Commission and the Department of Public Works be requested to alter their present time schedule with respect to the allocation of funds for right-of-way acquisition for, and construction of, the stretches of State Highway Routes 165 and 167 in San Pedro mentioned in this resolution in order that there may

be an adequate state highway connection between the Harbor Freeway and Pacific Avenue at the earliest possible time; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a copy of this resolution to the Director of Public Works.

CHAPTER 168

Assembly Concurrent Resolution No. 43—Relative to apprenticeship training in secondary schools.

[Filed with Secretary of State June 27, 1963.]

WHEREAS, There is in this State a great need for skilled craftsmen, and this need can, in large part, be met by an effective program of vocational education and training in California's secondary schools; and

WHEREAS, It is, therefore, advisable at this time that a study be undertaken to determine the courses and the kinds of courses which are appropriate for, and should be contained in, such a program; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Industrial Relations and the Department of Education, Bureau of Industrial Education are hereby requested to study and analyze all facts relating to apprenticeship and other training preparatory courses in California's secondary schools and to take such steps as are necessary to develop methods whereby industry, as represented through the joint apprenticeship committees or other advisory committees, will review subjects offered in secondary schools, and determine which of these are essential or desirable as preparatory to entry into apprenticeship or training on the job programs, and report thereon to the Legislature on or before January 15, 1965; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the Director of Industrial Relations and the Director of Education.

CHAPTER 169

Assembly Concurrent Resolution No. 74—Relative to application of State Housing Law to dwellings in unincorporated areas.

[Filed with Secretary of State June 27, 1963.]

WHEREAS, The State Housing Law was rewritten in the 1961 Regular Session of the Legislature to make the law applicable, for the first time, to dwellings in unincorporated areas; and

WHEREAS, As is often the case when the law moves into new areas of regulation and control, hardships may exist or arise out of unreasonable applications of the law; and

WHEREAS, It is the intent of the Legislature that the application of the new housing law to dwellings in unincorporated areas not cause such hardships; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Industrial Relations, through its Division of Housing, is hereby requested to hold public hearings during the 1963-1965 interim period for the purpose of ascertaining whether, in fact, applications of the State Housing Law, or rules and regulations promulgated thereunder, to dwellings in unincorporated areas have caused such hardships; and be it further

Resolved, That the Department of Industrial Relations is requested to report its findings thereon to the Legislature on or before the fifth legislative day of the 1965 Regular Session; and be it

Resolved, That the Chief Clerk of the Assembly be instructed to transmit a copy of this resolution to the Director of Industrial Relations.

CHAPTER 170

Assembly Concurrent Resolution No. 87—Relative to radioactive waste disposal.

[Filed with Secretary of State June 27, 1963.]

WHEREAS, The disposal of radioactive wastes by burial in the earth can create an extreme hazard to the public health and safety; and

WHEREAS, It is, therefore, imperative that the issuance of permits which authorize the burial of radioactive wastes should be restricted to the permits which are absolutely essential to meet the needs of industry until the Legislature can determine what safeguards are required to adequately protect the public health and safety; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Department of Public Health is requested to restrict the issuance of permits which authorize the burial of radioactive waste to the permits which the department determines are absolutely essential to meet the needs of industry until the 91st day after the final adjournment of the 1965 Regular Session of the Legislature in order to afford the Legislature time to determine the safeguards which are required with respect to the burial of radioactive wastes to adequately protect the public health and safety; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the State Director of Public Health.

CHAPTER 171

Assembly Concurrent Resolution No. 93—Relative to negotiation of contracts for the sale of project water from the State Water Project.

[Filed with Secretary of State June 27, 1963.]

WHEREAS, The Department of Water Resources in the negotiations for sale of project water, in the San Joaquin Valley, has found that it is desirable to amend provisions of the prototype contract with respect to the sale of surplus water and the application of proceeds of the surcharge; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Water Resources is hereby requested to undertake any necessary negotiations, by way of amendment to existing contracts for water supplies, or otherwise obtain the consent of the contracting parties, to provide for the delivery of surplus water for agricultural use or ground water replenishment on a basis which will provide that the Department of Water Resources is not required to sell such surplus water for such purposes so as to return to the State the largest net revenues practicable, and further that the Department of Water Resources is not limited to sale of such surplus water for such purposes on the basis of contracts which expire within one year without right of renewal; and be it further

Resolved, That the Department of Water Resources is requested to undertake any necessary negotiations, by way of amendment to existing contracts for water supplies, or otherwise obtain the consent of the contracting parties, to provide that the surcharge required to be imposed under the existing contracts may be applied so as to reduce the price of water for agricultural use on other than excess land within the boundaries of the particular contractor by a uniform rate per acre-foot not to exceed two dollars ($2) per acre-foot; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Director of Water Resources.

CHAPTER 172

Assembly Concurrent Resolution No. 94—Relative to the Malakoff-North Bloomfield Project.

[Filed with Secretary of State June 27, 1963.]

WHEREAS, The Department of Parks and Recreation, through the Division of Beaches and Parks, has been studying and has approved preliminary plans for a state park in Nevada County known as the Malakoff-North Bloomfield Project; and

WHEREAS, This project is endorsed and approved by the Nevada County Board of Supervisors and has widespread local backing; and

WHEREAS, The project has unlimited potential for public use in extremely scenic surroundings of high historic value; and

WHEREAS, This hydraulic pit is one of the largest and most colorful exhibits and examples of this phase of mining activity which is not now represented in the state park system; and

WHEREAS, The townsite of North Bloomfield, originally known as Humbug, has extreme charm, few developments, and offers outstanding possibilities for development of public service facilities through concession agreement and the use of private capital; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California hereby establishes the Malakoff-North Bloomfield Project as an official state park project and directs the Department of Parks and Recreation and the Division of Beaches and Parks to complete studies of the area, including the determination of property values and other cost estimates; and be it further

Resolved, That appropriate arrangements be made for the present few permanent residents of North Bloomfield to be permitted to remain undisturbed in their residences through lease agreement or life estate; and be it further

Resolved, That the Department of Parks and Recreation and the Division of Beaches and Parks make every effort to acquire the property within the project through use of any funds which may be made available; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitable prepared copies of this resolution to the State Park Commission, the Department of Parks and Recreation, and the Nevada County Board of Supervisors.

CHAPTER 173

Assembly Joint Resolution No. 9—Relative to the exercise of federal power to control illicit drug traffic.

[Filed with Secretary of State June 27, 1963.]

WHEREAS, The Legislature of the State of California, recognizing the seriousness of the problem of illicit narcotics, has, over the years, enacted drastic laws attacking this problem on both the criminal front and the medical front; and

WHEREAS, The power of the State to deal with the problem is limited because nearly all narcotics in the illicit traffic in this country have their origin outside the United States, and it is beyond the power of the State to cause their elimination at their source or to stop the export of such narcotics; and

WHEREAS, In recent years, there has been a growing illicit traffic in nonnarcotic dangerous drugs, such as barbiturates and amphetamines, which generally have their origin in the United States; and

WHEREAS, Such drugs have been shipped in interstate commerce to persons in the United States who are illicit users, rather than legitimate wholesalers or pharmacists or others who may lawfully possess such drugs, and have often been shipped in huge quantities, in foreign commerce, to purchasers outside the United States who resell them to residents of the United States for illicit use in this country, and thus coping with this traffic is, to a considerable extent, beyond the power of this State; now, therefore be it

Resolved by the Assembly and Senate of the State of California, jointly, That the President of the United States and the Congress of the United States are respectfully urged to exercise their respective powers to conduct foreign relations and to regulate foreign and interstate commerce for the purposes of (1) inducing the governments of those countries that are the original or intermediate sources of narcotics and of barbiturates, amphetamines, and similar dangerous drugs that enter the illicit traffic in this country to adopt rigid controls on the production, sale, and export of narcotics and such dangerous drugs, and (2) enactment of legislation which will require persons in the United States who ship dangerous drugs in interstate or foreign commerce (and, to the extent necessary to control such commerce, persons disposing of such drugs in intrastate commerce) to ascertain that the purchaser may lawfully possess such drugs and that the drugs are desired for legitimate purposes and to desist from shipping the drugs if such is not the case, and to keep complete records of manufacture, inventory records, and records of each transaction, which records shall be open to inspection by federal officers; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and each Senator and Representative from California in the Congress of the United States.

CHAPTER 174

Assembly Joint Resolution No. 42—Relative to agricultural workers.

[Filed with Secretary of State June 27, 1963]

WHEREAS, The California Legislature deems that the agricultural industry is the most important single industry in the State; and

WHEREAS, Agriculture directly contributes three billion, two hundred million dollars annually to the State's economy; and

WHEREAS, Agriculture and its allied industries contribute a combined total of approximately fourteen billion dollars to the State's economy; and

WHEREAS, Agriculture in all states should be on a fair and equal competitive basis particularly with respect to wages; and

WHEREAS, The Secretary of Labor under his authority to regulate the use of Braceros under Public Law 78 has, in effect, established minimum wages in agriculture in certain areas in California, and the Secretary of Agriculture under the authority of federal acts, such as the Sugar Act, has established wage levels in certain areas which may have the effect of discriminating against California agriculture in its ability to compete both in national and international markets; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the California State Legislature respectfully memorializes the Congress of the United States to prevent such discrimination against California agriculture, in order that California may remain in a fair competitive position; and be it further

Resolved, That the Legislature of the State of California advocates and supports a federal minimum wage for agricultural workers which would be equitable on a national scale; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to the President of the United States, to the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 175

Assembly Joint Resolution No. 43—Relative to pollution of the sea by oil.

[Filed with Secretary of State June 27, 1963]

WHEREAS, Oil dumped on the seas and oceans of the world causes considerable damage to the aquatic life and kills many sea birds which, upon becoming coated with oil, die a most horrible death since they lose their buoyancy and cannot fly and thus either starve to death or are drowned; and

WHEREAS, Oil dumped in the sea off our coastal beaches often renders our beaches useless for swimming and other recreational purposes; and

WHEREAS, Forty nations of the world, at the International Conference on the Prevention of Pollution of the Sea,

which was convened by the Intergovernmental Maritime Consultive Organization, those nations representing over two-thirds of the world's shipping tonnage and well over half the oil tanker tonnage, in an effort to combat the ever-threatening evil of oil pollution of the sea, adopted the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954; and

WHEREAS, The United States, by enactment of the Oil Pollution Act of 1961 (P.L. 87-167; 75 Stat. 402), implemented the provisions of the International Conference for the Prevention of Pollution of the Sea by Oil, 1954; and

WHEREAS, The Oil Pollution Act of 1961 does not, however, apply to all ships nor to all discharges of oil into the sea; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the United States State Department and the Congress of the United States are hereby respectfully memorialized to take all steps necessary to further implement existing laws, treaties, and conventions in order to adequately protect our seas from pollution by oil; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the United States State Department, to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 176

Assembly Joint Resolution No. 23—Relative to the use of federal tax revenues on alcohol for State's alcoholic rehabilitation programs.

[Filed with Secretary of State July 1, 1963]

WHEREAS, The disease of alcoholism has caused great human misery and economic waste in the State of California; and

WHEREAS, The disease of alcoholism ranks fourth among health problems in the United States, behind mental illness, heart disease, and cancer; and

WHEREAS, The disease of alcoholism is a major source of law enforcement problems at the state and local levels; and

WHEREAS, The State of California is attempting to combat the disease of alcoholism by rehabilitation and education programs; and

WHEREAS, The state rehabilitation and education programs suffer from grossly inadequate monetary funds; and

WHEREAS, The federal government receives approximately 90 percent of all tax revenues from alcohol consumed in the State of California; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States be respectfully requested to enact legislation providing for the appropriation of 5 percent of the alcohol tax revenue to the states for the encouragement of the solution to problems created at the state and local levels by the disease of alcoholism, provided that the states which are recipients of this appropriation be limited to those which adopt a program of research, education, treatment and rehabilitation of the alcoholic; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 177

Assembly Concurrent Resolution No. 59—Relating to vending stand operation by blind persons.

[Filed with Secretary of State July 1, 1963]

WHEREAS, The State of California assists in the rehabilitation and return to gainful employment of blind and disabled citizens; and

WHEREAS, Through the business enterprise program for the blind, the Vocational Rehabilitation Service trains and establishes blind and disabled persons in the operation of cafeterias, vending stands and snack bars; and

WHEREAS, Such rehabilitation of the blind and disabled restores hope and dignity to the lives of these stricken citizens and removes a substantial burden from the state welfare program; and

WHEREAS, The State of California currently permits the operation in state buildings of approximately 222 vending stands, snack bars and cafeterias by disabled and blind persons; and

WHEREAS, A savings of approximately one-half million dollars per year in welfare aid is made through the continued gainful employment of these blind and disabled persons in state-operated buildings; and

WHEREAS, The continued employment of the blind and disabled by the State of California is an example to be followed by other public and private employers in the State; and

WHEREAS, State employees and visitors who patronize the snack bars, vending stands and cafeterias are well satisfied with the quality service and economical products offered by the blind and disabled operators; and

WHEREAS, It is desirable that all state agencies plan to make maximum use of trained personnel in the new state buildings to be established in the future; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That in the provision of snack bars, vending stands and cafeterias in state buildings, the several state agencies shall whenever possible permit the operation of such facilities by blind and disabled persons; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Director of Finance and to the Bureau of Vocational Rehabilitation in the State Department of Education.

CHAPTER 178

Assembly Concurrent Resolution No. 66—Relative to making additional funds available to the Joint Committee on Legislative Organization.

[Filed with Secretary of State July 1, 1963]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That in addition to any money heretofore made available to it, the sum of fifty thousand dollars ($50.000) is hereby appropriated from the Contingent Funds of the Senate and Assembly for the payment of any and all expenses of the Joint Committee on Legislative Organization (created by Section 9107 of the Government Code) and its members and for any charges, expenses or claims it may incur, to be paid equally from said contingent funds and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 179

Assembly Concurrent Resolution No. 68—Relative to the deaf and hard of hearing.

[Filed with Secretary of State July 1, 1963.]

WHEREAS, Existing programs for the deaf and hard of hearing are financed out of state and local funds, and are completely inadequate to meet the needs of the deaf and hard of hearing; and

WHEREAS, The existing programs have met with only limited success, due to the failure of persons to use them either because of apprehension or lack of understanding; and

WHEREAS, If provision were made for services for the deaf and hard of hearing under the present medical assistance program for public assistance recipients, the State would qualify for federal funds, and it would be possible to provide more adequate services; and

WHEREAS, The inclusion of a program for the deaf and hard of hearing within the medical assistance program for public assistance recipients would lead to the establishment of adequate procedures to guarantee against the problems which now exist by giving recognition to the need for the appropriate utilization of professional audiologists, otologists, hearing aid dealers, hearing centers, and sociopsychological assistance; and

WHEREAS, Inclusion of such a program within the medical care program would also permit a wider choice of vendors to recipients, since payment under the program is assured vendors and may be made without any undue delay; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Department of Social Welfare is hereby requested to establish a hearing aid program in connection with the medical care program for public assistance recipients, to begin at the earliest possible date, and to cover diagnosis, prescriptions, acquisition, fitting, instruction, and repair; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to send copies of this resolution to the Director of Social Welfare and to the Chairman of the State Social Welfare Board

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CHAPTER 180

Assembly Concurrent Resolution No. 70—Relative to the deaf and hard of hearing.

[Filed with Secretary of State July 1, 1963]

WHEREAS, There are persons presently receiving public assistance, who are deaf or hard of hearing, and who would benefit by surgery designed to eliminate or alleviate their handicap; and

WHEREAS, While there exists a medical care program for public assistance recipients, no provision is made under that program for surgery of such nature; and

WHEREAS, The present law vests complete discretion in the State Social Welfare Board to determine the types of medical care which will be provided under the existing medical care program; and

WHEREAS, If provision were made for surgery for the deaf and hard of hearing, who would benefit by such surgery, it is possible that many persons would be benefited, and would be able to leave the public assistance rolls; and

WHEREAS, In addition, an adequate study has never been conducted with respect to the problems of the deaf and hard of hearing, so that it is not possible at the present time to evaluate those problems and to take effective steps to alleviate them; and

WHEREAS, The State Social Welfare Board is eminently qualified to conduct such a study, due to its experience in the establishment of medical care programs for the aged and for public assistance recipients; and

WHEREAS, If the board conducts the study and submits its findings to the Legislature, the Legislature will then be in a position to enact legislation to assist the deaf and hard of hearing to overcome their handicap; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California hereby requests the State Department of Social Welfare to include in its schedule of allowances under the medical care program for public assistance recipients, at the earliest possible date, surgery for deaf or hard of hearing recipients who can be helped by such surgery; and be it further

Resolved, That the Legislature requests the State Social Welfare Board to conduct a study at the earliest possible time into all problems confronting the deaf and hard of hearing, including a review of all programs now providing assistance to the deaf and hard of hearing, and to report its findings to the Legislature at the 1965 Regular Session; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the Director of Social Welfare and to the Chairman of the State Social Welfare Board.

CHAPTER 181

Assembly Concurrent Resolution No. 77—Relative to a study of revision of the State Constitution by the Joint Committee on Legislative Organization.

[Filed with Secretary of State July 1, 1963]

WHEREAS, The Constitution of the State of California through the process of constant amendment has grown to be bad in form, inconsistent in many respects, filled with unnecessary detail, and replete with matter which might more properly be contained in the statutory law of the State; and

WHEREAS, The State Constitution, adopted in 1879, has grown from a document of some 16,000 words to an instrument exceeding 70,000 words in length, as contrasted with the Federal Constitution of about 7,500 words; and

WHEREAS, A constitution should contain only the basic and fundamental law of a state, rather than being filled with detailed and statutory material; and

WHEREAS, The people of the State of California did approve at the 1962 general election Proposition 7, which amended Article XVIII, Section 1 of the State Constitution to permit the Legislature to propose revisions of the Constitution, in addition to its power to propose amendments thereto; and

WHEREAS, These facts point to a very real need for revision of the State Constitution, to make it a truly organic and basic guarantee of rights, and indicate the manner in which such revision may be obtained; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

1. The Joint Committee on Legislative Organization, in addition to its other powers, is hereby authorized and directed to study and examine all facts relevant to the subject of this resolution, and to submit to the Legislature recommendations for the revision of Article IV and such other articles of the State Constitution as it may deem proper to revise at the 1965 Regular Session, or at any extraordinary session which may convene in the interim with respect to this subject.

2. In addition to the regular membership of the Joint Committee on Legislative Organization the Senate Rules Committee may appoint three other members of the Senate and the Speaker of the Assembly may appoint three other members of the Assembly to meet with, and participate in the work of, the joint committee with respect to constitutional revision.

3. The committee shall submit its report on the subject of this resolution not later than the last legislative day of the 1965 Regular Session.

4. In addition to its other powers, the committee shall have power to appoint the members of a Constitutional Revision Commission if one is created by statute and to co-operate with such commission.

5. The sum of forty-five thousand dollars ($45,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 182

Assembly Concurrent Resolution No. 99—Relative to fishing in the Smith River.

[Filed with Secretary of State July 1, 1963.]

WHEREAS, On May 18, 1963, the Del Norte Rod and Gun Club of Crescent City made an initial plant of several thousand catchable steelhead trout in the Smith River, east of Crescent City; and

WHEREAS, The club raised the money for the project by sponsoring trapshoots at its local club grounds; and

WHEREAS, The purpose of the plant was to provide summer trout fishing for visiting tourists and local anglers; and

WHEREAS, The Smith River system is one of the very few clear-water streams in the State, with year-around ample flow, good cover, and complete accessibility to fishermen, and yet little or no fish planting has been done by the Department of Fish and Game, now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature commends the Del Norte Rod and Gun Club of Crescent City for its action in planting the steelhead in the Smith River; and be it further

Resolved, That the Department of Fish and Game is requested to assume the responsibility for the future planting of trout in the Smith River; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to send a suitably prepared copy of this resolution to the Del Norte Rod and Gun Club of Crescent City and a copy to the Department of Fish and Game.

CHAPTER 183

Assembly Constitutional Amendment No 27—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending subdivision (f) of Section 14⅘ of Article XIII, relating to retaliatory taxation of insurers.

[Filed with Secretary of State July 2, 1963.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1963 Regular Session commencing on the seventh day of January, 1963, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending subdivision (f) of Section 14⅘ of Article XIII thereof, to read:

(f) The tax imposed on insurers by this section is in lieu of all other taxes and licenses, state, county, and municipal, upon such insurers and their property, except:

(1) Taxes upon their real estate.

(2) That an insurer transacting title insurance in this State which has a trust department or does a trust business under the banking laws of this State is subject to taxation with respect to such trust department or trust business to the same extent and in the same manner as trust companies and the trust departments of banks doing business in this State.

(3) When by or pursuant to the laws of any other state or foreign country any taxes, licenses and other fees, in the aggregate, and any fines, penalties, deposit requirements or other material obligations, prohibitions or restrictions are or would be imposed upon California insurers, or upon the agents or representatives of such insurers, which are in excess of such

taxes, licenses and other fees, in the aggregate, or which are in excess of the fines, penalties, deposit requirements or other obligations, prohibitions, or restrictions directly imposed upon similar insurers, or upon the agents or representatives of such insurers, of such other state or country under the statutes of this State; so long as such laws of such other state or country continue in force or are so applied, the same taxes, licenses and other fees, in the aggregate, or fines, penalties or deposit requirements or other material obligations, prohibitions, or restrictions, of whatever kind shall be imposed upon the insurers, or upon the agents or representatives of such insurers, of such other state or country doing business or seeking to do business in California. Any tax, license or other fee or other obligation imposed by any city, county, or other political subdivision or agency of such other state or country on California insurers or their agents or representatives shall be deemed to be imposed by such state or country within the meaning of this paragraph (3) of subdivision (f).

The provisions of this paragraph (3) of subdivision (f) shall not apply as to personal income taxes, nor as to ad valorem taxes on real or personal property nor as to special purpose obligations or assessments heretofore imposed by another state or foreign country in connection with particular kinds of insurance, other than property insurance; except that deductions, from premium taxes or other taxes otherwise payable, allowed on account of real estate or personal property taxes paid shall be taken into consideration in determining the propriety and extent of retaliatory action under this paragraph (3) of subdivision (f).

For the purposes of this paragraph (3) of subdivision (f) the domicile of an alien insurer, other than insurers formed under the laws of Canada, shall be that state in which is located its principal place of business in the United States.

In the case of an insurer formed under the laws of Canada or a province thereof, its domicile shall be deemed to be that province in which its head office is situated.

The provisions of this paragraph (3) of subdivision (f) shall also be applicable to reciprocals or interinsurance exchanges and fraternal benefit societies.

(4) The tax on ocean marine insurance.

(5) Motor vehicle and other vehicle registration license fees and any other tax or license fee imposed by the State upon vehicles, motor vehicles or the operation thereof.

CHAPTER 184

Assembly Joint Resolution No. 38—Relative to representation of defendants financially unable to obtain an adequate defense.

[Filed with Secretary of State July 2, 1963.]

WHEREAS, It has long been evident, as noted by such responsible organizations as the American Bar Association, that inadequate provision has been made for making the means to obtain an adequate defense available to a defendant in a federal criminal case financially unable to obtain such a defense himself; and

WHEREAS, It has been recognized by the courts that a layman almost never can defend himself adequately in a court and it has been further recognized that representation by counsel is only a part of an adequate defense—that such services as investigation are also often necessary to an adequate defense; and

WHEREAS, There is now pending, before the Congress of the United States, legislation known as the Criminal Justice Act of 1963 (S. 1057 and H.R. 4816) which would establish an effective system of providing an adequate defense to persons financially unable to obtain such a defense themselves; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact substantially the Criminal Justice Act of 1963; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each senator and representative from California in the Congress of the United States.

CHAPTER 185

Senate Constitutional Amendment No 15—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending the first sentence of Section 1¼ of Article XIII thereof, relating to the veterans' tax exemption.

[Filed with Secretary of State July 3, 1963.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1963 Regular Session, commencing on the seventh day of January, 1963, two-thirds of all members elected to each of the two houses of the Legislature voting in favor thereof, hereby proposes to the

people of the State of California that the first sentence of Section 1¾ of Article XIII of the Constitution of the State be amended to read:

The (a) property to the amount of one thousand dollars ($1,000) of every resident of this State who has served in the Army, Navy, Marine Corps, Coast Guard or Revenue Marine (Revenue Cutter) Service of the United States (1) in time of war, or (2) in time of peace, in a campaign or expedition for service in which a medal has been issued by the Congress of the United States, and in either case has received an honorable discharge therefrom, or who after such service of the United States under such conditions has continued in such service, or who in time of war is in such service, or (3) who has been released from active duty because of disability resulting from such service in time of peace or under other honorable conditions, or lacking such amount of property in his own name, so much of the property of the wife of any such person as shall be necessary to equal said amount shall be exempt from taxation; provided, this exemption shall not apply to any person described in this subparagraph (a) owning property of the value of five thousand dollars ($5,000) or more, or where the wife of such person owns property of the value of five thousand dollars ($5,000) or more; and (b) property to the amount of one thousand dollars ($1,000) of the widow resident in this State, or if there be no such widow, of the widowed mother resident in this State, of every person who has so served and has died either during his term of service or after receiving an honorable discharge from said service, or who has been released from active duty because of disability resulting from such service in time of peace or under other honorable conditions shall be exempt from taxation; provided this exemption shall not apply to any widow described in this subparagraph (b) owning property of the value of ten thousand dollars ($10,000) or more, nor to any widowed mother described in this subparagraph (b) owning property of the value of five thousand dollars ($5 000) or more; and (c) property to the amount of one thousand dollars ($1,000) of pensioned widows, fathers, and mothers resident in this State, of soldiers, sailors and marines who served in the Army, Navy, Marine Corps, Coast Guard or Revenue Marine (Revenue Cutter) Service of the United States shall be exempt from taxation; provided, this exemption shall not apply to any person described in this subparagraph (c) owning property of the value of five thousand dollars ($5,000) or more.

CHAPTER 186

Senate Constitutional Amendment No. 21—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 6 of Article VI thereof, relating to the election of judges.

[Filed with Secretary of State July 3, 1963.]

Resolved by the Senate, the Assembly concurring, That the Legislature at its 1963 Regular Session commencing on the seventh day of January, 1963, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 6 of Article VI, thereof, to read:

SEC. 6. There shall be in each of the organized counties, or cities and counties, of the State, a superior court, for each of which at least one judge shall be elected by the qualified electors of the county, or city and county, at the general state election, except that in any county or city and county containing a population of more than 700,000, as determined by the last preceding federally published decennial census, in which only the incumbent has filed nomination papers for the office of superior court judge, his name shall not appear on the ballot unless there is filed with the county clerk or registrar of voters, within 20 days after the final date for filing nomination papers for the office, a petition indicating that a write-in campaign will be conducted for the office and signed by 100 registered voters qualified to vote with respect to the office.

If a petition indicating that a write-in campaign will be conducted for the office at the general election, signed by 100 registered voters qualified to vote with respect to the office, is filed with the county clerk or registrar of voters not less than 45 days before the general election, the name of the incumbent shall be placed on the general election ballot if it has not appeared on the direct primary election ballot.

There may be as many sessions of a superior court, at the same time, as there are judges elected, appointed or assigned thereto. The judgments, orders, and proceedings of any session of a superior court, held by any one or more of the judges sitting therein, shall be equally effectual as though all the judges of said court presided at such session.

If, in conformity with this section, the name of the incumbent does not appear either on the primary ballot or general election ballot, the county clerk or registrar of voters, on the day of the general election, shall declare the incumbent re-elected.

CHAPTER 187

Senate Concurrent Resolution No. 46—Relating to the level of state support for the public junior colleges.

[Filed with Secretary of State July 3, 1963.]

WHEREAS, The Donahoe Higher Education Act of 1960 provides, in accordance with the Master Plan for Higher Education, that the public junior colleges are an integral part of public higher education in California; and

WHEREAS, The program of instruction offered by the public junior colleges is closely related to the lower division instruction offered by the University of California and the California State Colleges, and

WHEREAS, The Legislature has been called upon to increase state subventions to the junior colleges in recognition of their higher education role and to relieve the increasing burden on local property taxes; and

WHEREAS, The State exercises direct budgetary control over the expenditure of state funds for support of the university and the state colleges but apportions aid to the junior colleges according to a single foundation amount which is intended to express the sum of necessary current expenses for each unit of attendance; and

WHEREAS, One of the functions of the Coordinating Council for Higher Education is to review and comment upon the annual level of support sought for public higher education and to furnish information on the costs of higher education to the Legislature as requested; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That state support for the California public junior colleges as expressed in the junior college foundation program shall be maintained at a level which represents a defined relationship to the comparable level of expenditure for the support of lower division instruction at the University of California or the California State Colleges, whichever amount is determined to be most appropriate for comparison; and be it further

Resolved, That the Coordinating Council for Higher Education shall advise the Legislature as to the comparable levels of expenditure for each of the three segments of public higher education and report annually as to the appropriate level of state support for the junior colleges consistent with this resolution.

CHAPTER 188

Senate Concurrent Resolution No. 55—Relative to Indian culture.

[Filed with Secretary of State July 3, 1963.]

WHEREAS, The Indians native to the area along the Klamath River (from its mouth to the present location of Katamin Rancheria) and the Trinity River (from the junction with the Klamath to the junction with the South Fork River) have had one of the most advanced cultures native to America; and

WHEREAS, The sustaining of such culture, including its various handicrafts and religious ceremonies, requires access to the land and appurtenances thereof in the area described above; and

WHEREAS, It would be an irremediable tragedy if such culture were allowed to perish; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That it is the sense of the Legislature, that all persons with power to manage, grant access to, or permit removal of any appurtenances from, land, public or private, within the area described above shall take cognizance of the need to preserve Indian culture within such area and shall exercise their power with reference to land within such area in such manner as to allow the Indian culture native to the area to flourish and survive in such area; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President of the United States, the Secretary of the Interior, the Secretary of Agriculture and the Governor of California

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CHAPTER 189

Senate Concurrent Resolution No. 57—Relative to encouraging a local study of transit needs in the San Diego metropolitan area.

[Filed with Secretary of State July 3, 1963.]

WHEREAS, It is recognized that transit is an essential service to the public of metropolitan San Diego and is important to the economic, commercial, social, recreational and religious activities of the area; and

WHEREAS, The San Diego metropolitan area is the last metropolitan area in California containing a privately owned transit system; and

WHEREAS, Private ownership will experience urgent difficulties in continuing to operate transit without serious deterioration of service and increasing rates; and

WHEREAS, It is essential to hasten planning for a mass rapid transit system which will be needed in the future; and

WHEREAS, There is an imperative need for an impartial study of the entire transit field in the San Diego metropolitan area; and

WHEREAS, The real parties in interest are the County of San Diego and the seven cities of the San Diego metropolitan area: San Diego, Coronado, Imperial Beach, Chula Vista, National City, La Mesa and El Cajon; and

WHEREAS, It is the belief of the California Legislature that such study should be conducted by the local parties in interest with such study locally directed and locally financed; and

WHEREAS, This study should be conducted locally with a view to possible state legislative action; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of this State is cognizant of the need for an effective transit service for the San Diego metropolitan area, and encourages the County of San Diego and the seven cities of the San Diego metropolitan area to conduct a thorough study of the area's transit service, making recommendations thereon to the Legislature; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the San Diego County Board of Supervisors, and to the city councils of the Cities of San Diego, Coronado, Imperial Beach, Chula Vista, National City, La Mesa and El Cajon.

CHAPTER 190

Senate Concurrent Resolution No. 66—Relative to traffic violations.

[Filed with Secretary of State July 3, 1963.]

WHEREAS, About 85 percent of the workload of California's municipal and justice courts consists of traffic matters which are of continuing concern to the judicial branch of the state government, as evidenced by the Judicial Council's Fourteenth (1953) and Nineteenth (1963) Biennial Reports; and

WHEREAS, The concern of the executive branch of state government in the field of traffic safety has been evidenced by continuous law enforcement efforts on the part of the Highway Transportation Agency and its constituent Departments of Motor Vehicles and Highway Patrol; and

WHEREAS, The Judicial Council has been deeply concerned with the problems created by the approximately 240,000 drivers who each year fail to appear in court or to deposit bail in response to their written promise to answer a traffic citation; and

WHEREAS, Representatives of the Judicial Council and the Highway Transportation Agency met together in April of 1963 to discuss their mutual interests in the problems of the courts and law enforcement agencies resulting from dishonored traffic citations, and agreed upon specific actions which would be taken immediately by both the courts and the law enforcement agencies with respect to a number of mutual problems, including the problem of dishonored traffic citations; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby expresses its approval of such joint consultations and urges that they be continued on a regular basis in order to mobilize the efforts of all segments of state government toward solving California's major problem of traffic safety; and be it further

Resolved, That the Judicial Council and the Highway Transportation Agency are requested to take every action possible within their existing authority and capacity to insure that traffic violators do not dishonor their commitments to appear in court or to deposit bail, and to report to the 1965 session of the Legislature with their recommendation for such legislative action as is needed to help meet this and allied problems in the field of traffic safety

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CHAPTER 191

Senate Concurrent Resolution No. 71—Relative to urging the Republican and Democratic National Committees to select San Francisco as the site of the 1964 national conventions.

[Filed with Secretary of State July 3, 1963.]

WHEREAS, Both the Republican National Committee and the Democratic National Committee are now considering San Francisco as the possible site on which to hold the 1964 national conventions; and

WHEREAS, The outstanding summer climate of San Francisco will offer the ultimate in comfort for the convention delegates and guests; and

WHEREAS, The City and County of San Francisco offers many advantages which would contribute to the success of the 1964 national conventions, including outstanding facilities for the conducting of large meetings, ample hotel accommodations, good transportation facilities, world-famous restaurants and places of entertainment, and scenic beauty unmatched anywhere in the world; and

WHEREAS, San Francisco has many times in the past demonstrated its ability to successfully handle conventions, including national conventions of political parties; and

WHEREAS, California, with the nation's largest population, occupies a position of utmost importance in the plans for the 1964 presidential election; and

WHEREAS, The people of the City and County of San Francisco and of the State of California would be most honored to have the privilege of hosting the 1964 national conventions; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Republican National Committee and the Democratic National Committee are urged to select San Francisco as the site of the 1964 national conventions; and be it further

Resolved, That the Secretary of the Senate be directed to transmit suitably prepared copies of this resolution to the Honorable William E. Miller, Chairman of the Republican National Committee, and to the Honorable John M. Bailey, Chairman of the Democratic National Committee.

CHAPTER 192

Senate Concurrent Resolution No. 72—Approving an amendment to the Charter of the City of Napa, a municipal corporation in the County of Napa, State of California, ratified by the qualified electors of the city at a special election held therein on the seventh day of May, 1963.

[Filed with Secretary of State July 3, 1963.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of an amendment to the Charter of the City of Napa, a municipal corporation in the County of Napa, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

State of California }
County of Napa } ss.
City of Napa }

CERTIFICATE OF RATIFICATION OF ONE AMENDMENT TO THE CHARTER OF THE CITY OF NAPA

We, the undersigned Lathrop C. Brown, mayor of the City of Napa, and Allen R. Thorpe, City Clerk of said City, do hereby certify as follows:

That the City of Napa, a municipal corporation in the County of Napa, State of California, now is and at all times herein mentioned was a city containing a population of more than 3,500 and less than 50,000 inhabitants and is now, and has been ever since January 26, 1915, organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which said Charter was duly ratified by the qualified electors of said City of Napa at an election held for that purpose on the 16th day of December, 1914 and ap-

proved by the Legislature of the State of California on the 26th day of January, 1915.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California the City Council of the City of Napa on its own motion duly made and entered on the minutes of said City Council, on November 5, 1962, duly and regularly prepared and proposed to submit to the qualified voters of said City of Napa a proposed amendment to the Charter of said City of Napa, said charter amendment being designated as Proposal No. 1, filed in the office of the Clerk of said City of Napa on said November 5, 1962, and further ordered that said charter amendment should be submitted to and voted upon by the qualified voters of said City at a special election called and held for that purpose in said City on the 7th day of May 1963, and consolidated said special election with the General Municipal Election to be held in said City on said 7th day of May 1963.

That said proposed charter amendment was published and advertised in accordance with the previsions of Section 8 of Article XI of the Constitution of the State of California on the 12th and 19th of March, 1963 in "The Napa Register" a daily newspaper of general circulation printed and published in said City of Napa (it being the official newspaper of said City), and in all the editions thereof issued during said day of publication.

The said municipal election was held in said City of Napa on May 7th, 1963 and that at said election a majority of the qualified voters voting thereon voted in favor of said proposed charter amendment designated as said Proposal No. 1 and that said City Council, as provided by law, duly and regularly canvassed the returns of said election and did duly find, determine and declare the result of said special election to be that a majority of the qualified voters of said City voting on said proposed charter amendment had voted for and ratified said amendment, and that the City Clerk did enter on the record and in the minutes of said City Council a statement of the result of said election.

That said amendment to the Charter of the City of Napa, so ratified by the electors of said City of Napa, is in words and figures as follows, to-wit:

CHARTER AMENDMENT NO. 1

That Section 8 of the City Charter of the City of Napa be amended to read as follows:

SECTION 8: The terms of all elective officers shall be for four years, commencing on the first day of June of the year immediately following the adoption of this Charter Amendment, at twelve o'clock noon, and subsequently on the first day of June, at twelve o'clock noon, succeeding their election and until their successors have qualified.

The elective officers of the City of Napa who shall have been elected in the year prior to the adoption of this Charter Amendment, shall continue to hold and exercise their respective offices until the first day of June of the year immediately following the adoption of Charter Amendment and the elective officers of the City of Napa who shall be elected at the election held in May 1963, shall serve until the first day of June, 1966 and until their successors have qualified.

That we have compared the foregoing amendment with the original proposal submitted to the electors of said City of Napa and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preambles of this Certificate preceding said amendment to said Charter are true.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Napa to be affixed hereto this 27th day of May, 1963.

LATHROP C. BROWN
(SEAL) Mayor of the City of Napa,
State of California
ALLEN R. THORPE
City Clerk of the City of Napa,
State of California

WHEREAS, The proposed charter amendment as ratified as hereinabove set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendment to the Charter of the City of Napa, as proposed to and adopted and ratified by the electors of the city, as hereinabefore fully set forth, be and the same is hereby approved as a whole, without alteration or amendment, for and as an amendment to and as part of the Charter of the City of Napa.

CHAPTER 193

Senate Concurrent Resolution No. 74—Relative to the Capitol press corps.

[Filed with Secretary of State July 3, 1963.]

WHEREAS, The Members of the California Legislature and members of the Capitol press corps, over a period of 14 years, have found a common meeting ground on the greens where neither a tabling motion by the lawmakers nor the force of the public prints by the correspondents can prevail; and

WHEREAS, The biennial press-legislative golf tournament has always been a source of fun, frolic and fellowship for all the participants, and

WHEREAS, The enjoyment of all players, be they statesmen duffers or deadline putters, was outstanding at the 1963 tournament held at the beautiful Valley Hi Country Club; and

WHEREAS, The success of said tournament was the direct result of the efforts of Don Thomas, chairman of the press corps committee, and his coworkers, both within and without the fourth estate; and

WHEREAS, The enjoyment and hospitality that contributed to the fun, frolic and fellowship was greatly enhanced by the efforts, above and beyond the call of duty, of Ed Loustalot and Richard Smith, club golf professional and manager, respectively; and

WHEREAS, The traditions of this tournament have been further enriched for the years that lie ahead by the donation of the Squire Behrens trophy to be awarded to the winning team of the tournament; and

WHEREAS, The gleaming beauty of this trophy, which is exceeded only by the high esteem that is accorded its donor, Earl G. (Squire) Behrens, dean of the Capitol press corps, serves as a symbol of the camaraderie that overrides the occasional differences between Members of the Legislature and the gentlemen of the press; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Senate and Assembly of the California Legislature express their thanks and gratitude to the aforementioned persons; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a suitably prepared copy of this resolution to Messrs. Thomas, Behrens, Loustalot and Smith.

CHAPTER 194

Senate Joint Resolution No. 26—Relative to Trans World Airlines.

[Filed with Secretary of State July 3, 1963]

WHEREAS, Trans World Airlines on March 6, 1962, filed with the Civil Aeronautics Board both an application for permanent deletion of service and an application for temporary suspension of service to the City of Fresno; and

WHEREAS, Trans World Airlines has been certificated to serve the City of Fresno on a grandfather-right basis for approximately twenty-five years and has served the City of Fresno continuously on a scheduled basis during the said time; and

WHEREAS, Trans World Airlines' application for permanent deletion of service requests the Civil Aeronautics Board to

schedule an expeditious hearing on the said application and no action of any kind has been taken by the board with respect thereto although over one year has elapsed since the filing of the said application; and

WHEREAS, The Civil Aeronautics Board, on a delegated staff basis, without any hearing being afforded the City of Fresno, has granted Trans World Airlines' application for temporary suspension but the said order granting the said application has been stayed by the board pending the disposition by the board of the request of the City of Fresno for improved service from Trans World Airlines in the Southern Rocky Mountain Area Local Service Case; and

WHEREAS, The elimination, even on a temporary basis, of Trans World Airlines' scheduled service to the City of Fresno without affording to the City of Fresno the full hearing procedure available under the Federal Aviation Act of 1958 will unduly prejudice the scheduled air transportation needs of over ten thousand yearly Fresno air passengers; and

WHEREAS, It is the finding of the Legislature of the State of California that the scheduled air service referred to is essential to the public convenience and necessity of the people of California; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California hereby respectfully memorializes the Civil Aeronautics Board to immediately schedule Trans World Airlines' application for permanent deletion of Docket No. 13429, for prehearing conference and that any further action by the board on Trans World Airlines' application for temporary suspension of Docket No. 13430, be further stayed until the board has ultimately disposed of Docket No. 13429; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to each member of the Civil Aeronautics Board.

CHAPTER 195

Senate Joint Resolution No. 31—Relative to federal subsidy for capital outlay projects at state veterans' homes and hospitals.

[Filed with Secretary of State July 3, 1963.]

WHEREAS, Existing facilities for long-term or nursing home care in our country, and especially in California, are wholly inadequate for the ever-increasing numbers of needy, disabled and aged veterans suffering from serious chronic disabilities requiring long-term hospital or nursing home care; and

WHEREAS, New construction, modernization, remodeling, additions and improvements at state veterans' homes are required to replace old and obsolete structures and to provide new facilities; and

WHEREAS, The Chairman of the House Veterans Affairs Committee has recognized the plight of needy, disabled and aged veterans, and has appointed a subcommittee to consider the problems of the "older veteran", and to submit recommendations to relieve their hardships and suffering; and

WHEREAS, Legislation will be introduced in the present session of Congress to assist states, through federal aid subsidies, to finance, in part, capital outlay expense; and

WHEREAS, Minimum needs of states operating state veterans' homes, providing long-term hospital or nursing home care, cannot be met without financial assistance from the federal government; and

WHEREAS, The State of California, due to the tremendous number of war veterans residing in the State, is unable to assume the entire cost of providing facilities for such care; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact legislation, and to appropriate money, to provide states with federal aid subsidies to finance, in part, the construction, remodeling, modernization, additions and improvements of state operated veterans homes; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Chairman and Members of the House Committee on Veterans Affairs, to the Administrator of Veterans Affairs, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 196

Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending the second sentence of Section 1¼ of Article XIII thereof, relating to the veterans' tax exemption.

[Filed with Secretary of State July 5, 1963]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1963 Regular Session, commencing on the seventh day of January, 1963, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the second sentence of Section 1¼ of Article XIII of the Constitution of the State be amended to read:

No exemption shall be made under the provisions of this section of the property of a person who is not legal resident of

the State. No person described in this section who has served in the Army, Navy, Marine Corps, Coast Guard or Revenue Marine (Revenue Cutter) Service of the United States, nor a widow, father, or mother of such person, shall be eligible for an exemption as a result of such service, unless such person was a resident of California either or both (1) at the time of his entry into such service or (2) at the effective date of the amendment of this sentence as proposed at the 1963 Regular Session of the Legislature, except that a widow, father or mother who was eligible for the exemption at the effective date of said amendment of this sentence shall not lose his or her eligibility for the exemption as a result of that amendment. All real property owned by the Ladies of the Grand Army of the Republic and all property owned by the California Soldiers Widows Home Association shall be exempt from taxation

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CHAPTER 197

Senate Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 6 of Article XI, relating to municipal corporations.

[Filed with Secretary of State July 5, 1963]

Resolved by the Senate, The Assembly concurring, That the Legislature of the State of California at its 1963 Regular Session commencing on the seventh day of January, 1963, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 6 of Article XI to read as follows:

SEC. 6. Corporations for municipal purposes shall not be created by special laws; but the Legislature shall, by general laws, provide for the incorporation, organization, and classification, in proportion to population, of cities and towns, which laws may be altered, amended, or repealed; and the Legislature may, by general laws, provide for the performance by county officers of certain of the municipal functions of cities and towns so incorporated. Cities and towns heretofore organized or incorporated may become organized under the general laws passed for that purpose, whenever a majority of the electors voting at a general election shall so determine, and shall organize in conformity therewith. Cities and towns hereafter organized under charters framed and adopted by authority of this Constitution are hereby empowered, and cities and towns heretofore organized by authority of this Constitution may amend their charters in the manner authorized by this Constitution so as to become likewise empowered hereunder, to make and enforce all laws and regulations in respect to municipal

affairs, subject only to the restrictions and limitations provided in their several charters, and in respect to other matters they shall be subject to and controlled by general laws. Cities and towns heretofore or hereafter organized by authority of this Constitution may, by charter provision or amendment, provide for the performance by county officers of certain of their municipal functions, whenever the discharge of such municipal functions by county officers is authorized by general laws or by the provisions of a county charter framed and adopted by authority of this Constitution.

Any agreement entered into before the effective date of this amendment between a city and a county pursuant to general laws enacted by the Legislature which agreement provides for the performance by county officers of certain municipal functions of such city is hereby validated.

CHAPTER 198

Senate Concurrent Resolution No. 28—Relating to education of health personnel.

[Filed with Secretary of State July 5, 1963.]

WHEREAS, The State of California must substantially increase its facilities for the education of dentists and allied health personnel to keep pace with its growing population, as documented in the report of the Governor's Committee on Medical Aid and Health; and

WHEREAS, Planned expansion should take private as well as public resources for training health-science personnel into account; and

WHEREAS, The State should gear its planning for health manpower needs with that of the federal government; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Co-ordinating Council for Higher Education is directed to develop in co-operation with the State Department of Public Health, the Board of Regents of the University of California, the Trustees of the State Colleges, representatives of the junior colleges of the State, representatives of private institutions, and representatives of the public, a plan for the expansion of the education of dentists and allied health personnel in California during the next 15 years, taking into account the needs for health manpower, the need for grants-in-aid to increase enrollment in junior colleges and private institutions, the need for scholarships and loans to selected financially needy students, and the possible assistance from the federal government; and be it further

Resolved, That the Co-ordinating Council for Higher Education is directed to submit a report on dentist education to the Legislature by the first Monday of February 1965; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to all of the agencies concerned.

CHAPTER 199

Senate Concurrent Resolution No. 58—Relative to regulation of highway carriers.

[Filed with Secretary of State July 5, 1963.]

WHEREAS, On numerous occasions during the past several years the Public Utilities Commission has criticized as inadequate and deficient the existing California statutes under which highway carriers of property are regulated, and has expressed its belief that effective regulation of such transportation in the State is not possible without amendatory legislation; and

WHEREAS, There are differences of opinion concerning the need for such amendatory legislation, and the nature of such legislation if any is needed, and there appears to be no immediate prospect of any such legislation; and

WHEREAS, It appears that the Public Utilities Commission may not have utilized all the powers vested in it under the provisions of the Public Utilities Code relating to the regulation of highway transportation; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature of the State of California advise and urge the Public Utilities Commission to review and consider all the powers available to it under the Public Utilities Code relating to the regulation of the transportation of property by highway carriers, and to pursue diligently the full utilization of those powers in the development and improvements of such regulations in the public interest; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Public Utilities Commission.

CHAPTER 200

Senate Concurrent Resolution No. 67—Relative to expenses of the Joint Interim Committee on Law Revision.

[Filed with Secretary of State July 5, 1963.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the sum of three thousand five hundred dollars ($3,500) or so much thereof as may be neces-

sary is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the Joint Interim Committee on Law Revision (created by Section 10301 of the Government Code), and its members and for any charges, expenses or claims it may lawfully incur, to be paid from said contingent funds equally and disbursed after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 201

Senate Concurrent Resolution No. 70—Relative to the approval of school building construction bids by the State Allocation Board.

[Filed with Secretary of State July 5, 1963.]

WHEREAS, The State Allocation Board has established building cost allowances which may not be exceeded in awarding contracts under the state school building aid program; and

WHEREAS, There has been an increasing tendency for school districts and architects to design facilities costing in excess of these allowances; and

WHEREAS, Some school districts have received bids in excess of these cost allowances and have sought approval by the State Allocation Board of the bids conditioned upon a reduction of the cost by deductive change order; and

WHEREAS, The majority of districts do not find this practice necessary and in some counties, such a procedure has been held invalid; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That, effective September 1, 1963, the State Allocation Board is requested not to approve any construction bids conditioned upon reducing the building cost by a deductive change order or similar method; and be it further

Resolved, That school districts and architects be instructed to arrange bid proposals in such a manner that the allowable costs of buildings, utilities, site development and any other items bearing a separate allowance be readily identified; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to each member of the State Allocation Board.

CHAPTER 202

Senate Concurrent Resolution No. 77—Relative to the death of Judge Timothy I. Fitzpatrick.

[Filed with Secretary of State July 5, 1963]

WHEREAS, On June 13, 1963, Judge Timothy I. Fitzpatrick, the dean of the San Francisco judiciary and one of this State's most eminent judges, passed away; and

WHEREAS, Judge Fitzpatrick was the oldest judge in California both in service and in age and was also the oldest alumnus of the University of San Francisco; and

WHEREAS, His death at the age of 87 ended a colorful public career that started in 1900 as an assistant district attorney and continued until his death, except for a nine-year interval in private practice from 1906 to 1915; and

WHEREAS, His dogged determination to fight for the causes he believed in made him at times a controversial figure, but no one ever doubted his sincerity, the strength of his convictions, or his deep affection for his beloved San Francisco; and

WHEREAS, His death has left a void in the ranks of this State's judiciary and in the hearts of his many friends which will not easily be filled; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature express their deep regret at the death of Judge Fitzpatrick; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Judge Fitzpatrick's widow, Mildred.

CHAPTER 203

Senate Joint Resolution No. 28—Relative to Ships of the United States Navy.

[Filed with Secretary of State July 5, 1963]

WHEREAS, The Department of Defense with the approval of the President will shortly award construction contracts for the building of six nuclear-powered, Polaris missile submarines in the program of the United States Navy for the fiscal year 1964; and

WHEREAS, Testimony was presented to the Defense Appropriations Subcommittee of the Committee on Appropriations of the House of Representatives by the Comptroller of the Department of Defense indicating a tentative decision to assign construction of all six of these submarines, the last of the announced current program of Polaris submarines, to East and Gulf Coast shipyards and none of such work to shipyards on the West Coast; and

WHEREAS, The capability of constructing nuclear-powered and Polaris missile submarines has been established on the West Coast in an outstanding manner by construction of the SS(N) Sargo in 1957; the SS(N) Halibut and SSB(N) Theodore Roosevelt in 1959; the SS(N) Scamp in 1960; the SS(N) Permit and SS(N) Plunger in 1961; the SSB(N) Andrew Jackson and SSB(N) Woodrow Wilson in 1963; and with the SSB(N) Daniel Boone, SSB(N) Kamehameha and SSB(N) Stonewall Jackson on the building ways at this time; and

WHEREAS, A decrease in the assignment of similar work to West Coast shipyards will tend to increase levels of unemployment of personnel in these fields and to loss of trained personnel in these vital skills to shipyards on the West Coast and will reduce the level of readiness and capability of West Coast shipyards to meet emergencies in meeting the needs of national defense and the United States Fleet; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the President and Secretary of Defense are urged to review all of the factors affecting the shipyard industry of the West Coast before assigning construction contracts for the nuclear-powered, Polaris missile submarines for the fiscal year 1964 and give every consideration to the assignment of at least one such contract to a West Coast shipyard; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States, and to the Secretary of Defense.

CHAPTER 204

Senate Joint Resolution No. 30—Relating to federal subsidy to state veterans' homes of operating costs for long-term hospital or nursing home care.

[Filed with Secretary of State July 5, 1963.]

WHEREAS, Legislation will be introduced in the current session of Congress to amend Section 641 of Title 38, United States Code, to increase the payment of a portion of the cost of long-term hospital or nursing home care to state veterans' homes who furnish such care to veterans; and

WHEREAS, The present payment of two dollars and fifty cents ($2.50) per diem by the Veterans Administration to the states represents a very small portion of the cost of furnishing such care; and

WHEREAS, There is great need throughout the country, and especially in California, by disabled and aged veterans for long-term hospital and nursing home care which is not being met by the Veterans Administration; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation and appropriate money to increase the federal aid subsidy to states operating state veterans' homes furnishing long-term hospital or nursing home care; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Chairman and Members of the House Veterans Affairs Committee, to the Administrator of Veterans Affairs, and to each Senator and Representative from California in the Congress of the United States.